BOROUGH OF KENILWORTH

REORGANIZATION MEETING AGENDA **JANUARY 4, 2021 – 7:00PM**

1. Open Public Meetings Notice

2. Salute to the Flag

3. Oath of Office administered to:

Councilman Scott Pentz
Councilman Fred Pugliese

4. Roll Call

5. Invocation - Father Giovanni Rizzo of St. Theresa's Church

6. Mayor Karlovitch's Address

7. Nomination and Election of Council President – Administer Oath of Office

8. Borough Resolutions
   CONSENT AGENDA: Resolutions #1 through #57 are listed under the consent agenda attached and will be enacted by one motion; all items will be recorded individually and in full in the minutes.

9. Meeting Open to the Public

10. General Business/Council Comments

11. Benediction – Father Giovanni Rizzo of St. Theresa's Church

12. Meeting adjournment to Wednesday, January 13, 2020 at 6:00PM Time: _____

BOROUGH OF KENILWORTH

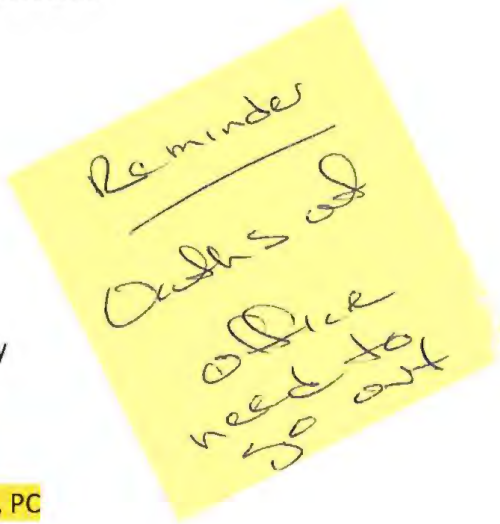
REORGANIZATION MEETING - JANUARY 4, 2021

CONSENT AGENDA

The following resolutions, listed on a Consent Agenda, are offered by Council Member DAVIS and seconded by Council Member CECERI.

Resolution No.

1. Appoint Laura Reinertsen - ADA Coordinator, Personnel Supervisor, Supervising Certifying Officer, Local Improvement Search Officer & Public Agency Compliance Officer
2. Appoint Kathleen Moschitta – Deputy Borough Clerk, Dep. Custodian of Records, Certifying Officer, Benefits/Claims Coordinator, Dog Warden and Planning Bd. Recording Secretary
3. Appoint Garden State Municipal Joint Insurance Fund (JIF) Commission – Laura Reinertsen and Alternate Commissioner – Kathleen Moschitta
4. Appoint Payroll Services & ACA Reporting – CASA Payroll
5. Approve Temporary Budget
6. Approve Petty Cash Custodians
7. Set Interest Rate for Nonpayment of Taxes
8. Authorize CFO to Issue Payments and Premiums
9. Authorize Cancelation of Amounts $5 and Under on Tax Accounts
10. Designation of Official Depositories
11. Designate Official Signers
12. Approve By-Laws for the 2021 Governing Body
13. Approve 2021 Meeting Schedule
14. Designate Official Newspapers and Media Outlets
15. Designate Bond Counsel – Rogut, McCarthy, LLC
16. Designate Borough Auditor – Suplee, Clooney & Company
17. Designate Borough Engineer – Harbor Consultants
18. Designate Borough Attorney – Garrubbo & Capece, PC
19. Designate Borough Labor Attorney – Garrubbo & Capece, PC
20. Designate Planning Board Attorney 2021 Rates
21. Designate Borough Planner 2021 Rates
22. Designate Tax Appeal Attorney – Palumbo, Renaud & Deappolonio, LLC
23. Designate Real Estate Appraiser – M. Henderson
24. Appoint Police Matron – Diane O'Neill
25. Appoint Regular and Alternate Crossing Guards for 2021
26. Authorize Agreement with Union Township for Police Firing/Gun Range
27. Appoint Community Development Rep – Marie Anderson & Michael Ceceri



BOROUGH OF KENILWORTH

REORGANIZATION MEETING - JANUARY 4, 2021

CONSENT AGENDA

28. Appoint Municipal Prosecutor – Enrique Lamela, Esq.
29. Appoint Public Defender – Josephine Gonzalez, Esq.
30. Appoint Asst. Public Defender – Daniel Bevier
31. Appoint Smoke Detector Inspectors – Lewis Giordino, Carmen Giordino and James Hannon, III
32. Appoint Fire Prevention Inspectors –Carmen Giordino and James Hannon, III
33. Appoint Fire Prevention Fire Official – Lewis Giordino
34. Appoint Recreation Director – Patrick Boyle
35. Appoint Regular Member to the Kenilworth Recreation Committee – Kari Bagnewski, Stacie Holzinger, Caitlin Martin, John Hartmann, Jr and Louis DeMondo
36. Appoint Zoning Officer – Kevin O'Brien
37. Appoint Municipal Court Judge – Jonathan Rosenbluth
38. Appoint Public Health Officer and Right to Know Coordinator – M. Gapas
39. Appoint Regular Members to the Bd. of Health – Michelle Panichi, Gail Laudati and Louis DeMondo
40. Appoint Regular Member to the Library Bd. of Trustees – Linda Horning and Mayor's Designee Gail Laudati
41. Appoint Council Committees for 2021
42. Approve Ad Hock Committees
43. Appoint UC Transportation Advisory Representative– Robert Beiner
44. Appoint Municipal Drug Alliance Chairman – John Zimmerman And Coordinator Michael Balka
45. C-2 Services Operator – Central Jersey Pump
46. Mile Reimbursement Rate for 2021
47. Award Continuing Disclosure and Municipal Advisor of Record – Phoenix Advisors LLC
48. Approve Council Meeting / Event Recording Services – Marco Antonio Studio
49. Appoint Insurance Agent/Risk Manager – Reliance Insurance Group
50. Appoint Special COAH Attorney – Surenian, Edwards & Nolan, LLC
51. Appoint Mount Laurel Subcommittee
52. Approve Employee Assistance Program – Intervention Strategies International, Inc.
53. Approve Participation in the LESO 1033 Program
54. Appoint Chief Officer and Contact for LESO – M. Devlin
55. Appoint Recreation Fall Referees for 2021
56. Appoint Kathleen Wierzbinski as Temporary Senior Director
57. Per Diem COVID-19 Case Investigator

BOROUGH OF KENILWORTH

REORGANIZATION MEETING - JANUARY 4, 2021

CONSENT AGENDA

Highlighted resolutions have been pulled from consent and will be voted on individually.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **January 4, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

BE IT HEREBY RESOLVED That the Mayor's appointment of **LAURA REINERTSEN** as ADA Coordinator, Personnel Supervisor, Supervising Certifying Officer, Local Improvement Search Office and Public Agency Compliance Officer (P.A.C.O.) for the year 2021, be and the same is hereby confirmed.

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **January 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED That the Mayor's appointment of **KATHLEEN MOSCHITTA** as Deputy Borough Clerk, Deputy Records Custodian, Certifying Officer, Benefits/Claims Coordinator, Dog Warden and Planning Board Recording Secretary for the year 2021, be and the same is hereby confirmed

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's appointment of **LAURA REINERTSEN** as Garden State Municipal Joint Insurance Fund Commissioner and **KATHLEEN MOSCHITTA** as Alternate for the year 2021, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No ___		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Borough of Kenilworth is in need for payroll services, and;

WHEREAS, Casa Payroll Services has provided for these services in the past, and;

WHEREAS, the Mayor and Council of the Borough of Kenilworth desires to continue payroll services with Casa Payroll Services for the year 2021; and

WHEREAS, on March 23, 2010, the Affordable Care Act was signed into law, and;

WHEREAS, employers with fifty (50) or more employees are required to report to the federal government on health coverage they provide as well as ongoing tracking to maintain compliance, and;

WHEREAS, CASA Payroll Services, our current payroll service provider, offers tracking and reporting of the required data to comply with the law.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth that it does hereby authorize Casa Payroll Services for payroll services and ACA reporting services and HR Administration and compliance under the provisions of Federal and State laws for the year 2021.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, N.J.S. 40A:4-19 of the Local Budget Act provides that (where any contracts, commitments or payments are to be made prior to the final adoption of the Budget), temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January 2021; and

WHEREAS, the total temporary budget attached does not in amount exceed 26.25% of the total appropriations in the 2020 Budget (exclusive of any appropriations made for Debt Service, Capital Improvement Fund and Public Assistance (Relief); now therefore,

BE IT HEREBY RESOLVED, that the attached appropriations totaling $4,409,815.96 be made and a certified copy of this resolution be transmitted to the Municipal Finance Officer for his records.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

Account Number	Account Description	Account Type	Temp Budget
0-01-20-701-011	CLERK - FULL TIME	Sub Account	46,725.00
0-01-20-701-021	CLERK - ADVERTISING	Sub Account	1,443.75
0-01-20-701-022	CLERK - POSTAGE & PRINTING	Sub Account	3,937.50
0-01-20-701-026	CLERK - MAINTENANCE OF EQUIPMENT	Sub Account	656.25
0-01-20-701-028	CLERK - OTHER PROFESSIONAL FEES	Sub Account	2,362.50
0-01-20-701-036	CLERK - OFFICE SUPPLIES	Sub Account	787.50
0-01-20-701-041	CLERK - CONFER, EDUC, MEETINGS, TRAINING	Sub Account	656.25
0-01-20-701-109	CLERK - CODIFICATION	Sub Account	1,575.00
0-01-20-701-110	CLERK - ELECTIONS	Sub Account	2,047.50
0-01-20-701-118	CLERK - ZONING UPDATES	Sub Account	0.00
0-01-20-701-198	CLERK - AUCTION COSTS	Sub Account	315.00
0-01-20-703-011	MAYOR & COUNCIL - SALARIES	Sub Account	984.38
0-01-20-703-041	MAYOR & COUNCIL - CONFERENCES & MEETINGS	Sub Account	1,181.25
0-01-20-703-111	MAYOR & COUNCIL - VIDEOTAPE MEETINGS	Sub Account	1,312.50
0-01-20-703-116	MAYOR & COUNCIL - MISCELLANEOUS EXPENSE	Sub Account	918.75
0-01-20-705-011	FINANCE - FULL TIME	Sub Account	57,225.00
0-01-20-705-012	FINANCE - PART TIME	Sub Account	0.00
0-01-20-705-013	FINANCE - PT TAX COLLECTOR	Sub Account	0.00
0-01-20-705-021	FINANCE - ADVERTISING	Sub Account	39.38
0-01-20-705-023	FINANCE - PRINTING & BINDING	Sub Account	525.00
0-01-20-705-026	FINANCE - MAINTENANCE OF EQUIPMENT	Sub Account	3,150.00
0-01-20-705-036	FINANCE - OFFICE SUPPLIES	Sub Account	656.25
0-01-20-705-041	FINANCE - CONFERENCES & MEETINGS	Sub Account	525.00
0-01-20-705-042	FINANCE - EDUCATION	Sub Account	787.50
0-01-20-705-044	FINANCE - PROFESSIONAL ASSOCIATION DUES	Sub Account	102.38
0-01-20-705-045	FINANCE - COMPUTER SOFTWARE/REPAIR	Sub Account	0.00
0-01-20-705-101	FINANCE - IT SUPPORT & EQUIPMENT	Sub Account	7,350.00
0-01-20-705-201	FINANCE - KENILWORTH ON AIR PEG TV	Sub Account	918.75
0-01-20-705-999	FINANCE - MISCELLANEOUS	Sub Account	787.50
0-01-20-706-025	PAYROLL EXPENSES	Sub Account	4,200.00
0-01-20-706-035	HUMAN RESOURCE EXPENSES	Sub Account	65.63
0-01-20-706-040	HUMAN RESOURCE - EAP PROGRAM	Sub Account	787.50
0-01-20-706-045	BANK SERVICE CHARGES & EXPENSES	Sub Account	65.63
0-01-20-706-055	COPIER LEASE CHARGES	Sub Account	2,493.75
0-01-20-707-029	AUDIT - FEES	Sub Account	8,137.50
0-01-20-710-012	ASSESSOR - PART TIME	Sub Account	9,187.50
0-01-20-710-023	ASSESSOR - PRINTING & BINDING	Sub Account	78.75
0-01-20-710-028	ASSESSOR - OTHER PROFESSIONAL SERVICES	Sub Account	2,625.00
0-01-20-710-036	ASSESSOR - OFFICE SUPPLIES	Sub Account	65.63
0-01-20-710-044	ASSESSOR - PROFESSIONAL DUES	Sub Account	45.94
0-01-20-710-166	ASSESSOR - UPDATE TAX MAP	Sub Account	525.00
0-01-20-712-010	LEGAL - PART TIME (DO NOT USE)	Sub Account	9,447.38
0-01-20-712-020	LEGAL - BOROUGH ATT FEES, EXPENSES, ETC.	Sub Account	7,875.00
0-01-20-712-025	LEGAL - MAYOR'S RIVER STUDY COMMITTEE	Sub Account	1,312.50
0-01-20-712-030	LEGAL - LABOR	Sub Account	13,387.50
0-01-20-712-040	LEGAL - COAH	Sub Account	2,625.00
0-01-20-712-050	LEGAL - TAX APPEALS	Sub Account	2,362.50
0-01-20-712-200	LEGAL - OTHER	Sub Account	1,312.50
0-01-20-712-600	OTHER EXPENSES - RETAINER	Line Item Control	0
0-01-20-715-011	ENGINEERING - SALARIES	Sub Account	26.25
0-01-20-715-015	ENGINEERING - SEWER ENGINEER-DO NOT USE	Sub Account	0.00
0-01-20-715-021	ENGINEERING - SD PERMITS	Sub Account	2,625.00
0-01-20-715-022	ENGINEERING - ROAD OPENINGS	Sub Account	2,625.00
0-01-20-715-023	ENGINEERING - GRADING PERMITS	Sub Account	2,625.00
0-01-20-715-024	ENGINEERING - GRANT APPS/ASSOCIATED COST	Sub Account	1,837.50
0-01-20-715-025	ENGINEERING - OUTSIDE FIRM - MEETINGS	Sub Account	6,562.50
0-01-20-715-026	ENGINEERING - EMERGENCY CALL OUTS	Sub Account	1,312.50
0-01-20-715-027	ENGINEERING - ADDITIONAL FEES	Sub Account	8,137.50
0-01-20-715-030	ENGINEERING - MATERIALS & SUPPLIES	Sub Account	131.25
0-01-20-715-035	ENGINEERING - STORMWATER REGULATION FEE	Sub Account	525.00
0-01-20-715-040	ENGINEERING - COAH	Sub Account	6,562.50
0-01-20-715-050	ENGINEERING - SEWER	Sub Account	2,625.00
0-01-21-720-017	PLANNING BOARD - PART TIME	Sub Account	1,575.00
0-01-21-720-021	PLANNING BOARD - ADVERTISING	Sub Account	0.00
0-01-21-720-026	PLANNING BOARD - MAINTENANCE OF EQUIP	Sub Account	144.38
0-01-21-720-036	PLANNING BOARD - OFFICE SUPPLIES	Sub Account	131.25
0-01-21-720-042	PLANNING BOARD - EDUCATION & TRAINING	Sub Account	249.38

0-01-21-720-044	PLANNING BOARD - PROFESSIONAL ASSN. DUES	Sub Account	131.25
0-01-21-720-111	PLANNING BOARD - VIDEOTAPE MEETINGS	Sub Account	918.75
0-01-21-720-118	PLANNING BOARD-LEGAL/OTHER PROFESSIONALS	Sub Account	4,987.50
0-01-22-721-010	ZONING - PART TIME	Sub Account	3,806.25
0-01-22-721-116	ZONING - MISC. COSTS	Sub Account	78.75
0-01-22-721-200	ZONING ORDINANCES	Sub Account	52.50
0-01-22-725-011	CONSTRUCTION CODE - FULL TIME	Sub Account	29,242.50
0-01-22-725-012	CONSTRUCTION CODE - PART TIME	Sub Account	0.00
0-01-22-725-013	CONSTRUCTION CODE-STORAGE TRAILER INSP	Sub Account	157.50
0-01-22-725-015	CONSTRUCTION CODE - HOUSING INSPECTOR	Sub Account	0.00
0-01-22-725-021	CONSTRUCTION-STORAGE INSP-DO NOT USE	Sub Account	0.00
0-01-22-725-023	CONSTRUCTION CODE - PRINTING & BINDING	Sub Account	577.50
0-01-22-725-026	CONSTRUCTION CODE - MAINTENANCE OF EQUIP	Sub Account	78.75
0-01-22-725-033	CONSTRUCTION CODE - BOOKS & PUBLICATIONS	Sub Account	262.50
0-01-22-725-036	CONSTRUCTION CODE - OFFICE SUPPLIES	Sub Account	367.50
0-01-22-725-042	CONSTRUCTION CODE - EDUCATION & TRAINING	Sub Account	262.50
0-01-22-725-053	CONSTRUCTION CODE - NEW EQUIP., OFFICE	Sub Account	131.25
0-01-22-726-010	BUILDING INSPECTOR - PART TIME	Sub Account	8,925.00
0-01-22-726-011	CONSTRUCTION CODE OFFICIAL-TEMPORARY	Sub Account	0.00
0-01-22-726-020	BUILDING INSPECTOR - MISC. EXPENSE	Sub Account	131.25
0-01-22-727-012	PLUMBING INSPECTOR - PART TIME	Sub Account	4,462.50
0-01-22-727-020	PLUMBING INSPECTOR - MISCELLANEOUS EXP.	Sub Account	52.50
0-01-22-728-010	ELECTRICAL INSPECTOR - PART TIME	Sub Account	4,462.50
0-01-22-728-020	ELECTRICAL INSPECTOR - MISC. COSTS	Sub Account	52.50
0-01-22-729-010	FIRE SUBCODE - PART TIME	Sub Account	3,937.50
0-01-22-729-020	FIRE SUBCODE - MISC. EXPENSES	Sub Account	52.50
0-01-23-730-000	INSURANCE - LIABILITY	Sub Account	131,250.00
0-01-23-733-171	INSURANCE - PRESCRIPTION	Sub Account	141,750.00
0-01-23-733-172	INSURANCE - DENTAL	Sub Account	30,187.50
0-01-23-733-173	INSURANCE - SUN LIFE	Sub Account	5,355.00
0-01-23-733-175	INSURANCE - HEALTH - ACTIVE EMPLOYEES	Sub Account	280,770.00
0-01-23-733-176	INSURANCE - HEALTH RETIRED EMPLOYEES	Sub Account	147,000.00
0-01-23-733-179	INSURANCE - VISION COVERAGE	Sub Account	3,937.50
0-01-23-733-180	INSURANCE - MISC. FRINGE COSTS	Sub Account	0.00
0-01-23-734-175	INSURANCE - HEALTH BENEFIT WAIVER	Sub Account	6,562.50
0-01-23-735-175	INSURANCE - STATE TEMPORARY DISABILITY	Sub Account	26.25
0-01-25-745-011	POLICE - FULL TIME	Sub Account	759,667.13
0-01-25-745-013	POLICE - OFFICER IN CHARGE	Sub Account	2,625.00
0-01-25-745-014	POLICE - OVERTIME	Sub Account	32,287.50
0-01-25-745-015	POLICE - OTHER SALARIES AND WAGES	Sub Account	0.00
0-01-25-745-017	POLICE - CLERICAL SALARIES	Sub Account	18,506.25
0-01-25-745-018	POLICE - DISPATCHER SALARIES	Sub Account	44,126.25
0-01-25-745-019	POLICE - DISPATCHER OVERTIME	Sub Account	3,937.50
0-01-25-745-021	POLICE - ADVERTISING	Sub Account	78.75
0-01-25-745-023	POLICE - PRINTING & BINDING	Sub Account	78.75
0-01-25-745-025	POLICE - MAINT. OF MOTOR VEHICLES	Sub Account	7,875.00
0-01-25-745-026	POLICE - MAINT. OF OTHER EQUIPMENT	Sub Account	4,462.50
0-01-25-745-028	POLICE - PHYSICIANS SERVICES	Sub Account	1,575.00
0-01-25-745-036	POLICE - OFFICE SUPPLIES	Sub Account	1,706.25
0-01-25-745-041	POLICE - CONFERENCES & MEETINGS	Sub Account	1,050.00
0-01-25-745-042	POLICE - EDUCATION & TRAINING	Sub Account	1,837.50
0-01-25-745-043	POLICE - IT SERVICE	Sub Account	3,150.00
0-01-25-745-051	POLICE - PURCHASE & LEASE OF VEHICLES	Sub Account	0.00
0-01-25-745-061	POLICE - PURCHASE NEW EQUIPMENT	Sub Account	1,034.78
0-01-25-745-076	POLICE - EQUIPMENT SERVICE CONTRACTS	Sub Account	28,881.04
0-01-25-745-116	POLICE - MISC. COSTS	Sub Account	1,050.00
0-01-25-745-141	POLICE - DETECTIVE BUREAU SUPPLIES	Sub Account	1,050.00
0-01-25-745-142	POLICE - PRISONER MAINTENANCE	Sub Account	91.88
0-01-25-745-143	POLICE - CRIME PREVENTION	Sub Account	0.00
0-01-25-745-145	POLICE - AWARDS	Sub Account	105.00
0-01-25-745-147	POLICE - FIRST AID SUPPLIES	Sub Account	1,312.50
0-01-25-745-148	POLICE - AMMUNITION & FIREARMS	Sub Account	3,150.00
0-01-25-745-149	POLICE - NEW HIRE EXPENSES	Sub Account	1,575.00
0-01-25-746-012	TRAFFIC POLICE - PART TIME	Sub Account	49,218.75
0-01-25-746-026	TRAFFIC POLICE - MAINT. OF EQUIPMENT	Sub Account	9,712.50
0-01-25-746-032	TRAFFIC POLICE - CLOTHING & UNIFORMS	Sub Account	393.75
0-01-25-746-042	TRAFFIC POLICE - EDUCATION & TRAINING	Sub Account	0.00
0-01-25-746-058	TRAFFIC POLICE - OTHER EQUIP. & SUPPLIES	Sub Account	210.00

0-01-25-746-116	TRAFFIC POLICE - MISC. COSTS	Sub Account	157.50
0-01-25-746-146	TRAFFIC POLICE - TRAFFIC SIGNS	Sub Account	1,575.00
0-01-25-747-010	EMERGENCY MANAGEMENT - PART TIME	Sub Account	1,601.25
0-01-25-747-030	EMERGENCY MANAGEMENT - MATERIALS & SUPP.	Sub Account	4,725.00
0-01-25-749-012	FIRE DEPARTMENT - PART TIME	Sub Account	2,126.25
0-01-25-749-030	FIRE DEPARTMENT - MATERIALS & SUPPLIES	Sub Account	525.00
0-01-25-749-041	FIRE DEPARTMENT - MAINT. OF EQUIPMENT	Sub Account	5,775.00
0-01-25-749-042	FIRE DEPARTMENT - EDUCATION & TRAINING	Sub Account	1,365.00
0-01-25-749-056	FIRE DEPARTMENT - OTHER SAFETY EQUIPMENT	Sub Account	2,625.00
0-01-25-749-090	FIRE DEPARTMENT - INSURANCE	Sub Account	1,102.50
0-01-25-749-093	FIRE DEPARTMENT - MED. EXP. - HEP. "B"	Sub Account	262.50
0-01-25-749-116	FIRE DEPARTMENT - MISC. COSTS	Sub Account	1,312.50
0-01-25-749-122	FIRE DEPARTMENT - DAY STIPEND - FIRE	Sub Account	20,204.10
0-01-25-749-123	FIRE DEPARTMENT - DAY STIPEND - RESCUE	Sub Account	14,250.60
0-01-25-749-124	FIRE DEPARTMENT - WEEKEND STIPEND - FIRE	Sub Account	6,879.60
0-01-25-749-140	FIRE DEPARTMENT - VOLUNTEERS	Sub Account	38,277.75
0-01-25-749-150	FIRE DEPARTMENT - JANITORIAL SUPPLIES	Sub Account	52.50
0-01-25-749-151	FIRE DEPARTMENT - HVAC MAINTENANCE	Sub Account	157.50
0-01-25-749-152	FIRE DEPARTMENT - ELEVATOR MAINTENANCE	Sub Account	735.00
0-01-25-749-153	FIRE DEPARTMENT - FIRE ALARM MON. SERV.	Sub Account	39.38
0-01-25-753-017	FIRE PREVENTION - SMOKE DETECTOR INSP.	Sub Account	2,625.00
0-01-25-753-018	FIRE PREVENTION - INSPECTORS	Sub Account	19,960.50
0-01-25-753-019	FIRE PREVENTION - PART TIME	Sub Account	3,848.25
0-01-25-753-051	FIRE PREVENTION - VEHICLE	Sub Account	1,050.00
0-01-25-753-075	FIRE PREVENTION - KNOX BOXES	Sub Account	2,100.00
0-01-25-753-116	FIRE PREVENTION - MISCELLANEOUS COSTS	Sub Account	656.25
0-01-25-753-133	FIRE PREVENTION - HANDOUTS MATERIALS FPW	Sub Account	656.25
0-01-26-765-011	PUBLIC WORKS - FULL TIME	Sub Account	201,361.13
0-01-26-765-014	PUBLIC WORKS - OVERTIME	Sub Account	13,125.00
0-01-26-765-026	PUBLIC WORKS - MAINT. OF OTHER EQUIPMENT	Sub Account	11,550.00
0-01-26-765-030	PUBLIC WORKS - MATERIALS & SUPPLIES	Sub Account	656.25
0-01-26-765-032	PUBLIC WORKS - CLOTHING & UNIFORMS	Sub Account	2,100.00
0-01-26-765-038	PUBLIC WORKS - GEN'L HARDWARE & TOOLS	Sub Account	1,575.00
0-01-26-765-041	PUBLIC WORKS - CONFERENCES & MEETINGS	Sub Account	525.00
0-01-26-765-043	PUBLIC WORKS - MAINTENANCE OF FUEL TANKS	Sub Account	1,312.50
0-01-26-765-093	PUBLIC WORKS - MEDICAL. EXP - MANDATED	Sub Account	262.50
0-01-26-765-116	PUBLIC WORKS - MISC. COSTS	Sub Account	0
0-01-26-765-131	PUBLIC WORKS - PAINT - TRAFFIC	Sub Account	11,287.50
0-01-26-765-132	PUBLIC WORKS - STONE & BLACKTOP	Sub Account	2,625.00
0-01-26-765-150	PUBLIC WORKS - SNOW REMOVAL/EQUIPMENT	Sub Account	7,875.00
0-01-26-766-175	SNOW REMOVAL - OTHER EXPENSES	Sub Account	262.50
0-01-26-767-011	PARKS - FULL TIME	Sub Account	0.00
0-01-26-767-021	PARKS - MAINTENANCE OF PARKS	Sub Account	1,837.50
0-01-26-770-011	SOLID WASTE - FULL TIME	Sub Account	61,687.50
0-01-26-770-014	SOLID WASTE - OVERTIME	Sub Account	4,725.00
0-01-26-770-026	SOLID WASTE - MAINT. OF OTHER EQUIPMENT	Sub Account	11,287.50
0-01-26-770-032	SOLID WASTE - CLOTHING & UNIFORMS	Sub Account	433.13
0-01-26-770-036	SOLID WASTE - OFFICE SUPPLIES	Sub Account	262.50
0-01-26-770-116	SOLID WASTE - MISC. COSTS	Sub Account	1,391.25
0-01-26-770-117	SOLID WASTE - PUBLIC EDUCATION	Sub Account	525.00
0-01-26-772-011	BUILDING & GRNDS - FULL TIME	Sub Account	0.00
0-01-26-772-014	BUILDING & GRNDS - OVERTIME	Sub Account	262.50
0-01-26-772-022	BUILDING & GRNDS - OUTSIDE SERVICES	Sub Account	11,812.50
0-01-26-772-024	BUILDING & GRNDS - CLEANING,PAINT,JANITO	Sub Account	1,181.25
0-01-26-772-026	BUILDING & GRNDS - MAINT. OF OTHER EQUIP	Sub Account	14,962.50
0-01-26-772-030	BUILDING & GRNDS - MATERIALS & SUPPLIES	Sub Account	2,887.50
0-01-26-772-244	BUILDING & GRNDS - SR. CIT. BLDG CLEANIN	Sub Account	525.00
0-01-26-773-026	SEWERS - MAINT. OF OTHER EQUIPMENT	Sub Account	3,675.00
0-01-26-773-030	SEWERS - MATERIALS & SUPPLIES	Sub Account	525.00
0-01-26-773-042	SEWERS - EDUCATION-TRAINING OSHA MANDAT	Sub Account	0.00
0-01-26-773-050	SEWERS - RVSA PERMIT FEES DUE	Sub Account	1,575.00
0-01-26-773-094	SEWERS - REPAIRS & MAINTENANCE	Sub Account	2,625.00
0-01-26-775-001	RECYCLING - CANS AND BOTTLES	Sub Account	38,613.75
0-01-26-775-002	RECYCLING - LEAVES & BRUSH	Sub Account	15,750.00
0-01-26-775-003	RECYCLING - GRASS CLIPPINGS	Sub Account	17,850.00
0-01-26-775-004	RECYCLING - OTHER MATERIALS	Sub Account	0.00
0-01-26-776-121	SHADE TREE - NEW TREES	Sub Account	5,381.25
0-01-26-776-122	SHADE TREE - GENERAL MAINTENANCE	Sub Account	16,012.50

0-01-26-776-123	SHADE TREE - TREE REMOVAL	Sub Account	0.00
0-01-27-761-012	SENIOR CITIZEN TRANSP - PART TIME	Sub Account	5,118.75
0-01-27-761-013	SENIOR CITIZEN TRANSP - PT AFTER HOURS	Sub Account	131.25
0-01-27-761-034	SENIOR CITIZEN TRANSP - MV PARTS & ACCES	Sub Account	525.00
0-01-27-762-010	SENIOR CITIZEN PRGRMS - PART TIME	Sub Account	3,675.00
0-01-27-762-020	SENIOR CITIZEN PRGRMS - MISC EXPENSES	Sub Account	2,231.25
0-01-27-785-011	BOARD OF HEALTH - FULL TIME	Sub Account	11,550.00
0-01-27-785-012	BOARD OF HEALTH - PART TIME	Sub Account	6,825.00
0-01-27-785-021	BOARD OF HEALTH - ADVERTISING	Sub Account	93.19
0-01-27-785-028	BOARD OF HEALTH - SPEC. SERV. (EXTERM.)	Sub Account	362.25
0-01-27-785-036	BOARD OF HEALTH - OFFICE SUPPLIES	Sub Account	840.00
0-01-27-785-041	BOARD OF HEALTH - CONFERENCES & MEETINGS	Sub Account	223.13
0-01-27-785-093	BOARD OF HEALTH - MEDICAL EXPENSES	Sub Account	1,181.25
0-01-27-785-095	BOARD OF HEALTH - LEAD SCREENINGS	Sub Account	27.56
0-01-27-785-096	BOARD OF HEALTH - LAB REPORTS	Sub Account	52.50
0-01-27-785-116	BOARD OF HEALTH - MISCELLANEOUS COSTS	Sub Account	73.50
0-01-27-785-183	BOARD OF HEALTH - UNION TWSP. CONTRACT	Sub Account	2,555.44
0-01-27-785-184	BOARD OF HEALTH - BOARD PHYSICIAN	Sub Account	105.00
0-01-27-785-185	BOARD OF HEALTH - CLINICS	Sub Account	78.75
0-01-27-785-186	BOARD OF HEALTH - VISITING NURSE SERVICE	Sub Account	1,757.44
0-01-27-785-187	BOARD OF HEALTH - COMMISSIONERS EXPENSES	Sub Account	52.50
0-01-27-785-188	BOARD OF HEALTH - VEHICLE EXPENSE	Sub Account	30.19
0-01-27-788-000	ANIMAL CONTROL - DOG & CAT REGULATION	Sub Account	3,483.38
0-01-27-790-012	PUBLIC ASSISTANCE - PART TIME	Sub Account	4,462.50
0-01-27-790-023	PUBLIC ASSISTANCE - PRINTING & BINDING	Sub Account	13.13
0-01-27-790-036	PUBLIC ASSISTANCE - OFFICE SUPPLIES	Sub Account	52.50
0-01-27-790-041	PUBLIC ASSISTANCE - CONF. & MEETINGS	Sub Account	223.13
0-01-27-790-042	PUBLIC ASSISTANCE - EDUCATION & TRAINING	Sub Account	52.50
0-01-27-790-044	PUBLIC ASSISTANCE - PROF. ASSOC. DUES	Sub Account	39.38
0-01-27-790-053	PUBLIC ASSISTANCE - NEW EQUIPMENT	Sub Account	511.88
0-01-27-790-116	PUBLIC ASSISTANCE - MISCELLANEOUS COSTS	Sub Account	26.25
0-01-28-795-011	RECREATION - FULL TIME	Sub Account	8,400.00
0-01-28-795-012	RECREATION - PART TIME	Sub Account	1,312.50
0-01-28-795-026	RECREATION - MAINTENANCE AND EQUIPMENT	Sub Account	813.75
0-01-28-795-041	RECREATION - CONF. MTGS, EDUC. TRAINING	Sub Account	262.50
0-01-28-795-064	RECREATION - WRESTLING PROGRAM	Sub Account	0.00
0-01-28-795-065	RECREATION - PROGRAMS	Sub Account	183.75
0-01-28-795-066	RECREATION - SUPPLIES	Sub Account	1,378.13
0-01-28-795-111	RECREATION PROGRAMS - CHEERING	Sub Account	0.00
0-01-28-795-112	RECREATION PROGRAMS - FLAG FOOTBALL	Sub Account	0.00
0-01-28-795-113	RECREATION PROGRAMS - SOFTBALL	Sub Account	0.00
0-01-28-795-114	RECREATION BASKETBALL	Sub Account	721.88
0-01-28-795-115	RECREATION SOCCER	Sub Account	393.75
0-01-28-795-116	RECREATION PROGRAMS - HOLIDAY RELATED	Sub Account	3,286.50
0-01-28-795-117	RECREATION PROGRAMS-FAMILY NIGHTS/EVENTS	Sub Account	1,123.50
0-01-29-800-000	MAINT. FREE PUBLIC LIBRARY	Line Item Control	133,393.58
0-01-29-801-000	FIRE DEPARTMENT - RESCUE SQUAD CONTRIBU.	Line Item Control	4,593.75
0-01-29-802-000	FIRE DEPARTMENT - "LOSAP" AWARDS PROGRAM	Line Item Control	17,062.50
0-01-30-420-201	PRIDE IN KENILWORTH	Line Item Control	0.00
0-01-30-420-202	BEAUTIFICATION	Line Item Control	525.00
0-01-30-420-203	CELEBRATION OF PUBLIC EVENTS	Line Item Control	7,875.00
0-01-31-430-070	UTILITIES - HEATING OIL/NATURAL GAS	Sub Account	10,500.00
0-01-31-430-071	UTILITIES - ELECTRICITY	Sub Account	18,375.00
0-01-31-430-072	UTILITIES - WATER	Sub Account	2,625.00
0-01-31-430-074	UTILITIES - GASOLINE & DIESEL FUEL	Sub Account	32,812.50
0-01-31-430-076	UTILITIES - TELEPHONE	Sub Account	11,812.50
0-01-31-430-077	UTILITIES - TELECOMMUNICATIONS	Sub Account	1,312.50
0-01-31-774-000	UTILITIES - RAHWAY VALLEY SEWER AUTH.	Line Item Control	276,406.73
0-01-31-777-000	UTILITIES - FIRE HYDRANT SERVICE	Line Item Control	37,275.00
0-01-31-821-000	UTILITIES - STREET LIGHTING	Line Item Control	45,150.00
0-01-31-827-000	UTILITIES - TIPPING FEES (SOLID WASTE)	Line Item Control	81,375.00
0-01-32-750-175	ACCUMULATED LEAVE - OTHER EXPENSES	Sub Account	26.25
0-01-33-756-010	PUBLIC DEFENDER - PART TIME	Sub Account	26.25
0-01-33-756-021	PUBLIC DEFENDER - CONTRACTUAL	Sub Account	1,181.25
0-01-33-757-012	PROSECUTOR - PART TIME	Sub Account	26.25
0-01-33-757-021	PROSECUTOR - CONTRACTUAL	Sub Account	4,200.00
0-01-33-833-011	COURT - FULL TIME	Sub Account	31,237.50
0-01-33-833-012	COURT - PART TIME	Sub Account	13,387.50

0-01-33-833-026	COURT - MAINTENANCE OF EQUIPMENT	Sub Account	262.50
0-01-33-833-032	COURT - CLOTHING & UNIFORMS	Sub Account	39.38
0-01-33-833-033	COURT - BOOKS & PUBLICATIONS	Sub Account	262.50
0-01-33-833-041	COURT - CONFERENCES & MEETINGS	Sub Account	328.13
0-01-33-833-044	COURT - PROFESSIONAL ASSOC. DUES	Sub Account	339.94
0-01-33-833-058	COURT - OTHER EQUIP. & SUPPLIES	Sub Account	735.00
0-01-33-833-150	COURT - FILL IN JUDGES	Sub Account	236.25
0-01-33-833-151	COURT - INTERPRETER	Sub Account	787.50
0-01-33-833-152	COURT - COURT PER DIEM HELP	Sub Account	920.06
0-01-33-833-165	COURT - BANK FEES - CREDIT CARDS	Sub Account	787.50
0-01-33-833-170	COURT - SUBPOENA FEES	Sub Account	26.25
0-01-35-835-000	CONTINGENT	Line Item Control	0.00
0-01-36-834-000	STATUTORY - UNEMPLOYMENT COMPENSATION	Line Item Control	5,250.00
0-01-36-836-000	STATUTORY - CONTRIBUTION TO P.E.R.S.	Line Item Control	82,025.48
0-01-36-837-000	STATUTORY - SOCIAL SECURITY (ER)	Line Item Control	85,312.50
0-01-36-838-000	STATUTORY - D.C.R.P.	Line Item Control	2,100.00
0-01-36-839-000	STATUTORY - CONTRIBUTION TO P.F.R.S.	Line Item Control	201,964.61
0-01-37-480-101	JUDGEMENTS - TAX APPEALS	Sub Account	15,750.00
0-01-38-000-110	HURRICANE EXP - POLICE SALARIES	Sub Account	0.00
0-01-38-000-120	HURRICANE EXP - DPW SALARIES	Sub Account	0.00
0-01-38-000-130	HURRICANE EXP - BUILDING MAINT/REPAIRS	Sub Account	0.00
0-01-38-000-140	HURRICANE EXP - RESIDENTS DEBRIS REMOVAL	Sub Account	0.00
0-01-38-000-150	HURRICANE EXP - OTHER STORM RELATED EXP	Sub Account	0.00
0-01-40-319-999	GRANTS PAYABLE - GENERAL	Sub Account	0.00
0-01-40-320-000	MUNICIPAL ALLIANCE GRANT FUNDS	Sub Account	4,791.94
0-01-40-321-000	DRUNK DRIVING GRANT FUNDS	Sub Account	0.00
0-01-40-322-000	ALCOHOL, EDUCATION REHAB	Sub Account	0.00
0-01-40-324-000	RECYCLING TONNAGE GRANT	Sub Account	0.00
0-01-40-325-000	CLEAN COMMUNITIES	Sub Account	0.00
0-01-40-327-000	BODY ARMOUR REPLACEMENT	Sub Account	0.00
0-01-40-328-000	DRIVE SOBER GET PULLED OVER	Sub Account	0.00
0-01-40-329-000	UNION COUNTY RECYCLING	Sub Account	0.00
0-01-40-330-000	GREENING UNION COUNTY	Sub Account	0.00
0-01-40-330-001	UC SENIOR FOCUS GRANT	Sub Account	0.00
0-01-40-331-000	CLICK IT OR TICKET	Sub Account	0.00
0-01-40-331-001	U TEXT U DRIVE/DISTRACTED DRIVING	Sub Account	0.00
0-01-40-332-000	UNION COUNTY RECREATION GRANT	Sub Account	13,125.00
0-01-40-333-000	UNION COUNTY HEART GRANT	Sub Account	472.50
0-01-40-334-000	UNION COUNTY INFRASTRUCTURE GRANT	Sub Account	0.00
0-01-40-335-000	FEDERAL BULLET PROOF REPLACEMENT PROGRAM	Sub Account	0.00
0-01-40-362-000	LOCAL SHARE-ALLIANCE GRANT	Sub Account	2,100.00
0-01-40-363-000	DOT GRANT - CARNEGIE STREET	Sub Account	0.00
0-01-40-365-000	IMPROVEMENTS TO 16TH ST. PARK	Sub Account	0.00
0-01-40-366-000	PURCHASE OF RECREATION EQUIPMENT	Sub Account	0.00
0-01-40-367-000	CDBG-HANDYMAN	Sub Account	0.00
0-01-40-367-001	CDBG-ADA CURBING	Sub Account	0.00
0-01-40-367-002	CDBG- SOCIAL SERVICES	Sub Account	0.00
0-01-40-368-001	NJCCN HEALTHY KIDS GARDEN GRANT	Sub Account	3,487.53
0-01-44-840-000	CAPITAL IMPROVEMENT FUND	Line Item Control	17,062.50
0-01-45-850-000	PRINCIPAL ON BONDS	Line Item Control	255,937.50
0-01-45-851-000	PAYT. OF BANS & CAPITAL NOTES	Line Item Control	0.00
0-01-45-852-000	INTEREST ON BONDS	Line Item Control	56,305.59
0-01-45-853-000	INTEREST ON NOTES	Line Item Control	0.00
0-01-45-854-000	INTEREST ON ASSESSMENT NOTES	Line Item Control	0.00
0-01-46-887-001	EMERGENCY AUTHORIZATION	Line Item Control	3,937.50
0-01-46-887-002	SPECIAL EMERGENCY APPROP-DO NOT USE	Line Item Control	0.00
0-01-46-888-001	DEFERRED CHARGE FUTURE TAXATION UNFUNDED	Line Item Control	0.00
0-01-46-890-000	OVEREXPENDITURE OF APPROP. RESERVES	Line Item Control	0.00
0-01-46-891-000	OVEREXPENDITURE OF APPROPRIATIONS	Line Item Control	0.00
0-01-46-895-000	OVEREXPENDITURE RESERVE FOR GRANTS	Line Item Control	0.00
0-01-46-896-000	OVEREXPENDITURE OF GRANTS APPROPRIATED	Line Item Control	0.00
0-01-46-897-000	OVEREXPENDITURE OF CDBG GRANT	Line Item Control	0.00
0-01-49-062-001	RESERVE FOR LEGAL JUDGEMENTS	Line Item Control	0.00
0-01-50-890-000	RESERVE FOR UNCOLLECTED TAXES	Line Item Control	223,125.00
0-01-55-067-001	Reserve for Snow Removal Costs	Line Item Control	0.00

$4,409,815.96

RESOLUTION

No. 6 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the approval of the Petty Cash funds listed below has been given by the Division of Local Government Services, and

WHEREAS, these funds for 2020 have been returned to the Finance Officer according to R.S. 40A5-21;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Kenilworth that the Treasurer be authorized to draw and deliver said warrants to the following Petty Cash Custodians for the year 2021:

Police Department	Total Fund
John Zimmerman, Police Chief	$150.00
Tax & Finance	
Lisa Woods Tax & Finance	$100.00

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No ___			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, Chapter 75 of the Public Laws of 1991 of the State of New Jersey authorizes the governing body of each municipality by resolution to fix the rate of interest to be charged for nonpayment of taxes or assessments on or before the date when they would become delinquent, and

WHEREAS, the provisions of said statute provides that the rate of interest to be so charged may be fixed at a rate not to exceed 8% per annum on the first $1,500.00 of delinquency and a rate of 18% per annum on any amount in excess of $1,500.00, and

WHEREAS, the statute further provides that the governing body may provide that no interest shall be charged if payment is made within the tenth calendar day following the date which the same became payable, and

WHEREAS, (N.J.S.A. 54:4-67 AS AMENDED) also provides that the governing body may fix a penalty to be charged to a taxpayer with a delinquency in excess of $10,000, who fails to pay that delinquency prior to the end of the (calendar) fiscal year which shall not exceed (6%) six percent; and

WHEREAS, the Governing Body of the Borough of Kenilworth deems that implementation of Chapter 75 of the P.L. of 1991 (N.J.S.A. 54:4-67) the same is desirable and appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kenilworth that pursuant to the authority granted to it by N.J.S.A. 54:4-67, AS AMENDED that the rate of interest be set in the amount of 8% on the first $1,500.00 of the delinquency and at the rate of 18% on any amount in excess of $1,500.00, provided payment is not made within the grace period of ten days from the date payable and that the penalty on amounts due in excess of $10,000.00 at the close of the (calendar) fiscal year be set at 6% of the amount of the delinquency.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by:_____

Seconded by:_____

BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Kenilworth that the Chief Financial Officer, is hereby authorized to perform all matters necessary to enable the following:

- Issuance of payroll checks in 53 installments throughout the year as authorized by ordinances and resolutions currently in effect
- Issuance of Borough Social Security payments in 52 installments throughout the year
- Issuance of all debt payments throughout the year
- Issuance of the Unemployment/Disability payments on a quarterly basis throughout the year
- Issuance of all medical insurance premiums throughout the year

Without the need of further resolution or action by the Mayor and Council of the Borough of Kenilworth.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the owners of real estate in the Borough of Kenilworth paid their real estate taxes by way of check in an incorrect amount; and

WHEREAS, in many of such instances the error involved amounts of $5.00 and under.

NOW THEREFORE BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Kenilworth that the proper Borough Officials be and hereby are authorized to cancel all such amounts on tax accounts, whether owed to the Borough or owed by the Borough, of $5.00 and under for the year 2021.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's designation of the **WELLS FARGO BANK, N.J. CASH MANAGEMENT FUND, TD BANK, PNC BANK, VALLEY NATIONAL, SANTANDER BANK, ENTERPRISE NATIONAL BANK, ATLANTIC FEDERAL CREDIT UNION** as Official Depositories for the Borough of Kenilworth for the year 2021, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 11 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED that the official signers for the Borough of Kenilworth for banking purposes for 2021 are: Mayor Linda Karlovitch, Finance Officer , Assistant Finance Officer Lisa Wood, Assistant Treasurer Justyna Zagorska and Administrator/Borough Clerk Laura Reinertsen.

BE IT FURTHER RESOLVED that the official signers for the Borough of Kenilworth Police Department account at PNC Bank, National Association for banking purposes are: Finance Officer, Assistant Finance Officer Lisa Wood, and Police Chief John Zimmerman.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 12 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by:_____

Seconded by:_____

BE IT HEREBY RESOLVED: That the annexed By-Laws shall constitute the By-Laws of the Governing Body for the year 2021 or until amended.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH COUNCIL BYLAWS

Borough of Kenilworth
567 Boulevard
Kenilworth, New Jersey
07033

By-law: a law or regulation or rule of a local government adopted by the municipal corporation. The function of a by-law is to prescribe the rights and duties of the members with reference to the internal government of the municipal corporation, the management of its affairs, and the rights and duties existing between the members.

Adopted:
January 4, 2021

ARTICLE 1 – MEETINGS

SECTION 1 – ANNUAL RE-ORGANIZATION MEETING

The Annual Re-organization Meeting of the Mayor and Council shall be held within the first seven (7) days of January in the Council Chambers of the Kenilworth Municipal Building. The actual date and time of each meeting shall be determined by Council by resolution.

SECTION 2 – REGULAR MEETINGS

The Regular Meetings of the Mayor and Council shall be held within the Borough at such time and place as the Council may direct by resolution but no less frequently than once a month.

SECTION 3 – SPECIAL MEETINGS

Special Meetings may be called by the Mayor or any four (4) members of the Council. When any Special Meeting is called, it shall be the duty of the Borough Clerk to notify the Mayor and all members of Council in writing, leaving said notice at each member's residence at least two (2) days in advance of the time fixed for holding same.

SECTION 4 – ORDER OF BUSINESS

Except at the Annual Reorganization Meeting, the order of business shall be as follows:

1. Open Public Meetings Act Notice
2. Salute to the Flag
3. Roll Call
4. Reading of unapproved minutes
5. Presentation/hearings/etc.
6. Report of Mayor and Committees
7. Payment of Bills and Resolutions
8. Introduction and passage of Ordinances
9. Meeting Open to the Public
10. General Business
11. Adjournment

SECTION 5 – RESOLUTIONS

Resolutions should be offered in writing and presented to the Mayor and Council for preliminary review on the day preceding the Regular Meeting. Such preliminary review may be waived on motion of any member of Council, approved by a majority of the Council present at any meeting of the governing body.

SECTION 6 – GOVERNING OF MEETINGS

The meetings of the Mayor and Council shall be governed by Robert's Rules of Order, revised, except as otherwise provided herein. A copy of Robert's Rules of Order, Revised, shall be kept at each meeting by the Borough Attorney.

SECTION 7 – QUORUM

Three council members and the Mayor shall constitute a quorum. In the absence of the Mayor, four (4) council members shall constitute a quorum.

ARTICLE II – MAYOR

SECTION 8 – DUTIES OF MAYOR AND PRESIDENT DURING MEETINGS

The Mayor shall preside at meetings of the council and may vote to break a tie. In the absence of the Mayor, the Council President shall preside. In the absence of both the Mayor and President, the member of the Council with the most seniority at that particular meeting shall act in their absence. The person duly presiding over the meeting shall maintain order and decorum, may speak on points of order, subject to the appeal of any member of the Council.

SECTION 9 – MATTERS REQUIRING COMMITTEE CONSIDERATION

All matters requiring consideration by a committee shall upon instruction, be referred by the Mayor to the appropriate committee subject to the right of the Council to make any other reference or disposition of the same which they deem best.

SECTION 10 – FILLING OF VACANCIES

The Mayor shall fill all vacancies in all committees, departments and offices with the advice and consent of the Council, except as otherwise provided by Statute or ordinance.

SECTION 11 – GENERAL POWERS AND DUTIES

The Mayor shall be the head of the municipal government and shall have all those powers designated by general law.

The Mayor shall see that the laws of the State and the Ordinances of the Borough are faithfully executed and shall recommend to the Council such measures deemed necessary or expedient for the welfare of the Borough. He/She shall maintain peace and good order and shall have the power to suppress all riots and tumultuous assemblies in the Borough.

SECTION 12 – PRECEDENCE OF SPEAKERS

When two or more Council members seek recognition at the same time, the Mayor or presiding person shall name the one entitled to the floor.

SECTION 13 – 40A:60-5 APPROVAL OR VETO OF ORDINANCES

No ordinance shall be passed, or appointment of any subordinate officer of the Borough be confirmed, except by a vote of a majority of the members of the council present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor voting only in the case of a tie. Every ordinance passed by the Council shall within five (5) days after its passage, Sundays excepted, be presented to the Mayor by the Borough Clerk. The Mayor shall, within (10) days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his/her signature thereto or return it to the council by delivering it to the Borough Clerk together with a statement setting forth the objections thereto or any item

part of thereof. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return the ordinance to the council, as prescribed above, or unless the council, upon consideration of the ordinance following its return shall, by a vote of two-thirds of all members of council, resolve the override the veto.

If any ordinance contains more than one distinct section, clause or item, the mayor may approve one or more thereof and veto the rest.

SECTION 14 – APPROVAL OR VETO OF RESOLUTIONS APPROPRIATING MONEY

Every resolution appropriating money or in any way tending to obligate the Borough pecuniary and all resolutions audited or directing payment of bills together with such bills shall be presented to the Mayor for his approval or Veto in the same manner and within the same time as provided for presentation of ordinances, and all subsequent procedure on such resolution or bills shall be subject to and shall conform to all provisions relating to ordinances with respect to passage over Veto, etc.

ARTICLE III – COUNCIL PRESIDENT

SECTION 15 – ELECTION OF COUNCIL PRESIDENT

A President of the Borough Council shall be elected by a Majority vote of the Members of the Council at the annual reorganization meeting. If the Council fails to elect a president at the annual reorganization meeting, the Mayor shall appoint the President from the council and, in that case, no confirmation by the Council shall be necessary.

SECTION 16 – TERM OF COUNCIL PRESIDENT

The term of the President of the Council shall be for a period of one year without limit to the number of years that may be served.

SECTION 17 – DUTIES

In addition to the regular committee assignments the Council President shall preside at regular meetings of the Mayor and Council in the event of the Mayor's absence. The President shall have the right to debate and vote on all questions before the council. Where the absence of the Mayor is intended, the Council President shall become the acting mayor until the mayor's return. If the Council President is unable to perform the duties of the acting mayor, then the member of the council with the longest term of service may act temporarily for the president of the council as Acting Mayor until the Mayor or Council President shall return.

ARTICLE IV – BOROUGH CLERK

SECTION 18 – DUTIES

In addition to the duties imposed upon her by law, the Borough clerk shall record the proceedings of the Mayor and Council, furnishing the Mayor and each member of the Council and the Borough Attorney, a copy of the minutes of each session. The pages shall be numbered commencing with the report of the first meeting and ending with the last meeting of the calendar year. One copy of all such minutes shall be retained by the Borough Clerk as the

Official Record of the Mayor and Council and at the end of the calendar year shall be permanently bound and retained with the Borough Records.

The Borough Clerk shall also keep an Ordinance Book containing the signed copy of all ordinances, an appointment book containing a record of all appointments to the office, the term of which each is appointed. She shall collect fees at her office as may be required and to submit a monthly report on all licenses issued by her.

The Borough Clerk shall send one copy of the official minutes of all meetings of the Mayor and Council to the Kenilworth Free Public Library for permanent retention and for use and access by the residents of Kenilworth.

SECTION 19 – CUSTODY OF SEAL

The Borough Clerk shall have the custody of the Official Seal of the Borough of Kenilworth.

ARTICLE V – COMMITTEES

SECTION 20- APPOINTMENT AND COMPOSITION OF STANDING COMMITTEES: PRESENTATION OF REPORTS

The Council shall appoint six Standing Committees, each known as a "DEPARTMENT' and each Committee shall consist of three members of the Council, with the Chairman designated by the Council. Each of the Committees may elect one of its members as Secretary, and said Committees shall submit their reports at the meetings of the Mayor and Council. If the Borough Attorney or Borough Engineer or any other official has been consulted, a written opinion on the subject shall be submitted to the Committee and shall be presented by the Committee at the Council Meeting.

A refusal by a member of the governing body to serve on any committee or act as Chairman, after being duly appointed, shall be deemed as creating a vacancy of that office pursuant to N.J.S.A. 40A:16-3(d). A refusal may be either by act or omission and includes, but is not limited to, failure to attend and participate in any meetings of the committees, as committeeman, or Chairman, to which the member of the governing body is appointed for a period of five (5) consecutive meetings without excuse due to legitimate illness.

SECTION 21 – ENUMERATION OF STANDING COMMITTEES: DUTIES

A. <u>DEPARTMENT OF FINANCE</u>

1) It shall be the duty of this Committee to prepare the Annual Budget and also the Annual Borough Report. This Committee shall have general charge of all matters relating to the financial affairs of the Borough. All claims and bills Against the Borough shall be referred to this Committee. It shall not be required to approve for payment at Regular Meetings any invoice not in its hands by the preceding Monday. This Committee shall recommend to the Mayor and Council the depositories for the Borough monies and the proportion allotted each depository, but the Governing Body, as such, shall decide upon the depositories and the amounts of deposit.

2) This Committee shall be responsible for the recommendation to Council for the Terms and conditions of employment for all employees of the borough of Kenilworth not represented by a Collective Bargaining Agreement.

3) This Committee shall exercise a general charge and supervision of the ordering of all printed materials and supplies of the Borough of Kenilworth.

4) This Committee shall exercise general supervision of all personnel of the Borough of Kenilworth.

5) This Committee shall constitute the committee on transportation and shall have general supervision of all transportation throughout the Borough and all matters pertaining thereto.

6) It shall be the duty of the Chairperson of this Committee to chair all meetings relating to the budget of the Borough of Kenilworth.

7) The Chairperson of the Department of Finance shall call for the first meeting of the Budget with all members of the Governing Body during December, except where changes in Council composition, or changes in State Law and requirements, which directly affect budget deliberations, preclude such actions.

B. DEPARTMENT OF PUBLIC WORKS

1) This Committee shall have a general charge of all matters relating to streets, highways, sidewalks, sewers, drainage problems and all public utilities (excepting water and street lighting) and all matters and applications relating to same, their improvement, maintenance, alteration or use.

2) This Committee shall have charge of the cleaning of the streets and shall supervise the method adopted by the Mayor and Council for the removal of leaves, snow and garbage. This Committee shall also constitute the committee on streets and sewers or as contemplated by all ordinances or as contemplated by all ordinances supplemental thereto. This Committee shall also supervise the removal and planting of all shade trees in the Borough of Kenilworth.

3) This Committee shall have charge of the maintenance of all public equipment pertaining to Civil Defense use and equipment pertaining to Police use.

C. DEPARTMENT OF PUBLIC SAFETY

1) This Committee shall constitute the Board of Police Commissioners and it shall have general charge of all matters relating to the Police Department or as contemplated by all ordinances or parts of ordinances supplemental, thereto. They shall examine the report on the qualifications of all applications for membership in the Police Department.

2) This Committee shall constitute the Committee of the Office of Emergency Management and shall have general supervision of all matters relating to the Office of Emergency Management.

3) This Committee shall have charge of the maintenance of all public equipment pertaining to Police and Office of Emergency Management.

4) This Committee shall have general charge of all street lighting in the Borough of Kenilworth

D. **DEPARTMENT OF PLANNING, ZONING AND ORDINANCES**

1) This Committee shall constitute the Committee with respect to all buildings contemplated to be built or maintained by all ordinances of the Borough of Kenilworth.

2) This Committee shall have general charge of the Building Inspector, the building codes and all matters pertaining to the operation of the Building Department.

3) This Committee shall have general charge and supervision of all matters pertaining to the Zoning Ordinances of the Borough of Kenilworth in connection with all matters concerning zoning and shall have general supervision over the Zoning Enforcement Officer.

4) This Committee shall have general charge of the preparation and submission of all ordinances as required by the Borough of Kenilworth. The Chairman shall submit all ordinances to the Mayor and Council at least one week in advance of its introduction.

5) The Chairman of this Committee shall be a member of the Planning Board of the Borough of Kenilworth.

E. **DEPARTMENT OF *EDUCATION*, HEALTH & HUMAN SERVICES**

1) This Committee shall have general charge of all matters pertaining to the Health Department and the Board of Health, the operation of an efficient Dog Control Program, and shall work in conjunction with the Board of Health, in the relief of any and all matters detrimental to the health and well-being of the Borough of Kenilworth. The Chairman of the Committee shall be the Representative of the Mayor and Council at meetings of the Board of Health.

2) This Committee, working through the Board of Health shall have general charge of all matters pertaining to the water and supply thereof, to the Borough of Kenilworth.

3) The Chairman of this Committee shall serve as the Representative of the Mayor and Council at meetings of the Kenilworth Library Board of Trustees, and this Committee shall act in conjunction with the Library Board of Trustees in matters under the jurisdiction of the Library Board of Trustees.

4) This Committee shall have general charge of all matters pertaining to the poor and indigent in the Borough of Kenilworth. The Chairman of this Committee shall be a member of the Local Assistance Board of the Borough of Kenilworth. It also shall

cooperate with the Director of Welfare, subject to the laws of the State of New Jersey and ordinances of the Borough of Kenilworth.

F. **DEPARTMENT OF FIRE AND RECREATION**

1) This Committee shall have general charge of the operation and supervision of the Recreation Committee and shall work with the Recreation Committee in establishing a recreation program for the Borough of Kenilworth.

2) This Committee shall have general charge of all Public Buildings and equipment pertaining to recreational use, the public parks, playgrounds and other recreational facilities.

3) The Chairman of this Committee shall serve as the Representative of the Mayor and Council at the meetings of the Recreation Committee of the Borough of Kenilworth.

4) This Committee shall constitute the Board of Fire Commissioners and it shall have general charge of all matters relating to the Fire Department or as contemplated by all ordinances or parts of ordinances supplemental, thereto. They shall examine the report on the qualifications of all applications for membership in the Fire Department.

5) This Committee shall have charge of the maintenance of all public equipment pertaining to Fire use.

ARTICLE V- NEGOTIATIONS COMMITTEE

SECTION 22 – APPOINTMENT OF NEGOTIATIONS COMMITTEE

1) At the Annual Reorganization Meeting in any year during which a Collective Bargaining Agreement shall be subject to negotiation, the Mayor shall appoint a Negotiations Committee. The Members of such Committee shall include one (1) Member of the Finance Committee and (1) member of the Committee overseeing the department comprising the Collective Bargaining Unit, i.e. Police Department, Department of Public Works, etc. In the event that the Collective Bargaining Agreements of two (2) units shall be subject to negotiation in any one (1) calendar year the Mayor shall appoint as the third member of the Negotiations Committee a member of the Committee overseeing the Bargaining Agreement.

2) This Committee shall have responsibility for negotiating the Collective Bargaining Agreements for all employees of the Borough subject to a Collective Bargaining Agreement.

ARTICLE VI – ROLL CALL

SECTION 23 – PROCEDURE

Roll Call of members of the Council shall be in Alphabetical order and no member of the Council shall be excused from voting on any question submitted to it except because of a personal

interest in the matter involved. Failure to vote or refusal to vote should be taken as a vote in the negative.

A member of the Council may pass on a vote and upon completion of the roll call shall be asked for their vote on the question. Upon completion of the roll call, Council shall be asked if any member desires to change their vote. Any member who abstains must state their reason for such abstention.

ARTICLE VII – AMENDMENTS

SECTION 24 – PROCEDURE

After the By-Laws of the Governing Body of the Borough of Kenilworth have been adopted each year, these By-Laws may be altered or amended provided the alteration or amendment be proposed at a Regular Meeting and considered and adopted by a majority of the Council members at the next succeeding Regular Meeting: but any of them may be suspended temporarily with the concurrence of four members of the Council, or with the concurrence of members, in case of a tie-vote, with the Mayor casting the affirmative vote to suspend same.

Incumbent and new members of the Borough Council, if any, shall meet and discuss the By-Laws for the next year at least once before the annual re-organization meeting; to make changes if warranted and to select the Council President and Council Committees for the following year. A copy of the By-Laws shall be provided to all members of the Governing Body and should be available to the public upon request.

RESOLUTION

No. 13 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Borough Clerk has prepared a schedule of meetings of the Governing Body of the Borough of Kenilworth for the year 2021, a true copy of which is annexed hereto and made a part hereof in accordance with the Open Public Meetings Act being Chapter 231, Public Law 1975.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kenilworth that the Borough Clerk on or before January 10, 2021, mail true copies of this Resolution, including aforesaid schedule, to the Home News Tribune, the Local Source, Union, New Jersey; and the Star Ledger, Newark, New Jersey, said newspapers being designated because they have the greatest likelihood of informing the public as to the time and place of meetings set forth in the aforesaid schedule.

FURTHER RESOLVED that the Borough Clerk, acting for the Governing Body of the Borough of Kenilworth, furnish a true copy of the aforesaid schedule and any revisions thereof and any advance written notice required by Sub-section 3 (d) of the Open Public Meetings Act or any regular, special or rescheduled meetings of the Governing Body of the Borough of Kenilworth to any persons who request same.

Work Session to start, unless otherwise noted, at 6:00 P.M. at the conference toom, Second Floor, Borough Hall; and Regular Meetings to start at 8:00 P.M. at the Council Chambers, Borough Hall, Boulevard, Kenilworth, New Jersey.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

SCHEDULE OF MEETINGS
GOVERNING BODY OF THE BOROUGH OF KENILWORTH
FOR THE YEAR 2021

The following schedule of meetings will be in effect for the duration of the COVID-19 Pandemic

WORK SESSIONS to start at 6:00 P.M. in the Council Chamber, Borough Hall, 567 Boulevard, Kenilworth, New Jersey.

COUNCIL MEETINGS will commence as soon as possible after the Work Session in the Council Chamber, Borough Hall, 567 Boulevard, Kenilworth, New Jersey.

Reorganization of the Borough of Kenilworth is scheduled for Monday, January 4, 2021 at 7pm

January	13th	27th
February	10th	24th
March	10th	24th
April	14th	28th
May	12th	26th
June	9th	23rd
July	14th	.....
August	.....	25th
September	8th	22nd
October	13th	27th
November	10th	.....
December	8th	.....

Upon the lifting of all COVID-19 Pandemic related restrictions by the Governor of the State of New Jersey, the Borough of Kenilworth may return to the regular meeting times noted below.

WORK SESSIONS to start at 6:00 P.M. in the Conference Room, Second Floor, Borough Hall, 567 Boulevard, Kenilworth, New Jersey.

COUNCIL MEETINGS to start at 8:00 P.M. in the Council Chamber, Borough Hall, 567 Boulevard, Kenilworth, New Jersey.

RESOLUTION

No. 14 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's designation of the **THE LOCAL SOURCE, STAR LEDGER, HOME NEWS TRIBUNE/COURIER NEWS, KENILWORTH LIFE, and TAP INTO KENILWORTH** as the Official Newspapers and Media Outlets of the Borough of Kenilworth for the year 2021, be and the same is hereby confirmed.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 15 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over $17,500 per year:

BOND COUNSEL

NOW, THEREFORE, BE IT RESOLVED after review of said proposals, the Mayor's nomination of **ROGUT MCCARTHY, LLC** as **BOND COUNSEL** for the Year 2021 at various hourly rates as in proposal, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓					
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 16 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over $17,500 per year:

BOROUGH AUDITOR

NOW, THEREFORE, BE IT RESOLVED after review of said proposals, the Mayor's nomination of **SUPLEE CLOONEY AND COMPANY** as **BOROUGH AUDITOR** for the Year 2021 at $31,150.00 per year, be and the same is hereby confirmed.

Approved: Linda Karlovitch
Linda Karlovitch

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 17 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over $17,500 per year:

BOROUGH ENGINEER

NOW, THEREFORE, BE IT RESOLVED after review of said proposals, the Mayor's nomination of **HARBOR CONSULTANTS** as **BOROUGH ENGINEER** for the Year 2021 at $145.00 per hour, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 20 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

Whereas, the Planning Board is an autonomous statutory board that is coordinated under the Division of Planning and Zoning in the Department of Planning and Engineering; and

Whereas, the Borough of Kenilworth has identified a need for planning board attorney for 2021 as required by NJSA 40:55D-25; and

Whereas, the Mayor and Council of the Borough of Kenilworth set the Planning Board Attorney rates for the Year 2021 at $**12,000.00** per annum, be and the same is hereby confirmed.

Be It Further Resolved, that upon confirmation of appointment by the Planning Board, the Planning Board Chairman is authorized to execute an agreement with the Planning Board Attorney on behalf of the Planning Board.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 21 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

Whereas, the Planning Board is an autonomous statutory board that is coordinated under the Division of Planning and Zoning in the Department of Planning and Engineering; and

Whereas, the Borough of Kenilworth has identified a need for planning board planner for 2021 as required by NJSA 40:55D-25; and

Whereas, the Mayor and Council of the Borough of Kenilworth set the Planning Board Planner rates for the Year 2021 at $**140.00 per hour**, be and the same is hereby confirmed.

Be it Further Resolved, that upon confirmation of appointment by the Planning Board, the Planning Board Chairman is authorized to execute an agreement with the Planning Board Planner on behalf of the Planning Board.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 22 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over $17,500 per year:

TAX APPEAL ATTORNEY

NOW, THEREFORE, BE IT RESOLVED after review of said proposals, the Mayor's nomination of **PALUMBO, RENAUD & DEAPPOLONIO, LLC** for the Year 2021 at $150 per hour be and the same is hereby confirmed.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes _		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 23 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Tax Assessor has recommended the hiring of Tax Appeal Appraisal Services to advise on outstanding tax appeals.

BE IT RESOLVED that Mark Henderson be hired to counsel on outstanding appeals at a cost not to exceed $17,500.00 for 2021.

Mark Henderson
Seven Hutton Avenue
West Orange, New Jersey 07052

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 24 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's appointment **of DIANE O'NEILL** as Police Matron for the year 2021, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 25 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED That the Mayor's appointment of Regular School Crossing Guards, as follows: **Robert Wolters, Ugo Capra, John Martins, Kimberly Montiero, Ronald Freidman, Donald Gerardo, Mike Moran, Jo Mandagllio-Tomasso, Maryann Stiles, Sara Fernandez, Bill Zorich, Rose Piccinnini.**

BE IT FURTHER RESOLVED that the following be appointed as Alternate School Crossing Guards for the year 2020: **Antonia Laversa, Charles Zignauskas, Maurene Miller, Marianne Ehmann, Pat Boyle, Elio Berardinelli, Lynn Zorich.**

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 24 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor and Borough Clerk be authorized to sign an Indemnity and Hold Harmless Agreement with Union Township for the use of their Police Firing/Gun Range by the Kenilworth Police Department for the year 2021.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 27 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED, that the Mayor's appointments of **MARIA ANDERSON** and **MICHAEL CECERI** as Kenilworth's representatives to the Union County Community Development Revenue Sharing Committee be appointed for a 1 yr. term for the year 2021, be and the same is hereby confirmed.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella					/	
Councilman Gerry Ladauti			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
ON CONSENT AGENDA	Yes /		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 28 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's appointment of **ENRIQUE LAMELA, ESQ.** as Municipal Prosecutor for the year 2021, be and the same is hereby confirmed.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 29 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's appointment of **JOSEPHINE GONZALEZ, ESQ.** as **PUBLIC DEFENDER** for the year 2021, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No ___			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 30 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's appointment of **DANIEL BEVERE** as Assistant Public Defender for the year 2021, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 31 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayors appointment of **LEWIS GIORDINO, CARMEN GIORDINO and JAMES HANNON, III** be appointed Smoke Detector Inspectors for the year 2021, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella					/	
Councilman Gerry Ladauti			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
ON CONSENT AGENDA	Yes _/_		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 32 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That **CARMEN GIORDINO AND JAMES HANNON, III** be and are hereby appointed Fire Prevention Inspectors for the year 2021: and

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella					/	
Councilman Gerry Ladauti			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
ON CONSENT AGENDA	Yes _/_			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 33 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That **LEWIS GIORDINO,** be and he is hereby appointed Fire Prevention Fire Official for a 4-year term.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 34 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's appointment of **PATRICK BOYLE** as Recreation Director for 2021 at a salary of $6,000 per year, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella					/	
Councilman Gerry Ladauti			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
ON CONSENT AGENDA	Yes /			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 35 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That **KARI BAGNEWSKI, STACIE HOLZINGER, CAITLIN MARTIN, JOHN HARTMANN, JR. AND LOUIS DEMONDO** be appointed as a Regular Members to the Kenilworth Recreation Committee for 3 year terms, expiring12/31/23.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella					/	
Councilman Gerry Ladauti			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
ON CONSENT AGENDA	Yes /		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 36 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: David

Seconded by: Ladauti

BE IT HEREBY RESOLVED: That **SHAMROCK ENTERPRISES USA LTD** be appointed as **Zoning Officer** for the Year 2021 at a rate of $20,000 per annum.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 37 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by:

Seconded by:

BE IT HEREBY RESOLVED, that pursuant to N.J.S.A. 2B: 12-4 the Mayor's appointment of Municipal Judge for **3-year** term is as follows:

Honorable Jonathan H. Rosenbluth

being duly qualified, are hereby appointed to serve as the Municipal Court Judge for three-year term in accordance with the above statute, commencing January 1, 2021 and ending on December 31, 2023, at a salary of $30,000.00 per annum.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 38 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the appointment of **MARCONI GAPAS** as Public Health Officer and Right to Know Coordinator for the year 2021 be and the same is hereby confirmed.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 42 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

IT HEREBY RESOLVED: That the following AD HOC COMMITTEES be continued for 2021:

BEAUTIFICATION COMMITTEE
COAH COMMITTEE
DRUG ALLIANCE COMMITTEE
PRIDE IN KENILWORTH COMMITTEE
TECHNOLOGY COMMITTEE
FACILITIES COMMITTEE
VETERAN AFFAIRS

BE IT FURTHER RESOLVED that Committee's may be added and/or deleted as the need arises.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 43 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED, that the Mayor's appointment of **ROBERT BEINER** as Kenilworth's representative to the Union County Transportation Advisory Board be appointed for a 1yr. term beginning January 1, 2021 and ending December 31, 2021, be and the same is hereby confirmed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 44 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's appointment of **JOHN ZIMMERMAN** as Municipal Drug Alliance Committee Chairman for the year 2021, be and the same is hereby confirmed.

BE IT FURTHER RESOLVED: That the Mayor's appointment of **MICHAEL BALKA** as Municipal Drug Alliance Coordinator for the year 2021, be and the same is hereby confirmed.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 45 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Superintendent of the Kenilworth Public Works Department is in receipt of proposals for "**C-2 Operator Services**" and upon review is recommending award to Central Jersey Pump, PO Box 541, Springfield, NJ 07081-0541 at their quote of $ 500.00 per month.

THEREFORE BE IT HEREBY RESOLVED, that the **C-2 Operator Services** be awarded to:

Central Jersey Pump
PO Box 541
Springfield, NJ 07081
908-248-4642 (w) 908-202-0903 (c)
CentralJerseyPump@gmail.com

UST A/B Operator #8899766 C-3 Collection System Operator #608002 Backflow Certification Inspector #13536

for a one-year period, January 1, 2021 through December 31, 2021, at a cost of $500.00 per month.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella					/	
Councilman Gerry Ladauti			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
ON CONSENT AGENDA	Yes /			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 46 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Borough of Kenilworth has a policy of reimbursing mileage to all officials and employees while on official Borough business; and

WHEREAS, the mileage reimbursement rate will be equivalent to the standard business rate as permitted by the Internal Revenue Service effective January 1, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth, County of Union State of New Jersey that authorization is hereby given for all officials and employees a mileage reimbursement rate of .56 cents per mile of business travel driven, equivalent to the standard business rate as permitted by the Internal Revenue Service, effective January 1, 2021.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 47 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, a proposal for services was received from Phoenix Advisors, LLC to Serve as Continuing Disclosure Agent & Municipal Advisor of Record for a fee of $650 per filing year (All-Inclusive fee for up to three (3) outstanding issues), plus $100 for each additional issue for which filings are required; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that the Mayor and Council pass a resolution authorizing the award of contracts.

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Kenilworth hereby awards a contract to **Phoenix Advisors, LLC, 4 West Park Street, Bordentown, NJ 08505 609-291-0130,** whose proposal amounted to $650 per filing year (All-Inclusive fee for up to three (3) outstanding issues), plus $100 for each additional issue for which filings are required and $200 for each new bond issue set up during the year.
2. The Mayor and the Borough Clerk are hereby authorized to execute all documents to effectuate the purposes herein above expressed.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 48 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That **MARCO ANTONIO STUDIO**, 401 Scott Mobus Place, Harrison, NJ 07029, be contracted to videotape and edit two DVD's of the Borough of Kenilworth Council Meetings for the year 2021 at a rate of $125 per hour (editing fee of $55 per meeting/event), not to exceed $5,000 for the year.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓					
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

48 VIDEOGRAPHER MARCO ANTONIO 2021

RESOLUTION

No. 49 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by:_____

Seconded by:_____

BE IT HEREBY RESOLVED: That the following be designated as Official Insurance Agent/Risk Manager for the Borough of Kenilworth for the year 2021: **Reliance Insurance Group** 1460 Route 9 North, Suite 310 Woodbridge, NJ 07095 732-602-0010.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella					/	
Councilman Gerry Ladauti			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
ON CONSENT AGENDA	Yes /		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 50 **KENILWORTH, N.J.** **January 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over $17,500 per year:

SPECIAL COAH ATTORNEY SERVICES

NOW, THEREFORE, BE IT RESOLVED after review of said proposals, the Mayor's nomination of **SURENIAN, EDWARDS & NOLAN, LLC** for the Year 2021 at an hourly rate not to exceed $200.00, be and the same is hereby confirmed.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella						
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 52 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Borough understands that it is beneficial to have in place an Employee Assistance Program, which is a third-party professional agency providing counseling and referral services for employees and their dependents; consultation and training for supervisors; human resources consultation and cost containment services; and

WHEREAS, while the Local Public Contracts Law does not require competitive bidding for contracts anticipated to be below $17,500, or which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor; and

WHEREAS, subject to the certification of availability of funds by the Chief Financial Officer, **Intervention Strategies International, Inc.** is qualified and has agreed to provide professional services in relation to the provision of employee assistance pursuant to the rate schedules provided for in its proposal for 2020.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey that **Intervention Strategies International, Inc., 351 Evelyn St., Paramus, NJ 07652** is hereby awarded a contract for the provision of the Borough's employee assistance program as needed during 2021, pursuant to the non-fair and open process for at a rate of $500.00 per month.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized and directed to execute an Agreement for the provision of such professional services, a copy of which shall be maintained by the Clerk and advertised in the Borough's official newspaper pursuant to law.

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No ___		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 53 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by:_____

Seconded by:_____

RESOLUTION AUTHORIZING APPROVAL BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH FOR THE KENILWORTH POLICE DEPARTMENT TO APPLY AND PARTICIPATE IN THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) 1033 PROGRAM

WHEREAS, the United State Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies; and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford I order to enhance community preparedness, response and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to the municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, NJSA 40A:5-30.2 requires that the governing body of the municipality approve by a majority vote of the full membership, both enrollment in, and the acquisition of any property through the 1033 Program; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Kenilworth is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the next six-months; and

BE IT FURTHER RESOLVED, that the Borough of Kenilworth LEA shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED, that the Borough of Kenilworth LEA shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, shall be valid to authorize requests to acquire "DEMIL A" property that may be made available through the 1033 Program until December 31, 2021 and requests to acquire "DEMIL B through Q" property that may be made available through the 1033 Program until December 31, 2021.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 54 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Borough of Kenilworth participates in the State Department of Defense excess personal property program which allows approved municipalities to receive excess property at no cost; and

WHEREAS, LESO Operations will be coordinating with the Borough to identify and receive property; and

WHEREAS, the Borough of Kenilworth has agreed to abide by the provisions of the agreement for any property received.

BE IT HEREBY RESOLVED, that the Mayor and Council of the Borough of Kenilworth hereby authorizes the continued participation in the program.

BE IT FURTHER RESOLVED, that Kenilworth Police Officer Michael Devlin is designated the Chief Officer and Point of Contact for the LESO Operations Program

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 55 **KENILWORTH, N.J.** **January 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that the following individuals be engaged as Kenilworth Recreation 2021 Fall Soccer Referees at a rate of $60 (sixty dollars) per game with two (2) referees or $90 (ninety dollars) per game with one (1) referee.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that the following individuals be engaged as Kenilworth Recreation 2021 Basketball Referees at a rate of $50 (fifty dollars) per game:

John Primavera 37 South 17th Street Kenilworth, NJ 07033	Anthony Primavera 37 South 17th St Kenilworth, NJ 07033	Joe Primavera 37 South 17th Street Kenilworth, NJ 07033	Mike Palmadessa 18 Commonwealth Road Kenilworth, NJ 07033	Rick Pinto 629 Quinton Avenue Kenilworth, NJ 07033
Angelo Maltese 1141 Erhardt Street Union, NJ 07083	Nick DiPetrillo 1246 Wildwood Terrace Union, NJ 07083	Jerry Kirshembaum 10 Bryan Lane Fanwood, NJ 07203	Greg Czajkowski 34 Easat Munsell Avenue Linden, NJ 07036	James M. Ulaky 15 Osage Drive Craford, NJ 07016
Lew Satulsky 1120 Sylvan Lane Mountainside, NJ 07092	Chris Parkhill 221 Faitoute Avenue Kenilworth, NJ 07033	Joe Iscaro 29 North 12th Street Kenilworth, NJ 07033	Bob Smith 701 Greenbrook Rd N. Plainfield, NJ 07063	Mike Foster 11 Schaeffer Road Maplewood, NJ 07040
Bob Koweleski 140 Belmar Terrace Westfield, NJ 07090	Darryl Brown 111 Runnyon Ave Middlesex, NJ 08846	Frank Conde 332 Raccoon Hollow Mountainside, NJ 07062	Tristan Cox 2881 St Mary's Avenue Planfield, NJ 07062	Ron Tantilo 310 North 12th Street Kenilworth, NJ 07033
Ed Fodale 1025 Robin Court Green Brook, NJ 08812	Luke Ong 523 Victor Street Scotch Plains, NJ 07076	Jeff Pereira 1164 Tice Place Westfield, NJ 07090	Bob Brinkman 5 Crestwood La Summit, NJ 07901	Frank Reale 223 W. St. Georges Ave Linden, NJ 07036

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 56 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED: That the Mayor's appointment of **Kathleen Wierzbinski,** 86 Broadway, Clark, NJ 07066, as:

Temporary Senior Director

for the year 2021, at a rate of $500.00 per month, until a permanent Senior Director is appointed be and the same is hereby confirmed; effective January 1, 2021.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 57 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, Kenilworth Public Health Officer Gapas has secured funding to cover the cost of one per-diem COVID-19 Case Investigator through the end of February 2021 to address the significant rise in positive cases within the Borough.

THEREFORE BE IT RESOLVED: the Public Health officer take the necessary steps to put in place a COVID-19 Case Investigator not to exceed 25 hours per week at a rate of $25.00 per hour, to be reimbursed by the New Jersey Association of County and City Officials, effective January 1, 2021 through February 28, 2021.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes _ ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 18 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: DAVID

Seconded by: CECERI

WHEREAS, pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over $17,500 per year:

BOROUGH ATTORNEY

NOW, THEREFORE, BE IT RESOLVED after review of said proposals, the Mayor's nomination of **FRANK CAPECE, ESQ.** of Garrubbo & Capece, PC as **BOROUGH ATTORNEY** for the Year 2021 at $135.00 per hour be and the same is hereby confirmed.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 19 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: DAVID

Seconded by: CECERI

WHEREAS, pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over $17,500 per year:

BOROUGH LABOR ATTORNEY

NOW, THEREFORE, BE IT RESOLVED after review of said proposals, the Mayor's nomination of **GARRUBBO & CAPECE, PC** as **BOROUGH LABOR ATTORNEY** for the Year 2021 at $135 per hour, be and the same is hereby confirmed

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 36 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: David

Seconded by: Theresa

BE IT HEREBY RESOLVED: That **SHAMROCK ENTERPRISES USA LTD** be appointed as **Zoning Officer** for the Year 2021 at a rate of $20,000 per annum.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti		✓	✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 39 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: David

Seconded by: Laudati

BE IT HEREBY RESOLVED: That the **MICHELLE PANICHI, GAIL LAUDATI and LOUIS DEMONDO** be appointed to the Board of Health as Regular Members for 3-year terms, ending 12/31/23.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti		✓	✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 40 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: David

Seconded by: Laudati

BE IT HEREBY RESOLVED: That the Mayor's appointment of **LINDA HORNING** as a member of the Library Board of Trustees for a 5-year term, ending 12/31/25, be and the same is hereby confirmed.

BE IT FURTHER RESOLVED: That **GAIL LAUDATI** be appointed Mayor's Designee to the Library Board of Trustees through December 31, 2023.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 41 **KENILWORTH, N.J.** **JANUARY 4, 2021**

Introduced by: David

Seconded by: Ceceri

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

Dept. of Finance
Chairman Gerry Laudati , Councilman Finistrella, Councilman Pugliese

Dept. of Public Works
Chairman Mark David, Councilwoman Ceceri, Councilman Pugliese

Dept. of Public Safety
Chairman Kay Ceceri, Councilman David, Councilman Pentz

Dept. of Planning, Zoning & Ordinance
Chairman Joseph Finistrella, Councilman David, Councilman Laudati

Dept. of Recreation & Fire
Chairman Scott Pentz, Councilwoman Ceceri, Councilman Laudati

Dept. of Education, Health & Human Services
Chairman Fred Pugliese, Councilman Finistrella, Councilman Pentz

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella					✓	
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 51 **KENILWORTH, N.J.** **January 4, 2021**

Introduced by: David

Seconded by: Ceceri

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, CREATING A MOUNT LAUREL SUBCOMMITTEE TO ASSIST THE BOROUGH IN ADDRESSING AFFORDABLE HOUSING ISSUES

WHEREAS, in order to facilitate the Borough's efforts to comply voluntarily with its Mount Laurel obligations and to enable the Borough to make informed decisions, the Borough Council finds it prudent to create a Mount Laurel Subcommittee which will meet, as needed, and will provide informed recommendations to the Borough Council and Planning Board.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The Borough hereby creates a "Mount Laurel Subcommittee" to work with the Borough's professionals to facilitate the production of affordable housing and to address the ever-changing laws that determine what the Borough's responsibilities are and how the Borough may address them.
2. In particular, the Mount Laurel subcommittee shall assist the professionals in (a) investigating the facts and all the issues relevant to the Borough's affordable housing obligations; (b) reviewing and discussing all draft ordinances, resolutions, and other relevant documents associated with the Borough's affordable housing compliance plan and all related planning documents; (c) discussing any issues relevant to the Borough's efforts to address affordable housing obligations as defined by the courts, the legislature, and/or various state agencies and (e) making recommendations to the Borough Council.
3. The initial chairman of the Mount Laurel Subcommittee shall be Borough Clerk Laura Reinertsen.
4. The Borough hereby designates the following persons to the Mount Laurel Subcommittee: (i) Borough Clerk, Chief Municipal Finance Officer; (ii) Borough Attorney; (iii) Special Mount Laurel Counsel, Erik C. Nolan, Esq. of Surenian, Edwards & Nolan, LLC; (iv) Mount Laurel Planner, Mike Mistretta of Harbor Consultants; (v) PZO Committee Chairman; Finance Committee Chairman, Mayor Linda Karlovitch and Alternate Council member (*In the event a governing body member cannot attend)*.
5. The Mount Laurel Subcommittee shall meet periodically to discuss the current status of the law and to take such steps as may assist the Borough in meeting its objective of creating affordable housing.

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 4, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **JANUARY 13, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Reading of unapproved minutes of the Work Session and Council Meeting of Dec. 9, 2020, Special Meeting of Dec. 22, 2020 and the Reorganization meeting of Jan. 4, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - NJ – Dept. of State – NJ Census 2020 Letter of Appreciation
   - Department reports for December 2020 from: Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. 2020 Year End Transfers
3. Authorize Payment 2020 Infrastructure Records Management Project – Foveonics $23,744.69
4. Authorize Payment CDBG Yr46 ADA Curb Ramps – Cifelli & Son $24,200.00
5. Authorize Terminal Leave Payment – DD $5,740.15
6. Acknowledge and Affirm Bd. of Health Compensation Increases for 2020
7. Authorize Reaffirmation of Borough Participation SHBP Chap. 436
8. Adoption of Updated Employee Handbook
9. Mayor's Appointment of UC Transportation Advisory Board Representative

10. Authorize Shared Service Agreement for CFO and QPA Services with Roselle Park

8. ORDINANCE None presented
9. PROCLAMATIONS None Presented
10. PRESENTATIONS
11. MEETING OPEN TO THE PUBLIC
12. GENERAL BUSINESS
13. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn ____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – January 13, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member DAVID and seconded by Council Member CECERI.

Consent Agenda:

Resolution #

1. That all bills be paid when properly audited and funds are available
2. 2020 Year End Transfers
3. Authorize Payment 2020 Infrastructure Records Management Project – Foveonics $23,744.69
4. Authorize Payment CDBG Yr46 ADA Curb Ramps – Cifelli & Son $24,200.00
5. Authorize Terminal Leave Payment – DD $5,740.15
6. Acknowledge and Affirm Bd. of Health Compensation Increases for 2020
7. Authorize Reaffirmation of Borough Participation SHBP Chap. 436
8. Adoption of Updated Employee Handbook
9. ~~Mayor's Appointment of UC Transportation Advisory Board Representative – LD~~

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at January 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **January 13, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **January 13, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

Be It Hereby Resolved:
WHEREAS, it shall become necessary to expend for some of the purposes specified in the budget appropriation of the respective sums appropriated, and

WHEREAS, there is an excess in one or more appropriations over and above the amount deemed necessary to fulfill the purpose of such appropriation, and

WHEREAS, N.J.S. 40A:4-58 provides for the transfer of such amounts deemed in excess to appropriation for the amount of which are deemed to be insufficient to fulfill purposes of such appropriation, and

WHEREAS, the transfers about to be authorized do not affect any appropriations to which transfers are prohibited under statute,

NOW, THEREFORE BE IT RESOLVED that the attached transfers be approved, and the Chief Financial Officer is hereby authorized to make the transfers in the 2020 Municipal Budget.

FROM:		
Court – S/W	$15,000	0-01-33-833-011/012
TOTAL	**$15,000**	
TO:		
Clerk – S/W	$ 3,000	0-01-20-701-011
Insurance	$7,000	0-01-23-730-000
Insurance – Health Waiver	$ 1,000	0-01-23-734-175
Recreation S/W	$2,000	0-01-28-795-011
Prosecutor – O/E	$1,000	0-01-33-757-021
Fire Department – S/W	$ 1,000	0-01-23-734-175
Total	**$15,000**	

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **January 13, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth of Union County, New Jersey upon recommendation of the Borough Administrator that Final Payment 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: Records Scanning and Document Management
CONTRACTOR: **Foveonics Imaging Technologies**
999 Willow Grove Street, Hackettstown, New Jersey 07840

TOTAL ORIGINALCONTRACT PRICE	$111,085.00
Total Completed and stored to date:	$110,886.47
Less Previous Payments	$87,141.78
Total Amount Due	**$23,744.69**

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

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: C045520110 2 - $13,253.01
Union County 2020 Infrastructure C045519110 1 - $10,491.68
Kenneth P. Blum Jr.
TREASURER

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

Laura Reinertsen, Borough Clerk

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
2634	09/04/2020	$21,380.42	10/04/2020	Net 30	

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
pickup	Pickup and Delivery - PICKUP 3154 - BATCHES 1 AND 2	1	90.00	90.00
BOXING	Boxing and Labeling of Files	257	16.00	4,112.00
PREPSVS	Preparation of Files	494	12.00	5,928.00
INDEXING	Indexing of Files	12,961	0.0483991	627.30
SMALLDOCS	Scanning Small Format (Less than 11" X 17")	0	0.049	0.00
LARGEDOCS	Scanning Services for Large Documents (Greater than 11" X 17")	12,961	0.484	6,273.12
DocumentSync SaaS	DocumentSync Off Site Web Based per GB (Monthly)	204	20.00	4,080.00
SETUP	Set-up and Training	1	270.00	270.00

Just making sure you have this so it will be available when rep calls to get status on payment.

BALANCE DUE **$21,380.42**

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
2695	11/17/2020	$21,356.01	12/17/2020	Net 30	

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
pickup	Pickup and Delivery - PICKUP 3186 - Permits	1	90.00	90.00
BOXING	Boxing and Labeling of Files	241	16.00	3,856.00
PREPSVS	Preparation of Files	462	12.00	5,544.00
INDEXING	Indexing of Files	129,800	0.0484	6,282.32
SMALLDOCS	Scanning Small Format (Less than 11" X 17")	76,570	0.049	3,751.93
LARGEDOCS	Scanning Services for Large Documents (Greater than 11" X 17")	1,937	0.484	937.51
DOCPREP	Document Preparation for large format	73	12.25	894.25

Just making sure you have this so it will be available when rep calls to get status on payment.

BALANCE DUE **$21,356.01**

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
2697	11/20/2020	$44,405.35	12/20/2020	Net 30	

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
pickup	Pickup and Delivery - PICKUP 3219 -permits	1	90.00	90.00
BOXING	Boxing and Labeling of Files	477	16.00	7,632.00
PREPSVS	Preparation of Files	981	12.00	11,772.00
INDEXING	Indexing of Files	261,500	0.0484	12,656.60
SMALLDOCS	Scanning Small Format (Less than 11" X 17")	152,403	0.049	7,467.75
LARGEDOCS	Scanning Services for Large Documents (Greater than 11" X 17")	4,297	0.484	2,079.75
DOCPREP	Document Preparation for large format	221	12.25	2,707.25

Just making sure you have this so it will be available when rep calls to get status on payment.

BALANCE DUE **$44,405.35**

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
2732	12/18/2020	$23,744.69	01/17/2021	Net 30	

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
pickup	Pickup and Delivery - PICKUP 3219 -permits	1	90.00	90.00
BOXING	Boxing and Labeling of Files	265	16.00	4,240.00
PREPSVS	Preparation of Files	528	12.00	6,336.00
INDEXING	Indexing of Files	130,750	0.0484	6,328.30
SMALLDOCS	Scanning Small Format (Less than 11" X 17")	79,388	0.049	3,890.01
LARGEDOCS	Scanning Services for Large Documents (Greater than 11" X 17")	2,898	0.484	1,402.63
DOCPREP	Document Preparation for large format	119	12.25	1,457.75

Just making sure you have this so it will be available when rep calls to get status on payment.

BALANCE DUE **$23,744.69**

RESOLUTION

No. 4 **KENILWORTH, N.J.** **January 13, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

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 1st and Final Payment 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: CDBG Year 46 – ADA Curb and Ramp Improvements
CONTRACTOR: **Cifelli & Son General Construction, Inc.**
4Coppola St., Nutley, NJ 07110

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

TOTAL ORIGINALCONTRACT PRICE	$24,200.00
Change Order Amount	$0.00
Total Completed and stored to date:	$24,200.00
Less Previous Payments	$0.00
Amount Due	**$24,200.00**
Balance to Finish Including Retainage	*0.00*

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: T0656850005
CDBG Year 46 – Public Improvements
Kenneth F. Blum Jr.
TREASURER

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

December 23, 2020

Laura Reinertsen, Borough Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

Re: Payment No. 1 and Final
CDBG Year 46 – ADA Curb and Ramp Improvements
Borough of Kenilworth
Union County, New Jersey

Dear Ms. Reinertsen,

Enclosed is a request for payment (Invoice # 1) dated December 21, 2020 from Cifelli & Son Paving & Masonry, for work completed for the above referenced project.

Original Contract (7 Ramps):	$24,200.00
Total:	$24,200.00

Harbor Consultants, Inc. has reviewed the request and recommends that payment in the amount of $24,200.00 be approved. Attached, please find a copy of the Contractor's payment request, certified payroll and Kenilworth Voucher.

If you have any questions, feel free to contact me.

Very Truly Yours,

Harbor Consultants, Inc.

Christian Cueto, P.E., C.M.E.

RESOLUTION

No. 5 **KENILWORTH, N.J.** **January 13, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, Derick DeFuria was discharged from service to the Borough of Kenilworth Public Works Department effective December 10, 2020; and

WHEREAS, Derick DeFuria is entitled to buyout pay, as follows;

Type	# of days	Daily Rate (8 hours x $38.37)	Total
Personal Day	1	$306.96	$ 306.96
Sick Day	6.7	$306.96	$2,056.63
Accumulated Sick	11	$306.96	$3,376.56
Total Due	**18.7**		**$5,740.15**

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **January 13, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, at their regular meeting of December 17, 2020, after due deliberation the Kenilworth Board of Health, has granted a 2% cost of living salary increases to the following employees; and

Name	Hire Date	Current Hrly Rate	Current Annual	Hrly w/2% incr. eff 1/1/20	2020 with 2% inc. eff 1/1/20	Stipend $/Added comp.	2020 Salary w/2% inc + stip + long eff 1/1/20
Marconi Gapas	1/1/2012		$ 10,125.67		$	$ -	$ 10,328.18
Karen Kizelevich *	2/4/2019	$ 15.00		$ 15.30		$ -	$
Michael Balka *	3/11/2019		$ 43,000.00		$ -	$ 1,000.00	$ 44,860.00

*Michael Balka fulfilled the Registrar of Vital Statistics and Lead Inspector/Risk Assessor effective 07/23/19 additional $1,000.00 added to base salary of $42,000.00

* Karen Kizelevich original date of hire is 09/20/2010

THEREFORE BE IT RESOLVED, that the Mayor and Council affirm the salary increase of 2% for the above mentioned Kenilworth Board of Health Employees, retroactive to January 1, 2020.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **January 13, 2021**

Introduced by: _____

Seconded by: _____

A RESOLUTION to adopt the provisions of Chapter 88, P.L. 19974, as amended to Chapter 436, P.L.1981, to permit local public employers to pay the premium charges for certain eligible pensioners and their spouses and to reimburse Part B Medicare premiums for such retirees and their spouses covered by the New Jersey Health Benefits Program. This resolution was originally Adopted September 9, 2009; per SHBP direction it is being reaffirmed by this resolution as a corrective action.

BE IT RESOLVED:

1. The Borough of Kenilworth, Union County, New Jersey hereby elects to adopt the provisions of Chapter 88, P.L., 1974 and adhere to the rules and regulations promulgated by the State Health Benefits Commission to implement the provision of the law. We hereby acknowledge that the rules and regulations of the State Health Benefits Commission established that Chapter 88, P.L., 1974 does:
   a. apply to all eligible current and future pensioners of the employer and their dependents,
   b. continue as long as the State is paying the cost of its eligible pensioners and their dependents in accordance with the provision of Chapter 75, P.L. 1972.
   c. provide for local employer reimbursement of Federal Medicare Part B premiums for eligible pensioners and/or their spouses as well as the payment of health insurance premiums required by the program on a basis comparable to the reimbursement made by the State to its eligible pensioners and their spouses in accordance with the provisions of Chapter 75, P.L. 1972, and
   d. require the local employer to pay the full cost of such premiums up to the cost of the plan adopted by the employee.
2. We elect to adopt Chapter 436, P.L. 1981, which extends the provisions of Chapter 88 to surviving spouses of eligible retirees.
3. We hereby agree to pay the premium or periodic charges for the benefits provided to all eligible retired employees and their dependents covered under the program, including surviving spouses. We also adopted Chapter 436, P.L. 1981, as amended. If such employees retired from a State or locally administered retirement system on a benefit based on 25 years or more of service credited in such retirement system, excepting the employees who elected deferred retirement but including the employees who retired on disability pensions based on fewer years of service credited in such retirement system. We also agree to reimburse such retired Employee's for their premium charges under Part B of the Federal Medicare Program covering the retired employees and spouses in accordance with the regulations of the State Health Benefits Commission.
4. This resolution shall provide for an effective date not earlier than the first day of the month at least 90 days following receipt of such resolution by the Health Benefits Bureau in the State Division of Pensions and Benefits.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

Laura Reinertsen, Borough Clerk

State Health Benefits Program (SHBP)
School Employees' Health Benefits Program (SEHBP)

RESOLUTION

A Resolution to Adopt the Provisions of P.L. 1974, c. 88 (Chapter 88), With or Without Amendment by P.L. 1981, c. 436 (Chapter 436), to Permit Local Public Employees to Pay the Premium Charges for Certain Eligible Retirees and Their Dependents and to Reimburse Medicare Part B Premiums for Such Retirees and Their Spouses Covered by the SHBP/SEHBP.

BE IT RESOLVED:

1. The Borough of Kenilworth (*Corporate Name of Employer*) 0934-00 (*SHBP/SHEBP Employer Location Number*)

   hereby elects to adopt the provisions of Chapter 88 and adhere to the rules and regulations promulgated by the State Health Benefits Commission (SHBC) or School Employees' Health Benefits Commission (SEHBC) to implement the provisions of the law. We hereby acknowledge that the rules and regulations of the SHBC/SEHBC establilshed that Chapter 88 does:

   a. Apply to all eligible current and future retirees of the employer and their dependents;
   b. Continue as long as the State is paying the cost of its eligible retirees and their dependents in accordance with the provision of P.L. 1972, c. 75 (Chapter 75);
   c. Provide for local employer reimbursement of Medicare Part B premiums for eligible retirees and/or their spouses as the payment of health insurance premiums required by the Program on a basis comparable to the reimbursement made by the State to its eligible retirees and their spouses in accordance with the provisions of Chapter 75; and
   d. Require the local employer to pay the full cost of such premiums up to the cost of NJ DIRECT10 coverage.

2. We ☐ do ☐ do not elect to adopt Chapter 436, which extends the provisions of Chapter 88 to surviving spouses of eligible retirees.

3. We hereby agree to pay the premium or periodic charges for the benefits provided to all eligible retired employees and their dependents covered under the Program, including surviving spouses if we also adopted Chapter 436, if such employees retired from a State- or locally-administered retirement system on a benefit based on 25 years or more of service credited in such retirement system, excepting the employees who elected Deferred Retirement but including the employees who retired on Disability Retirement based on fewer years of service credited in such retirement system. We also agree to reimburse such retired employees for their premium charges under Medicare Part B covering the retired employees and spouses in accordance with the regulations of the Commissions.

4. This resolutions shall provide for an effective date not earlier than the first day of the month at least 90 days following the receipt of such resolution by the Health Benefits Bureau in the New Jersey Division of Pensions & Benefits.

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the:

Borough of Kenilworth (*Corporate Name of Employer*) __/__/____ (*mm dd yyyy*)

567 Boulevard (*Street Address*) Kenilworth (*City*) NJ (*State*) 07033 (*Zip Code*)

908-276-9090 (*Area Code Telephone Number*)

(*Signature*) (*Official Title*)

65 (*Number of Employees*) 69-0220934 (*Employer's State Employer Identification Number (EIN)*)

Mail Completed Resolution to: **New Jersey Division of Pensions & Benefits**
Health Benefits Bureau
P.O. Box 299
Trenton, NJ 08625-0299

Originally Adopted September 9, 2009

RESOLUTION

No. 8 **KENILWORTH, N.J.** **January 13, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, it is the policy of the Borough of Kenilworth to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough of Kenilworth Council has determined that in conformance with Insurance Carrier Recommended Best Practices, there is a need continually review and update the Borough 's personnel policies and procedures on a regular basis to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Kenilworth Council that the Employee Manual has been reviewed and is hereby adopted to include any updates.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. 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 Manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Kenilworth Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough and or Labor Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this handbook.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **JANUARY 13, 2021**

Introduced by: DAVID

Seconded by: LADATI

BE IT HEREBY RESOLVED, that the Mayor's appointment of **LOUIS DEMONDO** as Kenilworth's representative to the Union County Transportation Advisory Board be appointed for a 1yr. term beginning January 1, 2021 and ending December 31, 2021, be and the same is hereby confirmed.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Ladauti		✓	✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **January 13, 2021**

Introduced by: LAUDATI

Seconded by: DAVID

WHEREAS, the "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A:65-35 (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Parties have identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, the Parties now wish to enter into a Shared Services Agreement ("Agreement") for Chief Financial Officer ("CFO") and Qualified Purchasing Agent ("QPA") related services; and

WHEREAS, N.J.S.A. 40A:9-140.10 requires each municipality to have its own CFO, but allows for the use of the same CFO under a shared services agreement with another municipality; and

WHEREAS, Roselle Park has agreed to provide Kenilworth with the services of its CFO and QPA pursuant to the terms and conditions set forth in a Shared Services Agreement between the Parties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth hereby authorizes and directs the Mayor to execute a Shared Services Agreement in a form substantially similar to the Agreement attached hereto and made part hereof with the Borough of Roselle Park for CFO and QPA services

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes _		No X			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 13, 2021.

Laura Reinertsen, Borough Clerk

SHARED SERVICES AGREEMENT

This SHARED SERVICE AGREEMENT (the "Agreement") is entered into this 1st day of February 2021 by and between:

Borough of Roselle Park ("Roselle Park")
110 East Westfield Avenue, Roselle Park, NJ 07204

AND

Borough of Kenilworth ("Kenilworth")
567 Boulevard, Kenilworth, NJ 07033

RECITALS

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. permits municipalities and other local units to enter into Shared Services Agreements with other governmental units by adoption of a Resolution authorizing such shared services; and,

WHEREAS, Roselle Park presently employs a Chief Financial Officer/Treasurer who holds the certification of Certified Municipal Finance Officer (CMFO), and a Purchasing Agent who holds the certification of Qualified Purchasing Agent (QPA); and,

WHEREAS, Kenilworth is in need of certain "Contemplated Services" further defined for the purposes of the foregoing agreement as a Certified Municipal Finance Officer (CMFO) to work as its Chief Financial Officer/Treasurer and perform such duties outlined in N.J.A.C. 5:32-2.1, and a Qualified Purchasing Agent (QPA) to work as its Purchasing Agent and pursue compliance with N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34; and,

WHEREAS, Roselle Park and Kenilworth have determined that it would be mutually beneficial to enter into the foregoing Agreement whereby Roselle Park would act as the "Lead Agency" and provide its aforementioned certified personnel, their expertise, and labor to

Kenilworth to assist Kenilworth in their fulfillment of requirements of state statue and the needs of Kenilworth; and,

WHEREAS, the parties to this Agreement desire to enter into the same effective February 1, 2021 through December 31, 2021 which will allow the Roselle Park Certified Municipal Financial Officer and the Roselle Park Qualified Purchasing Agent to provide the Contemplated Services during regular business hours and be available for public meetings when needed; and,

WHEREAS, Roselle Park is prepared to provide the Contemplated Services by this Shared Service Agreement to Kenilworth; and,

WHEREAS, the consideration for these Contemplated Services would be fifty-five thousand dollars and zero cents ($55,000.00) per year or thirteen-thousand seven-hundred fifty dollars and zero cents ($13,750.00) per calendar quarter.

NOW THEREFORE, in consideration to the promises, mutual covenants, understanding and agreements contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by all parties it is agreed by and between the parties as follows:

1. Effective February 1, 2021 through and including December 31, 2021 Roselle Park will perform all Contemplated Services, for Kenilworth as provided herein and restated here as follows:

    A. The Roselle Park Certified Municipal Finance Officer (CMFO) will work as the Kenilworth Chief Financial Officer/Treasurer and perform such duties outlined in N.J.A.C. 5:32-2.1; and,

B. The Roselle Park Qualified Purchasing Agent (QPA) will work as the Kenilworth Purchasing Agent and pursue compliance with N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34.

2. The Roselle Park Certified Municipal Financial Officer (CMFO) and Qualified Purchasing Agent (QPA) will perform the duties and services outlined in Paragraph 1 (above) for Kenilworth as-needed including, when appropriate, via remote access as necessary to perform the duties.

3. While acting in their certified capacities for Kenilworth the aforementioned Roselle Park personnel will report to Kenilworth's Governing Body, or the Governing Body's designee, in all matters needed to maintain state statute, administrative regulation, continuity of operation, and professionalism, on a routine basis.

4. Roselle Park shall continue to provide all compensation to its personnel affected by the Agreement in the same manner as said employees are currently receiving compensation and benefits, or with such adjustments as approved and authorized within the sole discretion of the Roselle Park Governing Body.

5. Roselle Park shall be paid the total sum of fifty-five thousand dollars and zero cents ($55,000.00) by Kenilworth for services effective February 1, 2021 until, December 31, 2021 representing payment for services rendered by Roselle Park. Said future payment shall be made in equal installments on a quarterly basis on April 1st, July 1st October 1st and December 1st, 2021.

6. This Agreement may be terminated by Roselle Park or Kenilworth with thirty (30) days written notice to the other party, unless mutually agreed between Roselle Park and Kenilworth that said termination should be effective earlier.

IN WITNESS WHEREOF, Roselle Park and Kenilworth, by and through their duly authorized representatives, have hereunder set their hand and corporate seals executing this Agreement.

BOROUGH OF ROSELLE PARK:

_____
Joseph Signorello III
Mayor

ATTEST (ROSELLE PARK):

_____
Andrew J. Casais, RMC, QPA
Municipal Clerk

Dated: _____

(SEAL)

BOROUGH OF KENILWORTH:

Linda Karlovitch
Linda Karlovitch
Mayor

ATTEST (KENILWORTH):

_____
Laura Reinertsen, RMC
Municipal Clerk

Dated: 1/13/26

(SEAL)

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **JANUARY 27, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Work Session and Council Meeting of Jan. 13, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - RVSA – 2021 Assessment
   - KPD – Chief Zimmerman Retirement Notification
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Authorize Temporary Assistance for 2020 Finance Reconciliation
3. Emergency Repair – Lien 433 N. 15th St
4. Authorize Final Payment – 19 Kids Rec Trust – Tekcon Inc. $4,399.20
5. Authorize Amended Terminal Leave – DD $8,748.36
6. Authorize Participation with the NJ Cooperative Purchasing Alliance
7. Support of Historical Society Town-wide Garage Sale and Waive Fee
8. Appoint Crossing Guards – CZ & RC
9. Authorize Shared Service Agreement – Drug Recognition Expert Callout Program
10. Acceptance of Chief Zimmerman's Retirement Notification
11. Acceptance of Captain Soos Retirement Rescinding
12. Authorize Extension of SSA for CPWM Services January 1 – March 31, 2021 $5,500.00
13. Mayor's Council Requesting Support for Water Resources Development Act of 2020
14. Affirmation of Bd. of Health 2021 Services Contracts

8. ORDINANCE None Presented
9. PROCLAMATIONS Honoring Retirement of Karen Pavone - Library
10. PRESENTATIONS
11. MEETING OPEN TO THE PUBLIC
12. GENERAL BUSINESS
13. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn ____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – January 27, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member DAVID and seconded by Council Member FINISTRELLA

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Authorize Temporary Assistance for 2020 Finance Reconciliation
3. Emergency Repair – Lien 433 N. 15th St
4. Authorize Final Payment – 19 Kids Rec Trust – Tekcon Inc. $4,399.20
5. Authorize Amended Terminal Leave – DD $8,748.36
6. Authorize Participation with the NJ Cooperative Purchasing Alliance
7. Support of Historical Society Town-wide Garage Sale and Waive Fee
8. Appoint Crossing Guards – CZ & RC
9. Authorize Shared Service Agreement – Drug Recognition Expert Callout Program
10. Acceptance of Chief Zimmerman's Retirement Notification
11. Acceptance of Captain Soos Retirement Rescinding
12. Authorize Extension of SSA for CPWM Services January 1 – March 31, 2021 $5,500.00
13. Mayor's Council Requesting Support for Water Resources Development Act of 2020
14. Affirmation of Bd. of Health 2021 Services Contracts

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **JANUARY 27, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, the Kenilworth Chief Finance Officer has requested temporary assistance for the reconciliation of 2020 municipal records; and

WHEREAS, the Council is desirous of supporting this endeavor during this transitional period; not to exceed $10,000.00 ten-thousand dollars.

THEREFORE BE IT RESOLVED: that Kenilworth Tax Collector, Jill Goode, CMFO, be appointed to assist the Finance Officer in the reconciliation of the 2020 finance records for the Borough of Kenilworth at an hourly rate of $50.00 per hour.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Borough of Kenilworth has become aware of a dangerous condition existing at 433 North 15th Street, and

WHEREAS, the site is owned by BSI Financial Group due to a prior bankruptcy proceeding, and

WHEREAS, despite the efforts of the Borough including phone and written notices have not received the necessary cooperation of providing the emergency repairs,

NOW THEREFORE BE IT RESOLVED, by the Borough of Kenilworth

1. The Borough Engineer is directed to take all needed repairs at 433 N. 15th Street,

2. While the Borough will temporarily assume the cost for the repairs (as estimated by the Engineer) a lien for the repayment will be required.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____

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 Final Payment 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

TOTAL ORIGINALCONTRACT PRICE	$87,984.00
Change Order Amount	$0.00
Total Completed and stored to date:	$87,984.00
Total Earned less retainage	$87,984.00
Less Previous Payments	$83,584.80
Amount Due	**$4,399.20**

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: C-04-55-192-101
Union County 2019 Kids RecGrant

Kenneth P. Blum
TREASURER

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

Harbor Consultants, Inc.
Engineers, Planners & Surveyors
320 North Avenue East
Cranford, NJ 07016
Tel (908) 276-2715
Fax (908) 709-1738

January 21, 2021

Ms. Laura Reinertsen, Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

RE: Application for Payment No. 4 - Final
Recreation Building Renovations
Kenilworth, NJ

Dear Ms. Reinertsen:

Enclosed is Application for Payment No. 4, final payment, received from Tekcon Construction Inc. for work completed through November 30, 2020 on the above referenced project. Harbor Consultants, Inc. has reviewed this application and recommends payment in the amount of $4,399.20.

The current status of the contract is as follows:

Contract amount:	$87,984.00
Change orders amount:	$ 0.00
Contract sum to date:	$87,984.00
Total completed and stored to date:	$87,984.00
Less 5% retainage to date:	$ 0.00
Total Earned less retainage:	$87,984.00
Less previous payments:	$83,584.80
Amount due :	$ 4,399.20
Balance to finish including retainage:	$ 0.00

If you should have any questions please give us a call.

Very truly yours,

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.

RESOLUTION

No. 5 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, Derick DeFuria was discharged from service to the Borough of Kenilworth Public Works Department effective December 10, 2020; and

WHEREAS, Derick DeFuria was compensated for his accumulated Personal and Sick time by resolution at the Council Meeting of January 13, 2021; and

WHEREAS, Derick DeFuria is also entitled to Terminal Leave pursuant to Article 16 Section 1, which reads as follows:

ARTICLE 16 - TERMINAL LEAVE

Section 1 The Borough shall continue its policy which was instituted on January 1, 1979, that all employees retiring and qualifying for pensions under State law by reason of length of service or service connected disability shall receive time off with pay prior to the date of retirement in accordance with the following formula:

1.5 working days for each year of service if the employee retires with less than twenty-five (25) years of service and two (2) working days for each year of service if the employee retires with twenty-five (25) years of service or more.

Any employee hired on or after January 1, 2012, shall not be entitled to any pay under this Article.

Type		Daily Rate (8 hours x $38.37)			Total
Terminal Leave	19 years @ 1.5 days per year				
Days Due		28.5	x	$306.96	$8,748.36
Total Due					**$8,748.36**

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.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____

AUTHORIZING THE BOROUGH OF KENILWORTH TO ENTER INTO THE NEW JERSEY COOPERATIVE PURCHASING ALLIANCE

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 County of Bergen (hereinafter, the "Lead Agency"), has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance #CK04- a Cooperative Pricing System for the purchase of goods and services; and,

WHEREAS, on January 27, 2021 the Mayor and Council (hereinafter, the "Governing Body") of the Borough of Kenilworth (hereinafter, the "Borough"), County of Union, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

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

SECTION 1: TITLE.
The title of the forgoing Resolution shall be set forth and known as: "Authorizing the Borough of Kenilworth to Enter into the New Jersey Cooperative Purchasing Alliance."

SECTION 2: AUTHORITY.
Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Qualified Purchasing Agent is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

SECTION 3: CONTRACTING UNIT.
The Lead Agency 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.

SECTION 4: EFFECTIVE DATE.
This Resolution shall take effect immediately upon passage.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Mayor and Council continue to be committed to preserving and promoting the history of Kenilworth which is highlighted by the 19th century Oswald Nitschke home and the stewardship of the Kenilworth Historical Society; and

WHEREAS, the Mayor and Council authorize and support the annual Town Wide Garage Sale, organized and promoted by the Kenilworth Historical Society waiving any borough fees.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough Kenilworth commend the Kenilworth Historical Society the preservation of the history of the Borough of Kenilworth.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes _		✓	No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED that **CHARLES ZIGNAUSKAS,** 111 North 23rd Street, Kenilworth appointed **as a Permanent Full-time Crossing Guard**, effective **February 1, 2021** at a rate of $18.58

BE IT FURTHER RESOLVED that **ROMEO CAPRA**, 406 North 16th Street, Kenilworth, NJ be appointed as an **Alternate Crossing Guard**, effective February 1, 2021 at a rate of $18.58.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 KENILWORTH, N.J. January 27, 2021

Introduced by: _____

Seconded by: _____

A RESOLUTION OF THE BOROUGH OF KENILWORTH , COUNTY OF UNION STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF UNION FOR THE FY 2020/2021 PROSECUTOR'S PROGRAM "DRUG RECOGNITION EXPERT CALLOUT PROGRAM" (DRECP) PURSUANT TO N.J.S.A. 40:8A-1 ET SEQ

WHEREAS, the County of Union has applied for and received a grant in the amount of $56,625.00 from the NJ Division of Highway Traffic Safety for its 2020-2021 "Drug Recognition Expert Callout Program" (DRECP); and

WHEREAS, the Borough of Kenilworth wishes to enter into a shared services agreement with the County of Union, pursuant to N.J.S.A. 40:8A1 et seq., for the "Drug Recognition Expert Callout Program" (DRECP), a traffic safety program for the purpose of utilizing a DRE callout Program to assist with identifying and removing Intoxicated drivers from the roadway; and

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

1. The Mayor and Clerk of the are hereby authorized and directed to enter into and execute a Shared Services Agreement with the County of Union and the Union County Board of Chosen Freeholders for the traffic safety program known as the "Drug Recognition Expert Callout Program" (DRECP)

2. A copy of that agreement is on file and available for public inspection at the Borough Clerk's Office during regular business hours.

3. This resolution shall take effect immediately upon passage.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

Memorandum of Agreement

For

Drug Recognition Expert Callout Program

This **MEMORANUM OF AGREEMENT** (hereinafter referred to as this "Agreement"), is entered into this _____ day of _____, 2020, by and between the **COUNTY OF UNION**, a Body Politic of the State of New Jersey, having its offices located at Union County Administration Building, 10 Elizabethtown Plaza, Elizabeth, New Jersey, 07207 (hereinafter referred to as the "County"), and the **Borough of Kenilworth,** a municipal corporation of the State of New Jersey, having its offices located at **567 Boulevard, Kenilworth NJ 07033** (hereinafter referred to as the "Municipality ").

WHEREAS, pursuant to Resolution No. **2020-722**, the Union County Board of Chosen Freeholders authorized the County Manager to apply for, accept, and expend the New Jersey Division of Highway Traffic Safety (hereinafter referred to as the "NJDHTS") Drug Recognition Expert Callout Grant Program to assist law enforcement agencies in reducing drug-related crashes, injuries, and fatalities in an amount of $56,625.00 for the grant period of October 1, 2020 through September 30, 2021 (hereinafter referred to as the "Program");

WHEREAS, this Agreement shall memorial the expression of intent among the County and the Municipality to cooperate with each other in implementing and operating a callout procedure for certified Drug Recognition Experts to respond to and conduct evaluations when drug use is suspected during a motor vehicle stop. The participants recognize that such cooperation assists in enabling communities to reduce the number of injuries and fatalities associated with drugged driving on County roadways; and

WHEREAS, the NJDHTS has issued a grant to the County to administrate and provide call out through the Union County Police Department's Dispatch Center for participating municipal police department's Drug Recognition Experts (hereinafter referred to as "DRE"). Pursuant to the grant, the County will receive funds for administration costs. The grant provides overtime costs for DRE's callouts, as well as court appearances related to expert testimony. Funding is also provided for equipment purchases and training related to the DRE program; and

WHEREAS, the County and the Municipality have determined it to be in their mutual interest for the Municipality to designate certain DREs to be assigned to the Program; and

WHEREAS, the Municipality wishes to enter into this Agreement with the County for the purpose of setting forth the terms and conditions regarding the assignment of DREs employed by the Municipality to the Program; and

NOW THEREFORE, in consideration of the foregoing and the mutual promises in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. RESPONSIBILITIES OF MUNICIPALITY. The Municipality agrees that it shall have the following responsibilities during the term of this Agreement:

- The Municipality shall provide department in-service training to those officers assigned to the Program.
- The Municipality shall be responsible for conducting all weapons qualifications for those officers assigned to the Program.
- The Municipality shall submit all written documentation of its costs and/or expenses as requested by the County and support its request for reimbursement.

2. RESPONSIBILITIES OF COUNTY. The County agrees that it shall have the following responsibilities during the term of this Agreement:

- The County will forward to the Municipality a schedule of any training attended by or instructed by the officers assigned to the Program.
- The County shall provide the Municipal Police Department with information on current Program activities within the Municipality during scheduled briefings or callouts to other municipalities.

3. COMPENSATION. The County shall pay the officer's Municipality at the rate of sixty ($60.00) dollars per hour for their performance hereunder. It is the responsibility of the individual officer's Municipality to pay any additional salary over this hourly rate, as well as all income tax and/or other taxes required to be paid from their salary received pursuant to this Agreement.

4. TERM. This Agreement shall be in effect as of October 1, 2020 and shall continue through September 30, 2021.

5. INDEPENDENT CONTRACTOR STATUS. The DREs and the Municipality, and its employees, vendors, subcontractors, agents and representatives are, for all purposes arising out of this Agreement, independent contractors and not employees of the County. It is expressly understood and agreed that the Municipality and its employees, vendors, subcontractors, agents and representatives shall in no event, as a result of this Agreement, be entitled to any benefit to which County employees are entitled, including but not limited to, overtime, retirement benefits, worker's compensation benefits and injury leave or other leave benefits.

6. VIOLATIONS OF RULES AND REGULATIONS. The Municipality shall assume responsibility for the actions of the officers during the period of their service in the Program. Any disciplinary action for the violation of the rules and regulations of the Program shall be conducted by the Program's state coordinator and/or the New Jersey State Police. In its sole discretion, the coordinator or State Police shall investigate any alleged violations of public trust. The investigative entity shall file a written report of any alleged violations with the Chief of Police of the Municipal Police Department, along with a report of the investigation and any conclusions reached.

7. PROGRAM BUDGET. A breakdown of the Program items and associated costs approved by the County and the NJDHTS pursuant to this Agreement are listed below:

Salaries and Wages	$5,500.00
Travel	$3,000.00
Enforcement/Education Details	$42,625.00
Contractual Services	$4,000.00
Other Direct Costs	$1,500.00
TOTAL	**$56,625.00**

8. INDEMNIFICATION. To the extent permitted by law, the Municipality hereby agrees to indemnify, save, defend, and hold harmless the County, its Board of Chosen Freeholders, officers, agents, employees, contractors, and servants and each and every one of them, against and from all suits, claims, and costs of every kind and description and from all damages to which the County or any of its officers, agents, employees, contractors or servants may be put by reason of injury to person or property resulting from the negligence or through any negligent act or omission of the Municipality or any of its elected officials, officers, agents, employees, contractors or servants in the performance of the Municipality's responsibilities under this Agreement.

9. ASSIGNABILITY. The Municipality shall not assign or transfer any of the work or services to be performed hereunder or any other interest in this Agreement without the prior written approval of the County.

10. TERMINATION. Either party may terminate this Agreement at any time upon giving at least thirty (30) days' written notice to the other party unless the parties mutually agree in writing to a shorter time period.

11. BINDING EFFECT. This Agreement has been duly entered into and constitutes a legal, valid and binding obligation of the County and the Municipality, enforceable in accordance with its terms, and it shall inure to the benefit of the parties hereto and their successors and assigns. Further, the parties hereto represent and warrant that:

- They are fully authorized to enter into this Agreement;
- They have taken all necessary and internal legal actions to duly approve the making and performance of this Agreement and that no further or other internal approval is necessary; and
- The making and performance of this Agreement will not violate any provisions of law or of their respective articles of incorporation, charter, code or bylaws.

12. COUNTERPARTS. This Agreement may be signed in counterparts by the Parties, all of which when taken together shall constitute an original version of one and the same document. Each facsimile and/or electronic signature of a party shall have the same legal and binding effect as an original signature.

13. ENTIRE AGREEMENT. This Agreement contains the entire Agreement between the parties and no modification hereof shall be effective unless in writing, signed by the party to be charged therewith. This Agreement shall supersede any other understanding or correspondence that may have been exchanged between the parties on the subject matter hereof.

IN WITNESS WHEREOF, the parties hereto have, either individually or by their duly authorized representative, set their hands and seals the day and year first above written.

ATTEST:

JAMES E. PELLETTIERE, CLERK
Board of Chosen Freeholders

COUNTY OF UNION

By: _____
EDWARD T. OATMAN
County Manager

APPROVED AS TO FORM

BRUCE H. BERGEN, ESQ.
County Counsel

ATTEST:

Laura Reinertsen
Administrator / Borough Clerk

BOROUGH OF KENILWORTH

Linda Karlovitch
Mayor

APPROVED AS TO FORM

Frank Capece
Borough Attorney

RESOLUTION

No. 10 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, John Zimmerman has been an employee of the Borough of Kenilworth since February 1, 1990; and

WHEREAS, John Zimmerman presently holds the position of Police Chief of the Kenilworth Police Department; and

WHEREAS, by letter dated January 21, 2021, John Zimmerman expressed to the Borough his intention to retire from his position as Police Chief, said retirement to be effective March 1, 2021; and

WHEREAS, the Borough's CFO has will review the employee's records and request for terminal leave, and confirm the employee's terminal leave date of March 1, 2021;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Kenilworth, County of Union, State of New Jersey, that it hereby accepts the retirement of Police Chief John Zimmerman, effective March 1, 2021 with a terminal leave date of March 1, 2021.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to the Mayor, Borough CFO, and Police Chief John Zimmerman.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 11 **KENILWORTH, N.J.** **JANUARY 27, 2021**

Introduced by:

Seconded by:

WHEREAS, Captain Frederick J. Soos, Jr, has reconsidered his intention to retire effective February 1, 2021 and wishes to rescind is superannuation from the Kenilworth Police Department; and

WHEREAS, the Borough Council deems it is in the best interest of the Borough of Kenilworth for Captain Soos to return to the Kenilworth Police Department.

THEREFORE, BE IT RESOLVED: that the Borough Council accepts Captain Soos return to the Kenilworth Police Department and nullifies the original retirement request, effective immediately.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Ladauti			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

ADDENDUM TO SHARED SERVICES AGREEMENT

On this date _____, it is agreed by and among the Borough of Kenilworth ("Kenilworth") and County of Union ("County"), as follows:

1. The Parties' Shared Services Agreement for the provision of Certified Public Works Manager services by the County to Kenilworth ("Agreement"), is amended at Section II "Term", which Section shall be replaced in its entirety as follows:

   "This Agreement shall commence on January 1, 2021 and terminate on March 31, 2021."

2. The Agreement is further amended at Section III "Compensation", Subsection A, which subsection shall be replaced in its entirety as follows:

   "A. In consideration for the services to be provided by the County Employee, Kenilworth agrees to pay a flat fee amount not to exceed $5,500.00 for the term specified in Section II above, of which an amount not to exceed $4,950.00 will be utilized by the County for services rendered to Kenilworth and the remaining amount not to exceed $550.00, shall be utilized by the County as an administrative fee."

3. No other modifications to the terms of the Agreement, as previously amended, are authorized by this Addendum, other than those set forth in paragraphs 1 and 2 above. All other terms of the Agreement shall remain in full force and effect.

4. This Addendum shall become effective only upon execution by all parties hereto. It is understood, however, that the Agreement and this Addendum may be executed in counterparts, each of which shall be deemed an original, but all of which, when taken together, shall constitute one and the same Agreement and Addendum.

RESOLUTION

No. 12 KENILWORTH, N.J. January 27, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Borough of Kenilworth("Borough") and the County of Union ("County") entered into a Shared Services Agreement to ensure uninterrupted services provided by the Borough's Public Works Department based on the Borough's need for Certified Public Works Manger; and

WHEREAS, the County has been providing Certified Public Manger services in accordance with the executed agreement effective November 2, 2020 through December 31, 2020; and

WHEREAS, it is the recommendation of the Public Works Committee to continue the services for an additional three (3) months.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Borough Administrator are authorized to, execute a Shared Services Agreement Addendum, substantially the same form as is attached, with the County of Union, effective January 1, 2021 through March 31, 2021 for a flat fee of $5,500.00.

BE IT FURTHER RESOLVED, that this Resolution shall take effect upon certification on this Resolution by the Borough Chief Financial Officer that sufficient funds are available for stated purpose.

CERTIFICATION OF FUNDS
APPROPRIATION:
1-01-26-765-116
Kenneth P. Blum Jr.
CFO/TREASURER

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 13 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____

MAYORS COUNCIL ON RAHWAY RIVER SUPPORT WATER RESOURCES DEVELOPMENT ACT OF 2020

WHEREAS, the Borough of Kenilworth community has been and continues to be significantly affected by potential flooding along the Rahway River, including millions of dollars in property and other damage, increased flood insurance costs, and disruptions to the community; and

WHEREAS, the Mayors Council on Rahway River Flood Control ("Mayors Council") has been formed among Rahway River communities to work on long-term solutions to flooding within the Rahway River watershed; and

WHEREAS, the Federal Water Resources Development Act of 2020 (WRDA 2020) was reauthorized and enacted into law on December 27, 2020. Critically, the measure includes a provision to compel the US Army Corps to work with local communities on a new plan that can meet muster with federal requirements. Specifically, the bill requires the U.S. Army Corps of Engineers (USACE) to expedite the completion of the Chief's Report, and upon completion of the report, to proceed immediately to preconstruction, engineering and project design to fix the problem; and

WHEREAS, the Borough of Kenilworth supports the Water Resources Development Act of 2020 (WRDA 2020) and requests of New Jersey support this critical next stage in the project, by making this a priority under the leadership of a new DEP Commissioner, to put a plan in place; and

WHEREAS, for many years the professional staff at NJDEP have worked in a productive manner during earlier phases of work on the project – including in the development of a Tentatively Selected Plan that was approved by U.S. Army Corp. of Engineers "USACE" New York District, it was extremely disappointing that at a critical juncture in 2019 – when USACE HQ acted to end the project – NJDEP leadership did not push back forcefully despite our local communities pleading for help Upstream Storage Plan requires study by the New Jersey Department of Environmental Protection and the U.S. Army Corp. of Engineers (USACE).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth that the Council hereby requests that the New Jersey Department of Environmental Protection support this critical next stage in the project, by making this a priority under the leadership of a new DEP Commissioner, to put a plan in place; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent under cover letter from the Mayor urging the New Jersey Department of Environmental Protection (NJDEP) to work proactively and constructively with us to develop a solution to the challenge of regional flood control. , with copies to all of the affected Rahway River communities.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 14 **KENILWORTH, N.J.** **January 27, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Kenilworth Board of Health authorized by resolutions at their regularly scheduled meeting of January 21, 2021 the following 2021 Contracts; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that the Mayor and Council pass a resolution authorizing the award of contracts.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council acknowledge and affirm the following:

Kenilworth Board of Health

575 Boulevard
Kenilworth, NJ 07033

RESOLUTION - JANUARY 21, 2021

Introduced by: Randy Moscaritolo, President

BE IT HEREBY RESOLVED, to approve the 2021 Holy Redeemer Nurses Main Contract. Full execution of said contract subject to approval by Mayor and Borough Counci.

Introduced by: Randy Moscaritolo, President

BE IT HEREBY RESOLVED, to approve the 2021 Holy Redeemer Health Educator Contract Full execution of said contract subject to approval by Mayor and Borough Counci.

Introduced by: Randy Moscaritolo, President

BE IT HEREBY RESOLVED, to approve payment for Board of Health members meeting attendance year of 2020. The sum of $2.00 per meeting.
Full execution of said matter subject to approval by Mayor and Borough Council.

Introduced by: Randy Moscaritolo, President

BE IT HEREBY RESOLVED, that the Board of Health of the Borough of Kenilworth approve the 2021 Health Officer supervision contract with the the Township of Union Board of Health. Full execution of said matter subject to approval by Mayor and Borough Council.
Introduced by: Randy Moscaritolo, President

BE IT HEREBY RESOLVED, that the Board of Health of the Borough of Kenilworth approve the 2021 Animal Control Service Contract with the Township of Union Board of Health. Full execution of said matter subject to approval by Mayor and Borough Council.

Introduced by: Randy Moscaritolo, President

BE IT HEREBY RESOLVED, that the Board of Health of the Borough of Kenilworth approves the appoiintment of Karen Kizelevich as Registrar of Vital Statistics for the Year 2021.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 27, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **FEBRUARY 10, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Work/Executive Session and Council Meeting of Jan. 27, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - Comcast 2020 Municipal Rights-of-way fee
   - Department reports for January 2021 from: Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda:
   1. That all bills be paid when properly audited and funds are available
   2. Authorize Retirement Buyout Leave – Chief Zimmerman
   3. Appoint KDP Police Officer - FC
   4. Appoint Alternat Crossing Guard – JS
   5. Accept Redevelopment Study and Designate An Area In Need of Redevelopment

8. ORDINANCE None presented
9. OATH OF OFFICE KPD Officer Frank Crisafulli
10. PROCLAMATIONS February is Black History Month
11. PRESENTATIONS
12. MEETING OPEN TO THE PUBLIC
13. GENERAL BUSINESS
14. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – February 10, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member David and seconded by Council Member Laudati.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Authorize Retirement Buyout Leave – Chief Zimmerman
3. Appoint KDP Police Officer - FC
4. Appoint Alternat Crossing Guard – JS
5. ~~Accept Redevelopment Study and Designate An Area In Need of Redevelopment~~

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at February 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **February 10, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No ___			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on February 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **February 10, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, Police Chief John Zimmerman has notified the Borough of Kenilworth of his intention to retire effective March 1, 2021; and

WHEREAS, Chief Zimmerman is entitled to Terminal Leave pay as per his contract, as follows;

Type	# of days	Rate	Total
Terminal Leave 31 Years x 2 days =	62	$654.93	$40,605.66
2021 Personal/Holiday *prorated 1*	2.17	$654.93	$1,421.20
2022 Vacation Days	25	$654.93	$16,373.25
2021 Vacation Days	25	$654.93	$16,373.25
2020 Unused Sick Time	5	$654.93	$3,274.65
	119.17		***$78,048.01***

WHEREAS, the Kenilworth Police Chief has certified that number of days and amounts due are correct; and

WHEREAS, the Borough's Labor Attorney, has reviewed the conditions above and has certified that the amounts due are consistent with the local PBA contract; and

WHEREAS, Chief Zimmerman has requested to receive this payment in two equal installments with the first payment being due March 1, 2021 and the second and final payment being due by January 1,2022.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth that the Payroll Department is authorized to make payments as indicated above based on a final calculation upon his retirement.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on February 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 KENILWORTH, N.J. February 10, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, that Public Safety Committee and Police Chief met to discuss the transfer of an officer to fill a vacancy in the Kenilworth Police Department; and

WHEREAS, that at the regular meeting of the Kenilworth Council of January 13, 2021, approval was unanimously granted to hire a police officer who is already appointed permanently as a police officer in the East Orange Police Department and is willing to transfer to the Borough of Kenilworth

NOW THEREFORE, BE IT RESOLVED, that Frank Crisafulli of Kenilworth, NJ be and is hereby appointed as Police Officer in the Kenilworth Police Department, effective February 15, 2021 and subject to a one-year probationary period; and

BE IT FURTHER RESOLVED, that Frank Crisafulli shall start at the 2nd Year of the Borough's Collective Bargaining Agreement with PBA Local #135 salary guide for Officers ($52,419.50); and

BE IT FURTHER RESOLVED, that the hiring of said officer is subject to the terms and conditions of the Borough's Collective Bargaining Agreement with PBA Local #135 and any memorandums of understanding thereunder; and

BE IT FURTHER RESOLVED, that this offer of employment is contingent upon successful psychological exam/evaluation, medical exam, and criminal and background investigation.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						
Councilman Mark David						
Councilman Joseph Finistrella						
Councilman Gerry Laudati						
Councilman Scott Pentz						
Councilman Fred Pugliese						
ON CONSENT AGENDA	Yes _		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on February 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **February 10, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

BE IT HEREBY RESOLVED that **JOHN SUTHERLAND, 223 North 15th Street, Kenilworth** be appointed **an Alternate Crossing Guard** effective **February 10, 2021** a rate of $18.58.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on February 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **February 10, 2021**

Introduced by: DAVID

Seconded by: CECERI

WHEREAS, the New Jersey Local Redevelopment and Housing Law ("LRHL"), NJSA 40A:12A-1 et seq. authorizes municipalities to determine whether certain parcels of land within the municipality constitute "an area in need of redevelopment" as described in Section 5 of the LRHL; and

WHEREAS, to determine whether a certain parcel of land constitutes "an area in need of redevelopment", the Borough Council of the Borough of Kenilworth ("Council") by way of Resolution #8 , dated February 26, 2020, authorized and directed the Kenilworth Planning Board ("Board") to conduct a preliminary investigation to determine whether the area identified as Block 183, Lot 9 as shown on the Tax Map of the Borough of Kenilworth consisting approximately of 3.79 acres, commonly known as 15 North 26th Street property, meets the criteria as set forth in Section 5 of the LRHL and should be designated as a "non-condemnation are in need of redevelopment"; and

WHEREAS, on December 10, 2021 the Planning Board unanimously endorsed a Resolution of Memorialization, "***Recommendation Determining that Block 183, Lot 9, is a Non-Condemnation Area In Need of Development, and Approving the Preliminary Investigation Study With a Recommendation to the Borough Council to Proceed with the Determination of the Need of Redevelopment and to Authorize the Redevelopment Plan, Preparation and Adoption***", and directed Kevin O'Brien, PP, AICP of Shamrock Enterprises, Ltd. to perform a preliminary investigation as to whether the Study Area, or any portion thereof, constitutes an "area in need of redevelopment" in accordance with LRHL; and

WHEREAS, the LRHL requires the Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as "an area in need of redevelopment" at which hearing the Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

WHEREAS, the LRHL requires that the Board, prior to conducting such public hearing, publish notice in a newspaper of general circulation in the Borough once each week for two (2) consecutive weeks, with the last publication made not less than ten (10) days prior to such public hearing; and

WHEREAS, the LRHL further requires that such notice be mailed at least ten (10) days prior to such public hearing to the last owner(s) of the relevant properties in accordance with the Borough's assessment records; and

WHEREAS, the Board held a public hearing ("Public Hearing") to determine whether the Study Area is a "non-condemnation area in need of redevelopment" under the criteria set forth in Section 5 of the LRHL at a regular meeting of the Board held December 10, 2020; and

WHEREAS, notice of the Public Hearing was provided in the official Borough newspaper on two (2) consecutive weeks, the last being not less than ten (10) days before the Public Hearing; and

WHEREAS, the Board also provided notice to property owners in the Study Area; and

WHEREAS, at the Public Hearing Kevin O'Brien, PP, AICP of Shamrock Enterprises, Ltd presented a report dated December 10, 2021 entitled "Planning Report Concerning the Determination of the

Proposed Block 183, Lot 9 Study Area, (Commonly Known as 15 North 26th Street, Kenilworth, NJ 07033) As A Non-Condemnation Area in Need of Redevelopment"; and

WHEREAS, at the Public Hearing, the Board reviewed the Report, heard the testimony of Mr. O'Brien, as well as testimony of members of the public who were given an opportunity to testify and ask questions of the Board and Mr. O'Brien; and

WHEREAS, after the conclusion of the Public Hearing, and the in consideration of the Report and the substantial and credible testimony presented, the Board, on December 10, 2020, determined that the Study Area be designated as "an area in need of redevelopment", which determination was memorialized by Resolution of the Board on December 17, 2020; and

WHEREAS, the Borough Council agrees with the recommendation of the Board that the Study Area be designated as "an area in need of redevelopment" pursuant to the LRHL; and

WHEREAS, the Borough Council now desires to authorize and direct the Mount Laurel Subcommittee also known as the Affordable Housing Committee (established by resolution 2017-17 on January 25, 2017) to cause a redevelopment plan to be prepared for the Study Area and to present same to Borough Council for its consideration.

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

1. The Borough Council does hereby designated Block 183, Lot 9 as shown on the Tax Map of the Borough of Kenilworth consisting of approximately 3.79 acres, as "an area in need of redevelopment" (the "Determination") pursuant to the LRHL
2. The Determination shall authorize the Borough o Kenilworth to use all of the powers provided by the Legislature for use in a redevelopment area excluding the use of eminent domain, thus designating it a "Non-Condemnation Redevelopment Area"
3. The Borough Clerk is hereby directed to transmit a certified copy of this Resolution by regular and certified mail to the Commissioner of the Department of Community Affairs ("Commissioner") for review. The Determination of the Study Area as a "non-condemnation area in need of redevelopment" shall not take effect without first receiving the review and approval of the Commissioner. If the Commissioner does not issue an approval within thirty (30) calendar days of transmittal, the Determination shall be deemed to be approved
4. Notice of the Determination ("Notice") shall be served within ten (10) days of the Determination, upon all record owners of property located within the delineated area, those whose names are listed on the tax assessor's records and upon each person who filed a written objection thereto and stated, ion or upon the written submission , an address to which the notice of Determination may be sent
5. A property owner who received notice of Determination as set forth above who does not file a legal challenge to the Determination affecting his or her property within forty-five (45) days of receipt of such notice shall thereafter be barred from filing a challenge.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		x	x			
Councilman Mark David	x		x			
Councilman Joseph Finistrella				x		
Councilman Gerry Laudati			x			
Councilman Scott Pentz				x		
Councilman Fred Pugliese				x		
Mayor Linda Karlovitch			x			
ON CONSENT AGENDA	Yes _			No _x		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on February 10, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **FEBRUARY 24, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Council Meeting of Jan. 24, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda:
   1. That all bills be paid when properly audited and funds are available
   2. Participation with UC LEAP Grant Submittal

8. ORDINANCE — Ordinance 2021-01 – Stormwater Control
9. PROCLAMATIONS — Retirement of Chief John Zimmerman
10. PRESENTATIONS — Certificate of Excellence – Sarah Kossor
11. MEETING OPEN TO THE PUBLIC
12. GENERAL BUSINESS
13. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – February 24, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member Laudati and seconded by Council Member Ceceri.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Participation with UC LEAP grant submittal
3. ~~18th Street Drainage Improvements – Messercola Excavating $83,000.00~~ pulled

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman \Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at February 24, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **February 24, 2021**

Introduced by: Consent agenda

Seconded by: Consent agenda

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.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on February 24, 2021.

Laura Reinertsen
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **February 24, 2021**

Introduced by: Laudati

Seconded by: Consent agenda & Ceceri

PARTICIPANT'S RESOLUTION - LEAP CHALLENGE GRANT

WHEREAS, the State of New Jersey has allocated $150,000 within each county for a statewide total of $3.15 million in Local Efficiency Achievement Program (LEAP) funds to promote innovation among peer local units across New Jersey, and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) administers the LEAP grant program; and

WHEREAS, the LEAP Challenge Grant exists to challenge municipalities and counties to collaborate on more extensive partnership and collaborations to produce efficiencies through shared services; and

WHEREAS, the County of Union and the Borough of Fanwood, Borough of Garwood, Borough of Kenilworth, and Borough of Roselle have determined to apply for a LEAP Challenge Grant through the State of New Jersey Local Efficiency Achievement Program in the amount of $150,000.00; and

WHEREAS, the County of Union has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made LEAP grants available to assist local units to study, develop and implement new shared services initiatives; and

WHEREAS, the purpose of the project submitted in this grant application is intended to provide benefits to the participant local units' residents through the sharing of a Regional Emergency Services Dispatch Center offering public safety answering, dispatch, and associated computer aided dispatch support for fire, rescue, EMS, and police.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kenilworth, that the Borough of Kenilworth does hereby join with the County of Union in applying for a LEAP challenge grant to support undertaking this endeavor.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on February 24, 2021.

Laura Reinertsen

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **February 24, 2021**

Introduced by: Ladauti

Seconded by: Ceceri

BE IT HEREBY RESOLVED that the ordinance #2021-01 entitled:

An Ordinance Of The Borough Of Kenilworth Amending Chapter 120 Land Use, Part 4 Stormwater Control, Article 34 Stormwater Control Standards Of The Code Of The Borough Of Kenilworth.

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 March24, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on February 24, 2021.

Laura Reinertsen

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **MARCH 1, 2021**

BOROUGH OF KENILWORTH

The Borough of Kenilworth Council will be convening for a Special Meeting on Monday, March 1, 2021 at 6:30pm in Borough Hall, 567 Boulevard, Kenilworth, NJ 07033. The purpose of this Special Meeting is for the recommendation and appointment of the Kenilworth Police Chief and any other matters as deemed necessary.

1. OPEN PUBLIC MEETINGS NOTICE – Adequate Notice has been provided in accordance with NJSA 10:4-8
2. SALUTE TO THE FLAG
3. ROLL CALL
4. BOROUGH RESOLUTION Appointment of Police Chief

   Frederick Soos
5. MEETING OPEN TO THE PUBLIC
6. GENERAL BUSINESS
7. ADJOURNMENT Time _____

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

RESOLUTION

No. 1 **KENILWORTH, N.J.** **MARCH 16, 2021**

Introduced by: DAVID

Seconded by: CECERI

WHEREAS, the Borough of Kenilworth, County of Union, State of New Jersey finds it both necessary and appropriate to promote certain police officers serving with the Kenilworth Police Department in accordance with Borough Code Chapter 39-9

WHEREAS, the Public Safety Committee and the Police Chief conducted interviews of all interested candidates.

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

GLEN SANDULL to serve as ***Sergeant with the Borough of Kenilworth Police Department***

ROBERT COX to serve as ***Lieutenant with the Borough of Kenilworth Police Department***

DANIEL SIMS to serve as ***Captain with the Borough of Kenilworth Police Department***

at the pay scale and in accordance with the Bargaining Agreement and the Rules and Regulations of the Kenilworth Police Department, effective **March 17, 2021**.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No ✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 16, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **MARCH 10, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Work Session and Council Meeting of Feb. 24, 2021 and Special Meeting of March 1, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - UC Improvement Authority – 2021 Meeting Schedule
   - KFD – LOSAP Certification
   - Chamber of Commerce – 31st Annual Mayor's Celebration 4/22/21
   - Churchill Consulting Engineer – NJ Turnpike Authority Maintenance / Repair Activities
   - Tree Removal Application – 42 N. 21st Street
   - Department reports for February 2021 from: Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda:

   1. That all bills be paid when properly audited and funds are available
   2. Refund Overpayment of Taxes 1st Qtr
   3. Authorize Final Payment – Sanitary Manhole Repairs Market Street – Messercola $14,900.00
   4. Authorize 2021 Bank Borough Signatories
   5. Authorize Petty Cash Custodians for 2021
   6. Authorize Participation with National Coop Sourcewell – GovDeals
   7. Authorize 2021 UC Infrastructure Grant Applications
   8. Authorize Ratification of PD Chief Contract
   9. Appoint Crossing guards – MM GM
   10. KPD Chief's Certification for KFD LOSAP
   11. Appoint DPW Lead Foreman – DL
   12. Authorize Gas Boy stipend – KS
   13. Appoint Personnel to the DPW – JF, MJ, FC
8. ORDINANCE None presented
9. PROCLAMATIONS Women's History Month
10. PRESENTATIONS
11. MEETING OPEN TO THE PUBLIC
12. GENERAL BUSINESS
13. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – March 10, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member LAUDATI and seconded by Council Member CECERI.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Refund Overpayment of Taxes 1st Qtr
3. Authorize Final Payment – Sanitary Manhole Repairs Market Street – Messercola $14,900.00
4. Authorize 2021 Bank Borough Signatories
5. Authorize Petty Cash Custodians for 2021
6. Authorize Participation with National Coop Sourcewell – GovDeals
7. Authorize 2021 UC Infrastructure Grant Applications
8. Authorize Ratification of PD Chief Contract
9. Appoint Crossing guards – MM GM
10. KPD Chief's Certification for KFD LOSAP
11. Appoint DPW Lead Foreman – DL
12. Authorize Gas Boy stipend – KS
13. Appoint Personnel to the DPW – JF, MJ, FC

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		/	/			
Councilman \Mark David			/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz						/
Councilman Fred Pugliese			/			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at March 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **MARCH 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

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.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **MARCH 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS: Duplicate tax payments were made for the 1st Q quarter of 2021 for the following properties located in Kenilworth, NJ, and;

WHEREAS, this resulted in the overpayment of taxes for the 1st quarter of 2021, and;

NOW, THERFORE BE IT RESOLVED that the Treasurer, after proper notation on the tax account records by the Collector of Taxes, be and is hereby authorized to issue a warrant as follows.

Refund:

Corelogic Tax Services, Attn: Centralized Refunds, P.O.Box 9202, Coppell, TX 75019

B 147 L 32	221 Faitoute Avenue	$ 2,522.29
B 170 L 13	360 Maplewood Avenue	$ 2,535.10

Wells Fargo, Attn: Refunds/Financial Support, P.O.Box 14506, Des Moines, IA 50328

B 77 L 14	52 No. 13th Street	$ 2,344.23
B 148 L 15	614 Bloomingdale Avenue	$ 2,098.28
B 158 L 2	268 So. Michigan Avenue	$ 2,164.89

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		/	/			
Councilman Mark David			/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz						/
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **March 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

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 1at and Final Payment 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: Sanitary Manhole Repairs – Market Street
CONTRACTOR: Messercola Excavating Co., Inc.
549 E. 3rd Street
Plainfield, NJ 07060

Payment #2

TOTAL ORIGINALCONTRACT PRICE	$14,900.00
Change Order Amount	$0.00
Contract Sum to date:	$14,900.00
Total Completed and Stored to Date	$14,900.00
Less previous payment	$0.00
Amount Due	**$14,900.00**

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:
C-04-55-189-110
Kenneth P. Blumfe

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on March 10, 2021.

Laura Reinertsen, Borough Clerk

Harbor Consultants, Inc.
Engineers, Planners & Surveyors
320 North Avenue East
Cranford, NJ 07016
Tel (908) 276-2715
Fax (908) 709-1738

February 19, 2021

Ms. Laura Reinertsen, Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

RE: Sanitary Manhole Repairs
Market Street
Kenilworth, NJ

Dear Ms. Reinertsen:

Enclosed is Application for Payment No. 1 and final payment received from Messrecola Excavating Co. Inc. for work completed for the repair of two sanitary manholes on Market Street. Harbor Consultants, Inc. has reviewed this application and recommends payment in the amount of **$14,900.00**.

The current status of the contract is as follows:

Contract amount:	$14,900.00
Change orders amount:	$ 0.00
Contract sum to date:	$14,900.00
Total completed and stored to date:	$14,900.00
Less 10% retainage to date:	$ 0.00
Total Earned less retainage:	$ 0.00
Less previous payments:	$ 0.00
Amount due :	$14,900.00
Balance to finish including retainage:	$ 0.00

If you should have any questions please give us a call.

Very truly yours,

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.

RESOLUTION

No. 4 KENILWORTH, N.J. MARCH 10, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

BE IT HEREBY RESOLVED that the official signers for the Borough of Kenilworth for banking purposes for 2021 are: Mayor Linda Karlovitch, Finance Officer Kenneth Blum, Jr. , Assistant Finance Officer Lisa Wood, Assistant Treasurer Justyna Zagorska and Administrator/Borough Clerk Laura Reinertsen.

BE IT FURTHER RESOLVED that the official signers for the Borough of Kenilworth Police Department account at PNC Bank, National Association for banking purposes are: Finance Officer, Assistant Finance Officer Lisa Wood, and Police Chief Frederick Soos, Jr.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **MARCH 10, 2021**

Introduced by: _____

Seconded by: _____
CONSENT AGENDA

WHEREAS, the approval of the Petty Cash funds listed below has been given by the Division of Local Government Services, and

WHEREAS, these funds for 2020 have been returned to the Finance Officer according to R.S. 40A5-21;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Kenilworth that the Treasurer be authorized to draw and deliver said warrants to the following Petty Cash Custodians for the year 2021:

Police Department	Total Fund
Fred Soos, Jr., Police Chief	$150.00
Tax & Finance	
Lisa Woods Tax & Finance	$100.00

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 KENILWORTH, N.J. MARCH 10, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

RESOLUTION TO PARTICIPATE UNDER A NATIONAL COOPERATIVE PURCHASING AGREEMENT, CONTRACT NUMBER R190601, GOVDEALS, INC. - *AUCTIONEER SERVICES AND RELATED PRODUCTS*

Whereas, the Borough is permitted to join national cooperative purchasing agreements under the authority of N.J.S.A. 52:34-6.2(b)(3) under the guidelines set forth in New Jersey Local Finance Notice 2012-10; and

Whereas, Sourcewell, a public entity whose creation was authorized by Minn. Stat. § 123A.21, has followed procurement procedures for products and services offered by this Agreement in accordance with Minn. Stat. § 471.345; and

Whereas, the Borough of Kenilworth, membership #28058, intends to participate in the Sourcewell National Cooperative Purchasing Program contract for the Auctioneer Services and Related Products, contract #R190601 (Feb.1, 2020 – Jan. 31, 2023, *optional renewal extension Jan. 31, 2025*) with GovDeals, Inc.; and

Now Therefore Be It Resolved that the Borough of Kenilworth, authorizes an inventory to be compiled for disposal by online auction.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **MARCH 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Union County Board of Chosen Freeholders has announced the Union County Infrastructure and Municipal Aid Grant Program for 2021; and,

WHEREAS, this grant is designed to stimulate the development of local projects of economic, social, transport and governmental importance to local municipalities; and

WHEREAS, the Borough of Kenilworth agrees to conform the with the terms and conditions of this important matching grant opportunity; and

WHEREAS, the Mayor and Council of the Borough of Kenilworth County of Union State of New Jersey do hereby authorize the following grant applications, prioritized in the order listed below:

Project	**Match Request amount**
1. Records Management Scanning	$70,000.00
2. Sanitary Sewer Evaluation	$62,500.00
3. Repair & Replacement of Borough Sidewalks	$37,500.00
4. Digital Signage	$20,000.00
Total Request	***$190,000.00***

NOW THEREFORE, BE IT RESOLVED THAT, the Mayor and Clerk are authorized to submit this grant on behalf of the Borough of Kenilworth; and

BE IT FURTHER RESOLVED, that the Mayor and Council find this project to be in the public interest by serving a much needed public purpose and therefore worthy of funding by the Union County Infrastructure and Municipal Aid grant program for 2021; and

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **MARCH 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, a vacancy existed in the position of Chief of Police by reason of the retirement of the former Chief; and

WHEREAS, pursuant to Borough Code 39-8 the Borough Council approved the Mayor's selection of Police Chief heretofore appointed Frederick J. Soos, Jr as the Chief of the Kenilworth Police Department at a Special Meeting held March 1, 2021 after giving due regard and consideration to all applicable Ordinances and Laws; and

WHEREAS, the Police Chief and the Public Safety Committee have negotiated certain terms and provisions concerning the salary and other employment benefits and responsibilities for and of the Chief.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth, County of Union and State of New Jersey, that the Mayor and Clerk are authorized to ratify a Chief of Police Contract with Chief Frederick J. Soos, Jr. effective March 1, 2021.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **March 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

BE IT HEREBY RESOLVED that **MAURENE MILLER,** 52 North 20th Street, Apt. 1, Kenilworth, NJ 07033 be appointed as a Permanent Crossing Guard, effective March 10, 2021 at a rate of $18.58.

BE IT FURTHER RESOLVED that **GEORGE MAY,** 1101 Lowden Ave., Apt. 2, Union, NJ 07083 be appointed an Alternate Crossing Guard effective March 10, 2021 a rate of $18.58.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **MARCH 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the residents' of the Borough of Kenilworth passed a referendum to fund program at the general election held in November 7, 2000, the Borough of Kenilworth established a Length of Service Awards Program (LOSAP) by Borough Ordinance #2000-17, and a resolution adopted January 10, 2001 pursuant to PL 1997 c.388 and section 457 € (11) (B) of the Internal Service Code; and

WHEREAS, in accordance with NJSA 40A:14-191, emergency service organizations participating in LOSAP shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit for the previous year; and

WHEREAS, Fire Department Chief William Krueger has submitted a list of Fire Department and Rescue Squad members that qualify for the 2020 program year, and;

WHEREAS, regulations require that the governing body of the Borough of Kenilworth pass a resolution approving of the accuracy of the list as submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth that the 2020 list of qualifying members for the LOSAP program is approved and will be posted for 30 days for membership review in the Borough Clerk's office, the Firehouse, and the Rescue Squad Building.

BE IT FURTHER RESOLVED, that following the 30 day period for filing an appeal, and subject to holding the payment of any members being appealed, payment shall be made by the Chief Financial Officer to Lincoln Financial Advisory Group for the appropriate payment of $1,150 per eligible volunteer.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

Kenilworth Volunteer Fire Department

491 Washington Ave.
Kenilworth, NJ 07033

Police, Fire, First Aid
Dial 911

Business Number
(908) 276-3791
Fax: (908) 276-1771

March 2, 2021

Justyna Zagorska, Tax Office
567 Boulevard
Kenilworth, NJ 07033

Listed below are the names of the Fire Department and Rescue Squad members who qualify for the LOSAP Program for the year 2020:

Adorno, K
Alvarez, B
Alexander, M*
Cantalupo, J
Corveleyn, L
DeFabrizio, D
DeLuca, A
Fugett, J
Fuquay, C
Giordino, C
Giordino, L
Hannon, Jr. J
Hannon, III J
Howarth, B
Jean, J
Kelly, S
Kopyta, C
Krill, D
Krueger, W
LaVecchia, R
Levchuk, R
Lotfy, A
Mauro, D
Mauro, J
McHale, J
Monge-Zamora, D
O'Brien, J
Ott, R
Padula, J
Richardson, P
Rodriguez, J
Scuderi, M
Sesselman, C
Spranger, D
Tiemann, R
Toro, E*
Toro, J*
Yosurak, J*

*Needs to be registered

Regards,

William Krueger
Fire Chief

RESOLUTION

No. 11 **KENILWORTH, N.J.** **March 10, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Borough of Kenilworth operates a Department of Public Works "DPW" serving the citizens of the of Kenilworth for the provision of public works services; and

WHEREAS, the position of Lead Foreman is vacant and in the best interest of the Borough, the "DPW" Committee and DPW Superintendent recommend that Dominick LaTorre, be appointed Lead Foremen of the Kenilworth Department of Public Works; and

WHEREAS, that with this appointment Mr. LaTorre will receive a prorated annual salary of $68,500.00 effective March 15, 2021; and

WHEREAS, the position of Lead Foreman retains the quality of benefits provided to employees of the Department's collective bargaining unit covered by a negotiated contract with the knowledge and approval of the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey that it hereby ratifies the appointment of ***Dominick LaTorre as the Department of Public Works Lead Foreman, effective March 15, 2021.***

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		/	/			
Councilman Mark David			/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz						/
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on March 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 12 **KENILWORTH, N.J.** **March 10, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the administrative responsibilities for the FUEL PROGRAM also known as GAS BOY with Fuel Force have been transferred to the Department of Public Works; and

WHEREAS, a stipend for the administration for the program exists.

BE IT RESOLVED that DPW Clerk Kerry Senica receive the prorated annual $1,000.00 stipend, effective March 15, 2021.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on March 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 13 **KENILWORTH, N.J.** **MARCH 10, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED, that the following individuals be employed with the Kenilworth Department of Public works effective March 22, 2021; subject to a 90 day probationary period.

Name	Address	CDL	Hourly Rate
Juan C. Florez	550 Market St., Elmwood Park, NJ 07407	Class B	$20.00
Matthew Jankunas	246 N. 19th St., Kenilworth, NJ 07033	No	$17.00
Fernando Cunha, III	2108 Lentz Ave., Union, NJ 07083	No	$17.00

BE IT FURTHER RESOLVED, that this offer of employment is contingent upon successful completion of a NJ Dept. of Transportation Physical and Drug/Alcohol Screening and criminal background checks.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		/	/			
Councilman Mark David			/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz						/
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 10, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **MARCH 24, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Work Session and Council Meeting of March 10, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - NJ Dept. of Community Affairs – Receipt of Reso. Designating An Area In Need of Redevelopment
   - Tree Removal Application – 239 N. 19th Street
   - Kenilworth Planning Board – Review of Ordinance #2021-01
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda:
   1. That all bills be paid when properly audited and funds are available
   2. Appropriations Reserve Transfer
   3. Authorize KPD Vehicle Purchase – ESCNJ COOP - Mall Chevrolet
   4. Authorize KPD Vehicle Purchase – CPCPS COOP - Beyer Ford
   5. Authorize Extension of SSA with UC for CPWM Services
   6. Appoint KPD Alternate Crossing Guard - BS
8. ORDINANCE

   Public Hearing and Adoption #2021-01 An Ordinance Of The Borough Of Kenilworth Amending Chapter 120 Land Use, Part 4 Stormwater Control, Article 34 Stormwater Control Standards Of The Code Of The Borough Of Kenilworth

   Introduction #2021-02 An Ordinance An Ordinance Of The Borough Of Kenilworth Amending The Existing Chapter 170 "Streets And Sidewalks", Article Iv "Openings", Within The Borough Of Kenilworth

   Introduction #2021-03 An Ordinance Of The Borough Of Kenilworth Amending The Existing Chapter 106 "Garbage, Rubbish, Refuse And Recycling", Article II "Mandatory Recycling", Within The Borough Of Kenilworth
9. PROCLAMATIONS April Is Child Abuse Prevention Month

   April is Autism Awareness Month
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – March 24, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member LAUDATI and seconded by Council Member CECERI.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Appropriations Reserve Transfer
3. Authorize KPD Vehicle Purchase – ESCNJ COOP - Mall Chevrolet
4. Authorize KPD Vehicle Purchase – CPCPS COOP - Beyer Ford
5. Authorize Extension of SSA with UC for CPWM Services
6. Appoint KPD Alternate Crossing Guard - BS

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at March 24, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **MARCH 24, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No ___		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 24, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 KENILWORTH, N.J. MARCH 24, 2021

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, it shall become necessary to expend for some of the purposes specified in the budget, an excess of the respective sums appropriated, and

WHEREAS, there is an excess in one or more appropriation reserve over and above the amount deemed necessary to fulfill the purposes of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-59 provides for the transfer of such amounts deemed in excess, to appropriations the amount of which are deemed to be insufficient to fulfill the purpose of such appropriations, and

WHEREAS, the transfers about to be authorized do not affect any appropriation reserves to which or from which transfers are prohibited under the statutes, and

NOW, THERFORE BE IT RESOLVED, that the following transfers between appropriation reserves to be authorized pursuant to N.J.S.A. 40A:4-59:

TRANSFERS TO:

ACCOUNT #	ACCOUNT NAME		AMOUNT
0-01-20-701-036	Clerk OE - Office Supplies	$	800.00
0-01-20-701-041	Clerk OE - Conferences, Education, Meetings, Training	$	50.00
0-01-20-705-023	Finance OE - Printing and Binding	$	1,100.00
0-01-20-705-026	Finance OE - Maintenance of Equipment	$	1,700.00
0-01-20-705-036	Finance OE - Office Supplies	$	1,100.00
0-01-20-705-042	Finance OE - Education	$	2,100.00
0-01-20-705-101	Finance OE - IT Support and Equipment	$	22,000.00
0-01-20-705-201	Finance OE - Kenilworth on Air Peg TV	$	1,600.00
0-01-20-705-999	Finance OE - Miscellaneous	$	2,500.00
0-01-20-706-025	Payroll and Human Resources OE - Payroll Expenses	$	1,200.00
0-01-20-706-035	Payroll and Human Resources OE - Human Resources	$	2,600.00
0-01-20-710-166	Assessor OE - Update Tax Map	$	2,500.00
0-01-20-712-030	Legal OE - Labor	$	21,000.00
0-01-20-712-200	Legal OE - Other	$	2,000.00
0-01-20-715-022	Engineering OE - Road Openings	$	5,100.00
0-01-20-715-035	Engineering OE - Stormwater Regulation Fee	$	1,000.00
0-01-21-720-021	Planning Board OE - Advertising	$	200.00
0-01-21-720-036	Planning Board OE - Office Supplies	$	100.00
0-01-21-720-118	Planning Board OE - Legal/Other Professionals	$	1,500.00
0-01-22-725-026	Construction Code OE - Maintenance of Equipment	$	100.00
0-01-22-726-011	Building Inspector S&W - Construction Code Official Tempo	$	100.00
0-01-23-730-000	Insurance OE - Liability	$	43,000.00
0-01-23-733-171	Insurance OE - Prescription	$	23,000.00
0-01-23-733-179	Insurance OE - Vision Coverage	$	500.00

TRANSFERS TO (Continued):

ACCOUNT #	ACCOUNT NAME		AMOUNT
0-01-25-745-013	Police Department S&W - Officer in Charge	$	500.00
0-01-25-745-015	Police Department S&W - Other Salaries and Wages	$	6,000.00
0-01-25-745-021	Police Department OE - Advertising	$	100.00
0-01-25-745-025	Police Department OE - Maintenance of Motor Vehicles	$	3,000.00
0-01-25-745-148	Police Department OE - Ammunition and Firearms	$	1,000.00
0-01-25-746-026	Traffic Control and School Guards OE - Maint. Of Equip.	$	2,000.00
0-01-25-749-030	Fire Department OE - Materials and Supplies	$	2,000.00
0-01-25-749-041	Fire Department OE - Maintenance of Equipment	$	17,000.00
0-01-25-749-042	Fire Department OE - Education and Training	$	1,500.00
0-01-25-749-056	Fire Department OE - Other Safety Equipment	$	24,000.00
0-01-25-753-018	Fire Prevention S&W - Inspectors	$	2,000.00
0-01-25-753-019	Fire Prevention S&W - Part Time	$	2,100.00
0-01-25-753-116	Fire Prevention OE - Miscellaneous Costs	$	1,100.00
0-01-26-765-014	Public Works S&W - Overtime	$	2,800.00
0-01-26-765-026	Public Works OE - Maintenance of Other Equipment	$	1,000.00
0-01-26-765-030	Public Works OE - Materials and Supplies	$	2,300.00
0-01-26-765-032	Public Works OE - Clothing and Uniforms	$	400.00
0-01-26-765-041	Public Works OE - Conferences and Meetings	$	500.00
0-01-26-765-116	Public Works OE - Miscellaneous Costs	$	4,600.00
0-01-26-765-131	Public Works OE - Paint - Traffic	$	1,100.00
0-01-26-770-014	Solid Waste S&W - Overtime	$	10,400.00
0-01-26-770-026	Solid Waste OE - Maintenance of Other Equipment	$	20,000.00
0-01-26-770-032	Solid Waste OE - Clothing and Uniforms	$	200.00
0-01-26-770-036	Solid Waste OE - Office Supplies	$	200.00
0-01-26-772-022	Buildings and Grounds OE - Outside Services	$	7,500.00
0-01-26-773-026	Sewers OE - Maintenance of Other Equipment	$	5,000.00
0-01-27-785-011	Board of Health S&W - Full Time	$	900.00
0-01-27-785-185	Board of Health OE - Clinics	$	100.00
0-01-27-785-188	Board of Health OE - Vehicle Expense	$	100.00
0-01-28-795-012	Recreation S&W - Part Time	$	1,000.00
0-01-28-795-065	Recreation OE - Programs	$	100.00
0-01-31-430-072	Utilities OE - Water	$	7,000.00
0-01-31-430-076	Utilities OE - Telephone	$	1,000.00
0-01-31-430-077	Utilities OE - Telecommunications	$	2,000.00
0-01-32-750-175	Accumulated Leave OE -Accumulated Leave	$	250,000.00
0-01-33-833-033	Court OE - Books and Publications	$	100.00
0-01-33-833-058	Court OE - Other Equipment and Supplies	$	1,000.00
0-01-36-834-000	State Unemployment Insurance OE - SUI	$	129,000.00
0-01-44-840-000	Capital Improvement Fund OE - CIF	$	100,000.00
Total		$	747,450.00

TRANSFERS FROM:

ACCOUNT #	ACCOUNT NAME		AMOUNT
0-01-20-701-021	Clerk OE - Advertising	$	1,000.00
0-01-20-701-022	Clerk OE - Postage and Printing	$	1,000.00
0-01-20-701-028	Clerk OE - Other Professional Fees	$	6,000.00
0-01-20-701-110	Clerk OE - Elections	$	3,000.00
0-01-20-703-041	Mayor and Council OE - Conferences and Meetings	$	3,000.00
0-01-20-705-045	Finance OE - Computer Software/Repair	$	22,000.00
0-01-20-710-028	Assessor OE - Other Professional Services	$	4,000.00
0-01-20-712-020	Legal OE - Borough Attorney Fees, Expenses, Etc.	$	2,000.00
0-01-20-712-050	Legal OE - Tax Appeals	$	6,000.00
0-01-20-715-021	Engineering OE - SD Permits	$	2,000.00
0-01-20-715-025	Engineering OE - Outside Firm - Meetings	$	16,000.00
0-01-20-715-026	Engineering OE - Emergency Call Outs	$	5,000.00
0-01-20-715-027	Engineering OE - Additional Fees	$	10,000.00
0-01-20-715-040	Engineering OE - COAH	$	15,000.00
0-01-22-725-011	Construction Code S&W - Full Time	$	2,500.00
0-01-22-726-010	Building Inspector S&W - Part Time	$	7,000.00
0-01-22-727-012	Plumbing Inspector S&W - Part Time	$	2,000.00
0-01-22-728-010	Electrical Inspector S&W - Part Time	$	2,500.00
0-01-22-729-010	Fire Subcode S&W - Part Time	$	2,500.00
0-01-23-733-172	Insurance OE - Dental	$	12,000.00
0-01-23-733-173	Insurance OE - Sun Life	$	9,000.00
0-01-23-733-175	Insurance OE - Health - Active Employees	$	157,000.00
0-01-23-733-176	Insurance OE - Health - Retired Employees	$	30,000.00
0-01-25-745-014	Police Department S&W - Overtime	$	22,000.00
0-01-25-745-017	Police Department S&W - Clerical Salaries	$	5,500.00
0-01-25-745-018	Police Department S&W - Dispatcher Salaries	$	5,000.00
0-01-25-745-019	Police Department S&W - Dispatcher Overtime	$	5,000.00
0-01-25-745-026	Police Department OE - Maintenance of Other Equipment	$	2,000.00
0-01-25-745-028	Police Department OE - Physcians Services	$	5,000.00
0-01-25-745-041	Police Department OE - Conferences and Meetings	$	2,000.00
0-01-25-745-042	Police Department OE - Education and Training	$	6,000.00
0-01-25-745-076	Police Department OE - Equipment Service Contracts	$	8,000.00
0-01-25-745-141	Police Department OE - Detective Bureau Supplies	$	2,000.00
0-01-25-745-149	Police Department OE - New Hire Expenses	$	2,500.00
0-01-25-746-012	Traffic Control and School Guards S&W - Part Time	$	13,000.00
0-01-25-749-122	Fire Department OE - Day Stipend - Fire	$	7,000.00
0-01-25-749-123	Fire Department OE - Day Stipend - Rescue	$	7,000.00
0-01-25-749-124	Fire Department OE - Weekend Stipend - Fire	$	6,000.00
0-01-25-749-140	Fire Department OE - Volunteers	$	18,000.00
0-01-25-753-017	Fire Prevention S&W - Smoke Detector Insp.	$	5,000.00
0-01-25-753-075	Fire Prevention OE - Knox Boxes	$	2,500.00
0-01-25-753-133	Fire Prevention OE - Handouts Materials FPW	$	2,000.00
0-01-26-765-011	Public Works S&W - Full Time	$	4,000.00
0-01-26-765-043	Public Works OE - Maintenance of Fuel Tanks	$	2,500.00
0-01-26-765-132	Public Works OE - Stone and Blacktop	$	5,000.00
0-01-26-770-011	Solid Waste S&W - Full Time	$	7,000.00
0-01-26-770-117	Solid Waste OE - Public Education	$	1,500.00
0-01-26-772-026	Buildings and Grounds OE - Maint. Of Other Equip	$	7,500.00
0-01-26-775-001	Recycling OE - Cans and Bottles	$	6,500.00

TRANSFERS FROM (Continued):

ACCOUNT #	ACCOUNT NAME		AMOUNT
0-01-26-775-002	Recycling OE - Leaves and Brush	$	25,000.00
0-01-26-776-122	Shade Tree OE - General Maintenance	$	5,000.00
0-01-27-761-012	Senior Citizen Transportation S&W - Part Time	$	13,000.00
0-01-27-762-020	Senior Citizen Programs OE - Miscellaneous Expenses	$	6,000.00
0-01-27-785-012	Board of Health S&W - Part Time	$	2,500.00
0-01-27-788-000	Animal Control OE - Dog and Cat Regulation	$	3,000.00
0-01-28-795-011	Recreation S&W - Full Time	$	1,000.00
0-01-28-795-115	Recreation OE - Soccer	$	2,000.00
0-01-28-795-116	Recreation OE - Programs - Holiday Related	$	1,400.00
0-01-28-795-117	Recreation OE - Programs - Family Nights/Events	$	2,500.00
0-01-30-420-203	Celebration of Public Events OE - Celebration	$	11,000.00
0-01-31-430-070	Utilities OE - Heating Oil/Natural Gas	$	9,500.00
0-01-31-430-071	Utilities OE - Electricity	$	4,500.00
0-01-31-430-074	Utilities OE - Gasoline and Diesel Fuel	$	74,000.00
0-01-31-777-000	Utilities OE - Fire Hydrant Service	$	20,000.00
0-01-31-821-000	Utilities OE - Street Lighting	$	30,000.00
0-01-33-833-0012	Court S&W - Part Time	$	4,000.00
0-01-33-833-041	Court OE - Conferences and Meetings	$	1,000.00
0-01-33-833-044	Court OE - Professional Assoc. Dues	$	1,000.00
0-01-33-833-151	Court OE - Interpreter	$	2,000.00
0-01-33-833-152	Court OE - Court Per Diem Help	$	3,000.00
0-01-33-833-165	Court OE - Bank Fees - Credit Cards	$	2,000.00
0-01-36-837-000	Statutory OE - Social Security	$	44,050.00
Total		$	747,450.00

BE IT FURTHER RESOLVED, that a copy of this resolution be filed forthwith with the Chief Financial Officer.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 24, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **MARCH 24, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, THE Borough of Kenilworth Police Department is desirous to purchase a Police vehicle; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition has exceeded $17,500; and

WHEREAS, the Borough of Kenilworth is a member of Educational Services Commission of New Jersey Cooperative Purchasing Program (formerly MRESC); and

WHEREAS, the Borough of Kenilworth Department of Public Works is desirous to purchase one (1) 2021 Chevrolet Tahoe SSV under Educational Services Commission of New Jersey Cooperative Purchasing Program Contract Number #ESCNJ 20/21-09; and

WHEREAS, the costs associated for the contract is based on certification of funds by the Chief Financial Officer

NOW THEREFORE, BE IT RESOLVED, that the Borough of the Kenilworth authorizes Chief Financial Officer to enter into a contract with Mall Chevrolet 75 Haddonfield Rd., Cherry Hill, NJ 08002 in the total amount of $39,509.67 as described herein.

Certification of Funds
C-04-55-201-108
Kenneth P. Blum
Ken Blum, CMFO

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 24, 2021.

Laura Reinertsen, Borough Clerk

MALL CHEVROLET

75 Haddonfield Road, Cherry Hill, NJ 08002
Direct: 856-449-9254 / Fax: 856-504-0108
fleetman13@gmail.com
Rick Di Renzo, Fleet Manager

Date: 3/1/2021

END USER	ADDRESS - CITY, STATE, ZIP:	ZBFWR
TAHOE 5W4 ADMIN BLK		
Comments:	ESCNJ 20/21-09	

Item	QTY	Part No.	Description	DISC	MSRP	ESCNJ
1	1	CK15706	2021 CHEVROLET TAHOE SSV 4WD	20.30%	$ 52,195.00	$ 41,599.42
		5W4	SPECIAL SERVICE EDITION	5%	$ 5,000.00	$ (4,750.00)
		L84/MQC	5.3L V8 FLEX FUEL- 10 SPEED AUTOMATIC			
	1	A50	CLOTH FRONT BENCH SEATS W/CONSOLE	5.00%	$ 350.00	$ 332.50
	1	B58	CARPET/WMATS	5.00%	$ 195.00	$ 185.25
	1	AMF	SIX (6) SPARE REMOTES	5.00%	$ 75.00	$ 71.25
	1	8TV	REMOTE START	5.00%	$ 300.00	$ 285.00
	1	RD4	PAINTED BLACK WHEELS	5.00%	$ 600.00	$ 570.00
	1	6C7	RED/WHITE DOME LT	5.00%	$ 170.00	$ 161.50
	1	6J4	HORN/SIREN WIRING	5.00%	$ 55.00	$ 52.25
	1	6J7	FACTORY FLASHBACK SYSTEM	5.00%	$ 50.00	$ 47.50
	1	NHT	HEAVY DUTY TRAILER PACKAGE	5.00%	$ 350.00	$ 332.50
	1	PQA	DRIVER ALERT PACKAGE	5.00%	$ 395.00	$ 375.25
	1	V76	RECOVERY HOOKS	5.00%	$ 50.00	$ 47.50
		K4B	HEAVY DUTY DUAL BATTERIES			
		RC1	SKID PLATE			
		AQQ	KEYLESS REMOTE ENTRY			
		PZX	ALUMINUM WHEELS 265/65 R18 ASBW			
		KW7	170 AMP ALTERNATOR			
		AJ1	DEEP TINTED GLASS			
		UN9	RADIO SUPPRESSION PACKAGE	5.00%	$ 95.00	$ 90.25
		UT7	GROUND STUDS	5.00%	$ 110.00	$ 104.50
		AG1	DRIVER SIDE SEAT ADJUSTER			
		AG2	PASSENGER SEAT ADJUSTER			
		ATD	THIRD ROW SEAT DELETE			
		UVC	REAR VISION CAMERA			
		UD7	REAR PARKING ASSIST			
		Z82	TRAILERING PACKAGE			
		FHS	FLEX FUEL CAPABLE			
		K34	CRUISE CONTROL/TILT WHEEL			
		UPF	BLUETOOTH			
		G80	LOCKING REAR			
		TAG	TEMP TAG			$ 5.00
		DEL	DELIVERY			
			TOTAL			$ 39,509.67

RESOLUTION

No. 4 **KENILWORTH, N.J.** **MARCH 24, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

Whereas, the Borough of Kenilworth Police Department is desirous to purchase a Police vehicle; and

Whereas, all contracts over $17,500 are required to be approved by resolution in compliance with the Local Public Contracts Law and State of New Jersey Pay to Play Laws; and

WHEREAS, the costs associated for the contract is based on certification of funds by the Chief Financial Officer

Now, Therefore, Be It Resolved the Borough of Kenilworth authorizes the award and purchase of one (1) 2021 Police Interceptors SUV through the Cranford Cooperative Purchase Program via Contact #47-CPCPS, ITEM #1 in the base bid amount of $34,211.66 with optional equipment in the amount of $4,506.75 for the total amount of $38,718.41 to:

Beyer Ford
170 Ridgedale Avenue
Morristown, NJ 07960

And Be It Further Resolved that the Chief Financial Officer is hereby authorized award such agreement, subject to the adoption of Ordinance #2020-07 and notice of publication, through the issuance of a purchase order to said vendor in compliance with the New Jersey Local Public Contracts Law.

Certification of Funds C-04-55-201-108 $16,197.29
C-04-55-189-108 - $22,521.12
Kenneth P. Blum Jr.
Ken Blum, CMFO

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 24, 2021.

Laura Reinertsen, Borough Clerk

BEYER FORD

Quote

170 Ridgedale Ave.
Morristown, NJ 07960

To:	From:	Coert Seely
KENILWORTH PD	Phone/Fax:	(973) 463-3065 / (973) 884-2650
	Vehicle Pick Up Location	Beyer Fleet 31 Williams Parkway East Hanover, NJ 07936

2021 POLICE INTERCEPTOR SUV
CRANFORD
CONTRACT #47-CPCPS, ITEM #1

Mechanical
Engine: 3.3L V6 Direct-Injection Hybrid System
3.73 Axle Ratio
Brakes – 4-Wheel Heavy-Duty Disc w/H.D.Calipers
Column Shifter
Drivetrain – All-Wheel-Drive
Electric Power-Assist Steering (EPAS) – Heavy-Duty
Engine Hour Idle Meter
Engine Hour Meter
Engine Oil Cooler
Fuel Tank – 19-gallons
H7 AGM Battery (800 CCA/80-amp)
Suspension – independent front & rear
Transmission – 10-speed automatic

EXTERIOR
Antenna, Roof-mounted
Cladding – Lower bodyside cladding MIC
Door Handles – Black (MIC)
Exhaust Tips Dual
Front-Door-Lock Cylinders
2nd Row, Rear Quarter and Liftgate Privacy Glass
Grille – Black (MIC)
Headlamps – Automatic, LED Low-and-High-Beam
Pre-drilled hole for side marker police use
Liftgate – Manual 1-Piece – Fixed Glass
Mirrors – Black Caps, Power Electric Remote, Manual
Spare – Full size 18" Tire w/TPMS
Spoiler – Painted Black
Tailgate Handle – (MIC)
Tail lamps – LED
Tires – 255/60R18 A/S 99W
Wheel-Lip Molding – Black (MIC)
Wheels – 18" x 8.0 painted black steel w/ hub cover
Windshield – Acoustic Laminated

INTERIOR/COMFORT
Cargo Hooks
Climate Control – Dual-Zone Electronic Auto Temperature Control (DEATC)
Power Door Locks
Rear-Door Handles and Locks Operable
Fixed Pedals (Driver Dead Pedal)
Floor – Flooring – Heavy-Duty Thermoplastic Elastomer
Glove Box – Locking-non-illuminated
Grab Handles – (1 – Front-passenger side, 2-Rear)
Liftgate Release Switch located in overhead console
Lighting
Overhead Console
Red/White Task Lighting in Overhead Console
3rd row overhead map light

Interior
Mirror – Day/night Rear View
Particulate Air Filter
Powerpoints – (1) First Row
Rear-door closeout panels
Rear-window Defrost
Scuff Plates – Front & Rear
Seats
Police Grade Cloth Trim, Dual Front Buckets
Driver 6-way Power track (fore/aft, Up/Down, tilt with manual recline, 2-way manual lumbar)
Passenger 2-way manual track
2nd Row Vinyl, 35/30/35 Split Bench Seat
Speed (Cruise) Control
Speedometer – Calibrated (includes digital readout)
Steering Wheel – Manual / Tilt / Telescoping w/ 4-user configurable backlit switches
Sun visors, color-keyed, non-illuminated
Universal Top Tray
Windows, Power, 1-touch Up/Down with disable feature

SAFETY/SECURITY
AdvanceTrac® w/RSC® (Roll Stability Control™)
Airbags, dual-stage driver & front-passenger, side seat, passenger-side knee, Roll Curtain Airbags and Safety Canopy
Anti-Lock Brakes (ABS) with Traction Control
Belt Minder® (Front Driver / Passenger)
Child-Safety Locks (capped)
Individual Tire Pressure Monitoring System (TPMS)
LATCH (Lower Anchors and Tethers for Children)
Rearview Camera w/ viewable in 4.2" center stack,
Seat Belts, Pretensioner/Energy-Management System w/adjustable height in 1st Row
SOS Post-Crash Alert System™

FUNCTIONAL
AM/FM / MP3 Capable / Clock / 4-speakers
Bluetooth® Interface
4.2" Color LCD Screen Center-Stack "Smart Display"
Easy Fuel® Capless Fuel-Filler
Ford Telematics™ – Includes Ford Modem and complimentary 2-year trial subscription
Front door tether straps (driver/passenger)
Power pigtail harness
Recovery Hooks; two in front and trailer bar in rear
Simple Fleet Key (w/o immo chip; 4 keys)
Two-way radio pre-wire
Two (2) 50 amp battery ground circuits – power distribution junction block

Additional Contract Specific Items

Red/White Dome installed in 1st row
Driverside Spotlight (LED)
Dark Car Feature
Noise Suppression

Base Price $ 34,211.66

Options for Interceptor SUV

Exterior Color: BLACK			
Engine: 3.3L V6 Direct-Injection (FPV)		$	(2,090.00)
Tail lamp: Police interceptor housing Delete		$	60.00
Fleet Key Code 1284X		$	155.00
Hidden Door Lock Plunger and Rear Door Handle Inoperable		$	390.00
Rear Window Power Delete. Operable from Front Driver Switch		$	198.00
Heated Sideview Mirrors		$	80.00
Grille LED Lights, Siren & Speaker Pre-Wiring		$	565.00
Reverse Sensing		$	490.00
Class III Trailer Tow Lighting Package		$	789.00
Global Lock / Unlock Feature		$	-
(4) Ford Police Interceptor FOB's		$	375.00
Weather Tech Side Window Deflector / In-Window Channel Rain Guards		$	195.00
AFS Installer Series Wiring Harness		$	440.00
AFS Power Distribution Panel w/Master Cut-Off Switch		$	290.00
Tremco Anti-Theft Device		$	299.00
Secure Idle		$	330.00
Skid Plate		$	300.75
Odyssey Battery		$	395.00
Charge Guard		$	225.00
(2) Stoplight LEDs in Cargo Area w/ On/Off Switch & Mercury Switch		$	325.00
(2) LED Trunk Lights (1-Red) (1-Blue) w/ On/Off & Mercury Switch		$	315.00
5lb Fire Extinguisher Mounted in Trunk		$	175.00
Streamlight Vulcan LED Flashlight Mounted in Trunk		$	225.00
	Option Total	**$**	**4,506.75**
	Budget Total	**$**	**38,716.41**

Date: 1/5/2021

RESOLUTION

No. 5 KENILWORTH, N.J. MARCH 24, 2021

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the Borough of Kenilworth("Borough") and the County of Union ("County") entered into a Shared Services Agreement to ensure uninterrupted services provided by the Borough's Public Works Department based on the Borough's need for Certified Public Works Manger; and

WHEREAS, the County has been providing Certified Public Manger services in accordance with the executed agreement effective November 2, 2020 through December 31, 2020 with an extension through March 31, 2021; and

WHEREAS, it is the recommendation of the Public Works Superintendent to continue the services for an additional three (3) months.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Borough Administrator are authorized to, execute a Shared Services Agreement Addendum, substantially the same form as is attached, with the County of Union, effective April 1, 2021 through June 31, 2021 for a flat fee of $5,500.00.

BE IT FURTHER RESOLVED, that this Resolution shall take effect upon certification on this Resolution by the Borough Chief Financial Officer that sufficient funds are available for stated purpose.

CERTIFICATION OF FUNDS
APPROPRIATION:
1-01-26-765-116
Kenneth P Blum Jr.
CFO/TREASURER

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on March 24, 2021.

Laura Reinertsen, Borough Clerk

ADDENDUM TO SHARED SERVICES AGREEMENT

On this date _____, it is agreed by and among the Borough of Kenilworth ("Kenilworth") and County of Union ("County"), as follows:

1. The Parties' Shared Services Agreement for the provision of Certified Public Works Manager services by the County to Kenilworth ("Agreement"), is amended at Section II "Term", which Section shall be replaced in its entirety as follows:

   "This Agreement shall commence on April 1, 2021 and terminate on June 31, 2021."

2. The Agreement is further amended at Section III "Compensation", Subsection A, which subsection shall be replaced in its entirety as follows:

   "A. In consideration for the services to be provided by the County Employee, Kenilworth agrees to pay a flat fee amount not to exceed $5,500.00 for the term specified in Section II above, of which an amount not to exceed $4,950.00 will be utilized by the County for services rendered to Kenilworth and the remaining amount not to exceed $550.00, shall be utilized by the County as an administrative fee."

3. No other modifications to the terms of the Agreement, as previously amended, are authorized by this Addendum, other than those set forth in paragraphs 1 and 2 above. All other terms of the Agreement shall remain in full force and effect.

4. This Addendum shall become effective only upon execution by all parties hereto. It is understood, however, that the Agreement and this Addendum may be executed in counterparts, each of which shall be deemed an original, but all of which, when taken together, shall constitute one and the same Agreement and Addendum.

RESOLUTION

No. 6 KENILWORTH, N.J. March 24, 2021

Introduced by: _____

Seconded by: CONSENT AGENDA

BE IT HEREBY RESOLVED that **BIBI SHAHABUDEN,** 54 South 23rd Street, Kenilworth, NJ 07033 be appointed as a Alternate Crossing Guard, effective March 24, 2021 at a rate of $18.58.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MARCH 24, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **March 24, 2021**

Introduced by: DAVID

Seconded by: CECERI

BE IT HEREBY RESOLVED that the ordinance #2021-01 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING CHAPTER 120 LAND USE, PART 4 STORMWATER CONTROL, ARTICLE 34 STORMWATER CONTROL STANDARDS OF THE CODE OF THE BOROUGH OF KENILWORTH COUNTY OF UNION, STATE OF NEW JERSEY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on February 24, 2021 approved for final passage at the regular meeting of the Borough Council of March 24, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✗		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on March 24, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-01
BOROUGH OF KENILWORTH

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING CHAPTER 120 LAND USE, PART 4 STORMWATER CONTROL, ARTICLE 34 STORMWATER CONTROL STANDARDS OF THE CODE OF THE BOROUGH OF KENILWORTH COUNTY OF UNION, STATE OF NEW JERSEY

BE IT HEREBY ORDAINED by the Borough Council of the Borough in the County of Union and the State of New Jersey as follows:

Purpose:

The purpose of this Ordinance is update Chapter 120 Land Use, Part 4 Stormwater Control, Article 34 Stormwater Control Standards to be consistent with current NJDEP Standards.

Part 4 Stormwater Control, Article 34 Stormwater Control Standards:

Repeal and replace Article 34 in its entirety and replace with the following:

Section I. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:

   a. Non-residential major developments; and
   b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Kenilworth.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"CAFRA Centers, Cores or Nodes" means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

"CAFRA Planning Map" means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

"Community basin" means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

"Compaction" means the increase in soil bulk density.

"Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or

2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the Department of Environmental Protection.

"Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq*.

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

"Disturbance" means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

"Environmentally constrained area" means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Empowerment Neighborhoods" means neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
"Green infrastructure" means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;

2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

"Motor vehicle" means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

"Motor vehicle surface" means any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

"Municipality" means any city, borough, town, township, or village.

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Node" means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Regulated impervious surface" means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

"Regulated motor vehicle surface" means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
   quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

"Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"Site" means the lot or lots upon which a major development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin.

"State Development and Redevelopment Plan Metropolitan Planning Area (PA1)" means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

"State Plan Policy Map" is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

"Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

"Stormwater management BMP" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management planning agency" means a public body authorized by legislation to prepare stormwater management plans.

"Stormwater management planning area" means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

"Tidal Flood Hazard Area" means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

"Urban Coordinating Council Empowerment Neighborhood" means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

"Urban Enterprise Zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

"Urban Redevelopment Area" is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

"Water control structure" means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section III. Design and Performance Standards for Stormwater Management Measures

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in

receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section IV. Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well[a]	0	No	Yes	2
Grass Swale	50 or less	No	No	2[e] 1[f]
Green Roof	0	Yes	No	--
Manufactured Treatment Device[a] [g]	50 or 80	No	No	Dependent upon the device
Pervious Paving System[a]	80	Yes	Yes[b] No[c]	2[b] 1[c]

Small-Scale Bioretention Basin[a]	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Small-Scale Infiltration Basin[a]	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations [a] through [g] are found on Page D-15)

Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity
(or for Groundwater Recharge and/or Stormwater Runoff Quality
with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	roundwater Recharg	Minimum eparation from Seasona High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Infiltration Basin	80	Yes	Yes	2
Sand Filter[b]	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond[d]	50-90	Yes	No	N/A

(Notes corresponding to annotations [b] through [d] are found on Page D-15)

Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity
only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	roundwater Recharg	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1

Manufactured Treatment Device[h]	50 or 80	No	No	Dependent upon the device
Sand Filter[c]	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
(b) designed to infiltrate into the subsoil;
(c) designed with underdrains;
(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
(e) designed with a slope of less than two percent;
(f) designed with a slope of equal to or greater than two percent;
(g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact

on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

I. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.

K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale.

Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the office of the of the County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing.

The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the {*insert appropriate Office of the County Clerk or the registrar of deeds and mortgages, as applies*} and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
   i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
   ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
   i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
   ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$R = A + B - (A \times B) / 100,$
Where

R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
6. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
7. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
8. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
9. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
   i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
   ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses

assuming full development under existing zoning and land use ordinances in the drainage area;

iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and

telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from

the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

Section VI. Sources for Technical Guidance:

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

Section VII. Solids and Floatable Materials Control Standards:

A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

   i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-

7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section VIII. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

   i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
   ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
   iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
   iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

   i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
   ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
   iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

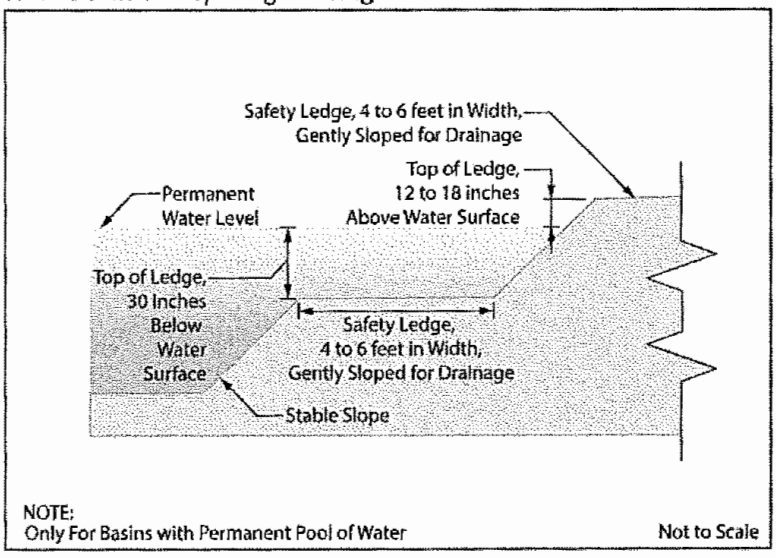
   i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
   ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
   iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit four (4) copies and a Borough approved electronic version of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally

sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

   A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

   This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

   The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

   i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
   ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

   i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
   ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

   The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

8. Waiver from Submission Requirements

   The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section X. Maintenance and Repair:

A. Applicability

   Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

B. General Maintenance

   1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

   2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

   3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

   4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a

green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.).of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:

   i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
   ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
   iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.

8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

Section XI. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties: A fine of $1,500.00, or imprisonment of up to 90 days, or both; each day that a violation continues shall be deemed a separate violation.

Section XII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section XIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

ALL OF WHICH IS ADOPTED THIS _____ day of _____, 20___, by the _____.

_____
Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI		✓	✓			
		X				MARK DAVID	✓		✓			
		X				JOSEPH FINISTRELLA			✓			
X		X				GERRY LAUDATI			✓			
		X				SCOTT PENTZ			✓			
				X		FRED PUGLIESE						✓

Introduced:
February 24, 2021

Final Adoption:
March 24, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No._____ **KENILWORTH, N.J.** **MARCH 24, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED that the ordinance #2021-02 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 170 "STREETS AND SIDEWALKS", ARTICLE IV "OPENINGS", 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 April 28, 2021 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.

Approved: _____

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						
Councilman Mark David						
Councilman Joseph Finistrella						
Councilman Gerry Laudati						
Councilman Scott Pentz						
Councilman Fred Pugliese						
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on March 24, 2021.

_____

Laura Reinertsen, Borough Clerk

PULLED – FOR APRIL 14, 2021 MEETING

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 170 "STREETS AND SIDEWALKS", ARTICLE IV "OPENINGS", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 170 Streets and Sidewalks whereby the Borough Council seeks to amend the fee schedule.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Chapter 170 "Streets and Sidewalks", Article IV "Openings" be amended to authorize the following fee schedule:

ARTICLE IV - OPENINGS

§ 170-17 Fees.

a. Prior to issuance of any permit pursuant to this section, the applicant shall file an application for said permit at least forty-eight (48) hours prior to the expectation of the issuance of the same or the commencement of work and shall pay for said permit in accordance with the following schedule:

Street Opening Permit	$500.00
Reinspection Fee for Each Additional Inspection Required for Final Approval	$200.00
Driveway and Sidewalk Permit	$100.00
Reinspection Fee	$100.00

b. All application, permit and inspection fees are nonrefundable and said application and permit once issued are valid for one year, assuming compliance with the provisions of this section.

c. All fees shall be waived for work done by the County of Union and the State of New Jersey. Both entities shall be required to file an application prior to any being done.

d. In lieu of case-by case bonds, public utilities shall be allowed to establish an escrow account with the Borough of Kenilworth for the required cask bonds. A maximum of $2,500 shall be deposited in this account, unless a single project requires the posting of a larger amount as determined by the Borough Public Works Superintendent or authorized agent, in their sole and professional discretion. The Borough shall have the authority and right to use the escrow funds to restore or maintain the work covered by the permit if the applicant fails to do so within 24 hours of notification by the Borough in instances of the public safety of the traveling public.

e. The provisions of the above sub-section "d" notwithstanding, one year after permanent restoration is completed, the Borough Public Works Superintendent or authorized agent shall re-inspect the work area. If the restoration is satisfactory, the cash bond shall be refunded. If additional restoration is required, the Borough shall notify the applicant of the additional work to be performed and will re-inspect the restoration area again. One month after the corrective action, a refund shall then be made if restoration is satisfactory.

Severability

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 170 "STREETS AND SIDEWALKS", ARTICLE IV "OPENINGS", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
						KAY CECERI						
						MARK DAVID						
						JOSEPH FINISTRELLA						
						GERRY LAUDATI						
						SCOTT PENTZ						
						FRED PUGLIESE						

Introduced:
March 24, 2021

Final Adoption:
April 28, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **MARCH 24, 2021**

Introduced by: DAVID

Seconded by: CECERI

BE IT HEREBY RESOLVED that the ordinance #2021-03 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE II "MANDATORY RECYCLING", 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 April 28, 2021 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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No X			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on March 24, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE II "MANDATORY RECYCLING", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 106-15 Commercial and Institutional Establishment Compliance Requirements to make commercial and industrial establishments located within the Borough responsible for disposal costs generated by the establishment.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 106 "Garbage, Rubbish, Refuse and Recycling", Article II "Mandatory Recycling" be amended as follows, strike through verbiage to be removed:

§ 106-15 Commercial and Institutional Establishment Compliance Requirements.

E. The owner/operator/contractor is responsible for arranging for recyclables to be removed from the premises and for assuring that they go into the recyclables market. ~~The owner/operator/contractor may make arrangements to deliver the recyclables to the municipal collection system (drop-off center). Otherwise,~~ The owner/operator/contractor is responsible for arranging to have recyclables picked up and for resolving any problems with the transporter of recyclables.

J. ~~All schools and businesses that have their municipal solid waste (Type 10) picked up by the Borough of Kenilworth must place their MSW in clear plastic bags.~~

Existing items K through L be moved up one row for continuity to J and K as follows:

J. Single-stream recycling of mixed classes of construction recyclables. Construction/demolition sites may opt to collect all recyclables in one container, provided that there are no other materials (including garbage) in that container. To qualify for this provision, recyclables must go to a transfer station/MRF that is properly permitted by the New Jersey Department of Environmental Protection and has certified that it has the ability to separate out and maximize the capture rate of the mandated materials. The specific materials that may be commingled together will be determined by the provisions in the receiving transfer station/MRF's permit.

K. All food service establishments, as defined in the Health Code, shall, in addition to compliance with other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products and maintain such records as may be prescribed for inspection by any code enforcement officer.

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE II "MANDATORY RECYCLING", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	✓	✓				KAY CECERI						
✓		✓				MARK DAVID						
		✓				JOSEPH FINISTRELLA						
		✓				GERRY LAUDATI						
		✓				SCOTT PENTZ						
					✓	FRED PUGLIESE						

Introduced:
March 24, 2021

Final Adoption:
April 28, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

DRAFT

Borough of Kenilworth
Department of Public Works
401 Sheridan Avenue
Kenilworth, NJ 07033

Kerry Senica, DPW Clerk
Recycling Coordinator
Clean Communities Coordinator

Phone: 908-276-3105
Fax: 908-272-4901

March 16, 2021

Frank Capece, Borough Attorney
Borough of Kenilworth
567 Blvd.
Kenilworth, NJ 07033

RE: Borough of Kenilworth Recycling Ordinance

Dear Mr. Capece:

As it is written right now, the Borough's Recycling Ordinance for commercial establishments allows for them to utilize the DPW (drop off center) to dispose of their recycling. This ordinance was written when the contractors, collecting the Borough's recycling, were making money on these products. As it stands, the Borough is now paying for all recycling disposal costs and the businesses may therefore avoid retaining their own recycling services and bring their recycling to the DPW yard, at a huge cost to the Borough.

To that end, it is the recommendation of the Superintendent of the Department of Public Works, Michael Calixto, to update Borough Ordinance 2010-15, Chapter 106-15 - Commercial and institutional establishment compliance requirements, **Section E.**

Section E:

> E. The owner/operator/contractor is responsible for arranging for recyclables to be removed from the premises and for assuring that they go into the recyclables market. The owner/operator is responsible for arranging to have recyclables picked up and for resolving any problems with the transporter of recyclables.

Another part of 106-15, requires updating, specifically, **Section J.** This section states that municipal solid waste collected at schools and businesses must be placed in clear plastic bags. This was incorrectly written, as the clear plastic bag allowance was originally meant to be for recycling collection, when the contractors were allowing this. This was never meant for MSW (Type 10).

Since the Borough does not allow for ANY plastic bags in the recycling stream, nor has it ever collected MSW from businesses, this section is moot. To this end, please remove Section J in its entirety. Section K and L must be reassigned as Section J and K.

I have attached a copy of this ordinance for your review. Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Regards,

Kerry Senica, Clerk, C.R.P.
Borough of Kenilworth – DPW
401 Sheridan Ave.
Kenilworth, NJ 07033
908-276-3105
ksenica@kenilworthnj.org

setting up and maintaining the recycling system. The property owner/management is responsible for receiving and responding to warnings, notices of violation, and penalty assessments and for correcting violations. The property owner/management will be expected to correct violations promptly and to make necessary direct contacts with residents.

(2) Drop-off centers must be established and maintained so that they are conveniently accessible to residents. Curbside collection may be made available in place of, or in conjunction with, these drop-off centers. The recycling system must provide for all designated recyclables in the residential waste stream. The recycling system may utilize separate containers for each recyclable material or it may provide for two or more materials to be placed in one container, provided that the recycling hauler can take the materials commingled. Container capacity must be adequate to hold the amount of materials generated between pickups. It must be clear to an inspector that the system is being serviced.

(3) It must be clear that the system is being used properly by employees and tenants. There must not be garbage in the recycling containers or recyclables in the garbage containers. The property owner/management is responsible for resolving problems which may arise from the improper use of containers and for training employees and tenants to properly understand and use the recycling system.

(4) Notification and collection rules shall be issued by the management to new tenants when they arrive and to all residents every three months. Copies of these notices, or other proof of distribution of the notices, must be sent to the municipal recycling coordinator at the time of each mailing or distribution.

(5) The property owner/management is responsible for arranging to have recyclables picked up and for resolving any problems with the transporter of recyclables.

(6) The property owner/management must arrange to obtain documentation in order to report the tonnages of materials recycled at least once per year or else he/she must arrange to have the collector provide that documentation directly to the municipality. Arrangements with recycling companies or with haulers handling recyclables should include provisions for obtaining this information. Documentation must be maintained by the management. When the municipality provides recyclables collection service, reporting and proof are not needed.

(7) Single/dual-stream recycling. Multifamily locations may opt to collect their recyclables in a single stream or dual stream (fiber, commingled), provided the material recovery facility (MRF) that receives the material has certified that it has the ability to separate and maximize the capture rate of the designated recyclables. The UCUA Division of Solid Waste Enforcement will compile and maintain an updated list of those facilities.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Ordinance 2010-15

§ 106-15 Commercial and institutional establishment compliance requirements.

A. The owner/operator (or in case of construction, the contractor) is responsible for ensuring that a recycling system is established and that it is operated in compliance with the requirements of this article. The owner/operator/contractor is responsible for receiving and responding to warnings, notices of violation, and penalty assessments and for correcting violations promptly.

B. The recycling system must be established and maintained so that it is conveniently accessible to users. The recycling system must provide for all designated recyclables in the commercial/institutional waste stream. The recycling system may utilize separate containers for each recyclable material or it may provide for two or more materials to be placed in one container, provided that the recycling hauler can take the materials commingled. Containers must be clearly marked and the area neatly maintained. Container capacity must be adequate to hold the amount of materials generated between pickups. It must be clear to the inspector that the system is being serviced.

C. The owner/operator/contractor must ensure that the system is being used properly by employees, customers or tenants. There must not be garbage in the recycling containers or recyclables in the garbage containers. The owner/operator/contractor is responsible for resolving problems which may arise from the improper use of containers and for instructing employees, tenants, and customers to understand and use the recycling system.

D. If patrons, customers or employees are involved in the waste disposal process (i.e., fast-food stores or company/school cafeteria), the recycling system must allow for this and include notice to customers as to their responsibilities.

E. The owner/operator/contractor is responsible for arranging for recyclables to be removed from the premises and for assuring that they go into the recyclables market. ~~The owner/operator/contractor may make arrangements to deliver the recyclables to the municipal collection system (drop-off center). Otherwise,~~ the owner/operator/contractor is responsible for arranging to have recyclables picked up and for resolving any problems with the transporter of recyclables.

F. The owner/operator/contractor must arrange to obtain documentation in order to report the tonnages of materials recycled at least once per year or else he/she must arrange to have the collector provide that documentation directly to the municipality.

G. Single/dual-stream recycling. Commercial and institutional establishments may opt to collect their recyclables in a single stream or dual stream (fiber, commingled) provided the material recovery facility (MRF) that receives the material has certified that it has the ability to separate out and maximize the capture rate of the mandated recyclables. The UCUA Division of Solid Waste Enforcement will compile and maintain an updated list of those facilities.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

H. Recycling containers. Commercial and institutional establishments that have outdoor garbage containers for their customers must also have outdoor recycling containers. There must be sufficient recycling containers for any mandated recyclables in the commercial/institutional waste stream.

I. All schools must provide written notice at the beginning of each school year to all students, teachers, and other staff on the recycling requirements. The notice must contain a contact number to call if they observe any problems associated with recycling or if recycling is not properly occurring.

J. ~~All schools and businesses that have their municipal solid waste (Type 10) picked up by the Borough of Kenilworth must place their MSW in clear plastic bags.~~

K. Single-stream recycling of mixed classes of construction recyclables. Construction/demolition sites may opt to collect all recyclables in one container, provided that there are no other materials (including garbage) in that container. To qualify for this provision, recyclables must go to a transfer station/MRF that is properly permitted by the New Jersey Department of Environmental Protection and has certified that it has the ability to separate out and maximize the capture rate of the mandated materials. The specific materials that may be commingled together will be determined by the provisions in the receiving transfer station/MRF's permit.

L. All food service establishments, as defined in the Health Code, shall, in addition to compliance with other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products and maintain such records as may be prescribed for inspection by any code enforcement officer.

§ 106-16 Compliance requirements for fairs, parks, concerts, streets, and other outdoor events.

A. The organizer/owner/contractor of the location must provide a recycling system that is operated in compliance with the requirements of this article.

B. The recycling system must provide for any mandated recyclables generated at the event. It must be clear to an inspector that the system is being serviced, i.e., containers must be clearly marked and the area neatly maintained; there must not be garbage in the recyclables or recyclables in the garbage; container capacity must be adequate to hold materials between pickups. There must be sufficient recycling containers for any mandated recyclables generated at the event.

C. The organizer/owner/contractor of the location is responsible for arranging for recyclables to be removed from the premises and for ensuring that they are taken to an approved recyclables market. The owner/operator/contractor may make arrangements to deliver the recyclables to the municipal collection system (drop-off center). Otherwise, the owner/operator/contractor is responsible for arranging to have recyclables collected and transported and for resolving any problems with the transporter of recyclables.

D. The recycling system must be made accessible and available to all patrons, customers, and employees. Notice/signs must be provided to ensure all are aware of their responsibilities.

BOROUGH OF KENILWORTH

Proclamation

WHEREAS, in 2018, 4.3 million reports were made to child protective services; and

Child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone. Our children are our most valuable resources and will shape the future of the New Jersey.

Child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse. Protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children.

Effective child abuse prevention activities succeed because of the partnerships created between child welfare professionals, education, health, community- and faith-based organizations, businesses, law enforcement agencies, and families. Communities must make every effort to promote programs and activities that create strong and thriving children and families.

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

NOW, THEREFORE, I, Linda Karlovitch, Mayor of the Borough of Kenilworth, do hereby proclaim

APRIL 2021 AS NATIONAL CHILD ABUSE PREVENTION MONTH

in Kenilworth and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families..

In Witness Hereof, I have hereunto set my hand and caused the Seal of the Borough of Kenilworth to be affixed this 24th day of March 2021.

_____

Linda Karlovitch, Mayor

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **APRIL 14, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Council Meeting of March 24, 2021. (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

Consent Agenda

1. That all bills be paid when properly audited and funds are available
2. Uniform Shared Services and Consolidation – Zoning Officer
3. Special Counsel – Merck Tax Appeals
4. Goods and Services Contract – Rich Tree Service
5. Agreement with United Methodist Church – Farmers Market
6. Union County CDBG Facilities Grand – ADA Door Improvements
7. Municipal Alliance Grant
8. New Board of Trustees for PERS – Legislation supporting S-3522
9. Click It or Ticket – May 17th through June 6th, 2021
10. Refund – Sidewalk Café License
11. Per diem Part-time Court Clerical employee - Irma O'Grady
12. Fees waived for Sidewalk Café Licenses
13. Superintendent DPW probationary period completed
14. Resolution for Ordinance 2021-02
15. Resolution appointing Probationary EMT –
16. Families First Coronavirus Response Act

ORDINANCE: **Adoption #2021-03** An Ordinance Of The Borough Of Kenilworth Amending The Existing Chapter 106 "Garbage, Rubbish, Refuse And Recycling", Article II "Mandatory Recycling", Within The Borough Of Kenilworth

8. PROCLAMATIONS Appreciation for Volunteer EMT's
9. MEETING OPEN TO THE PUBLIC
10. GENERAL BUSINESS
11. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn ____ PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – APRIL 14, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member LAUDATI and seconded by Council Member CECERI.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Uniform Shared Services and Consolidation – Zoning Officer
3. Special Counsel – Merck Tax Appeals
4. Goods and Services Contract – Rich Tree Service
5. Agreement with United Methodist Church – Farmers Market
6. Union County CDBG Facilities Grand – ADA Door Improvements
7. Municipal Alliance Grant
8. New Board of Trustees for PERS – Legislation supporting S-3522
9. Click It or Ticket – May 17th through June 6th, 2021
10. Refund – Sidewalk Café License
11. Per diem Part-time Court Clerical employee - Irma O'Grady
12. Fees waived for Sidewalk Café Licenses
13. Superintendent DPW probationary period completed
14. ~~Resolution for Ordinance 2021-02~~
15. Resolution appointing Probationary EMT –
16. Families First Coronavirus Response Act

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman \Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at March 24, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A:65-35 (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Parties have identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, the Parties now wish to enter into a Shared Services Agreement ("Agreement") for Zoning Officer related services; and

WHEREAS, the Township of Union has agreed to provide Kenilworth with the services of its Zoning Officer pursuant to the terms and conditions set forth in a Shared Services Agreement between the Parties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth hereby authorizes and directs the Mayor and or Administrator to execute a Shared Services Agreement in a form substantially similar to the Agreement attached hereto and made part hereof with the Township of Union for Zoning Officer services.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No ___		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

This SHARED SERVICE AGREEMENT ("Agreement") is entered into this _____ day of April by and between,

Township of Union "Union" 1976 Morris Avenue, Union, NJ 07083
And
Borough of Kenilworth "Kenilworth" 567 Boulevard, Kenilworth, NJ 07033

RECITALS

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. permits municipalities and other local units by adoption of a Resolution to enter into an Agreement to provide or receive any service that each local unit participating in the Agreement is empowered to provide or receive in its own jurisdiction

WHEREAS, there is the opportunity to retain the services of Union Township to assume the duties of Kenilworth, Zoning officer; and

WHEREAS, the Kenilworth Zoning Officer is responsible for enforcing all aspects of Section 120, "Land Use Ordinance of the Borough Code" and

WHEREAS, the procedure of the execution of this Agreement shall be governed by the Interlocal Service Act, (N.J.S.A. 40:8A-1 et seq) and N.J.A.C. 5:23-4.6, 4.7(b), 4.8(a) "Uniform Construction Code" and,

WHEREAS, the governing bodies of Union and Kenilworth have determined that it is in the mutual best interest for each municipality for Union to provide the Zoning Officer duties set forth below to Kenilworth, and in return, Kenilworth will compensate Union as set forth below

NOW THEREFORE, in consideration to the promises, mutual covenants, understanding and agreements contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are acknowledge by all parties it is agreed by and between the parties as follows:

1. The individual appointed will perform the duties of zoning officer with the authority to enforce all authority provided by municipal ordinance and state statute.
2. The individual shall provide the following time and services to meet the zoning duties, attached hereto.
3. Township of Union shall be paid the total of $15,000 per annual from Kenilworth for services effective __April 19, 2021_____. Said payments shall be made in equal installments on a quarterly basis.
4. This Agreement shall commence upon approval of this Agreement by the parties and be for a term of two (2) years. However, either party may terminate this Agreement for any reason on thirty (30) days written notice to the other party following the adoption of a Resolution by the governing body of the party terminating this Agreement authorizing the termination. In the event that either party defaults in the performance of any of its obligations under this Agreement after receiving written notice of same and failing to cure such default within thirty (30) days of said written notice, the non-defaulting party shall be entitled to terminate this Agreement.
5. Kenilworth shall indemnify and hold harmless Union, its employees, officers, agents from any and all claims of whatever nature or type arising from the provision of services to Kenilworth, so long as the actions upon which the demand or claim, or assertion of liability are founded, were performed in the course of carrying out official duties on behalf of Kenilworth and were not out of the scope of performing official duties or performed in bad faith, and did not constitute actual fraud, actual malice, willful misconduct, intentional wrong doing or a criminal act. Such indemnification shall include payment of reasonable attorney fees and costs in the defense of any claim made by a third person. This indemnification is not limited to any insurance coverage afforded to Kenilworth of which this Agreement applies
6. The provisions of this Agreement shall (a) constitute the entire agreement between the parties for or with respect to the matters described herein, and (b) be modified, unless provided herein to the contrary, only by written agreement duly executed by both parties.
7. This Agreement shall stipulate the information contained in N.J.A.C. 5:23-4.
8. This Agreement may be executed in any number of counterparts each of which shall be executed by the Union and the Kenilworth and all of which shall be regarded for all purposes as one original and shall constitute and be but one and the same.

RESOLUTION

No. 3 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

WHEREAS, the Borough requires the services of Special Counsel to handle tax appeals relating to MERCK, Inc. for the year 2021; and

WHEREAS, an executed Political Contribution Disclosure Form and Business Entity Disclosure Certification, which certifies that the contractor has not made any reportable contributions to a political or candidate committee in the Borough of Kenilworth in the previous one year, and that the contract will prohibit the contractor from making any reportable contributions through the term of the contract, has been received by the Borough Clerk; and

WHEREAS, the Borough of Kenilworth has met the provisions of the NJ Local Unit Pay-to-Play Law to award a contract under the Non-Fair and Open Contracts provisions of the Law.

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

1. Carlin & Ward, located at, 25B Vreeland Rd., Florham Park, NJ 07932, is hereby appointed Special Tax Appeal Counsel to handle relating to MERCK, Inc. for the year 2021 pursuant to the provisions of N.J.S.A. 19:44A-20.5 (non-fair and open) .
2. A contractual agreement summarizing the services to be performed and the fees to be charged ($200.00 per hour) for same, are hereby approved and execution of the contract is authorized.
3. The Mayor and the Borough Clerk are hereby authorized to sign a contract for legal services which contract shall be filed with the Borough Clerk and made available for public inspection.
4. The Borough Clerk is hereby directed to publish a "Notice of Award" of said contract in the official newspaper in accordance with the Local Public Contracts Law.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

AWARDING AN OPEN-ENDED GOODS AND SERVICES CONTRACT TO RICH TREE SERVICE, INC. FOR TREE TRIMMING, PRUNING, AND REMOVAL SERVICES PURSUANT TO NEW JERSEY STATE CONTRACT NO. 18-DPP-00645 IN AN AMOUNT NOT TO EXCEED $50,000.00

WHEREAS, the Borough of Kenilworth (hereinafter, the "Borough") desires and requires certain goods and/or services including tree trimming, tree pruning, and tree removal; and,

WHEREAS, the Borough has established prior positive experience with Rich Tree Service, Inc. for aforesaid goods and/or services which best meet the requirements of the Borough as a contracting unit; and,

WHEREAS, the Qualified Purchasing Agent of the Borough has identified Rich Tree Service, Inc. as a vendor possessing New Jersey State Contract No. 18-DPP-00645, expiring December 31, 2021, for the provision of goods and/or services including tree trimming, tree pruning, and tree removal; and,

WHEREAS, the Borough wishes to utilize the services of Rich Tree Service, Inc. to the extent that the public bidding threshold of forty-four thousand dollars and zero cents ($44,000.00) may be met or exceeded during calendar year 2021; and,

WHEREAS, based upon possible use of the goods and/or services provided by Rich Tree Service, Inc. the Qualified Purchasing Agent of the Borough recommends that the Mayor and Council of the Borough award an open-ended goods and services contract to Rich Tree Service, Inc. pursuant to New Jersey State Contract No. 18-DPP-00645 pursuant to the provisions of the Local Public Contracts Law of the State of New Jersey, *N.J.S.A. 40A:11-1 et seq.*, and the associated regulations.

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Qualified Purchasing Agent, the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey hereby awards an open-ended goods and services contract to Rich Tree Service, LLC of 325 Bergen Street, South Plainfield, New Jersey 07080 for Tree Trimming, Pruning, and Removal Services pursuant to New Jersey State Contract No. 18-DPP-00645 (expiring December 31, 2021) in an amount not to exceed fifty-thousand dollars ($50,000.00); and,

BE IT FURTHER RESOLVED that maximum procurement value authorized by the foregoing Resolution may be increased by passage of a subsequent Resolution without the constitution of a "Change "Order" pursuant to the provisions of *N.J.A.C. 5:30-11.2* subject to the limitations and provisions of *N.J.A.C. 5:30-11.10.*

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 KENILWORTH, N.J. APRIL 14, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Mayor and Council of the Borough of Kenilworth are desirous of continuing the Kenilworth Farmers Market; and

WHEREAS, the Kenilworth United Methodist Church has generously offered to host the Farmers Market on their property located at 455 Boulevard, Kenilworth NJ; and

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Kenilworth, that the Mayor and or Municipal Clerk are authorized to execute an agreement with the Kenilworth United Methodist Church (attached) for the 2021 Farmers Market.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _ ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the Borough Administrator successfully applied for a UC CDBG Facilities Grant for ADA Door Improvements; and,

WHEREAS, based on the size and scope of such undertaking, the professional services of the Borough Engineer are considered desirable by Borough management; and,

WHEREAS, the Mayor and Council (hereinafter, the "Governing Body" of the Borough concur with the sentiments and recommendation of the Borough management and wish to enlist the professional services of the Borough Engineer for the necessary services associated with the project here forward known as "ADA Door Improvements";

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey, that a Professional Services Contract for the professional engineering and construction managements services for the project: "ADA Door Improvements;." be awarded to Harbor Consultants 320 N Ave E, Cranford, NJ 07016 for the sum not to exceed four thousand five hundred dollars and Zero Cents ($4,500.00); and,

BE IT FURTHER RESOLVED that this Resolution shall take effect upon certification on this Resolution by the Borough Chief Financial Officer that sufficient funds are available for stated purpose; and,

BE IT FURTHER RESOLVED that charges incrementally incurred and paid associated with this contract shall be pursuant to the contract terms authorized in Resolution #17 of January 4, 2021.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

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 2022 in the amount of:

DEDR	$ 8,068.25
Cash Match	$ 2,017.06
In-Kind	$ 6,051.19

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of ~~Kenilworth at a Meeting held on~~ APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, county, municipal, and other local governments have met their pension obligations as employers for more than a decade while the State of New Jersey has continued to underfund the pension systems in varying degrees since 1996 and thus created one of the worst publicly funded retirement systems in the entire nation; and,

WHEREAS, despite fulfilling their fiduciary duties in meeting their pension obligations, local governments across the State will experience double digit percentage increases in total employer pension contributions in 2021 as determined in figures recently published by the Division of Pension and Benefits in the State Department of Treasury; and,

WHEREAS, even more alarming for local government employers is the fact that the unfunded accrued liability once again increased in 2021 to a staggering $26.6 billion for the Public Employee's Retirement System ("PERS") alone, causing in part, a decrease in the funded ratio for the Local Part of PERS to 65.4%, the State Part to 31.2%, and the combined rate to a disconcerting 52.2% far below the target funded ratio of 75.0%; and,

WHEREAS, S-3522 would divide PERS into two parts: A State Part for State employees, and a Local Part for all other employees; and

WHEREAS, the legislation creates a seven-member board consisting of three labor employee representatives, three management representatives, and one determined by the Board, tasked with operating the retirement system and directing policies and investments to achieve and maintain full funding; and

WHEREAS, this legislation is similar to the legislation that separated the Police and Fire Retirement System (P.L. 2018, c. 55) except for the control of investments and that management has an equal representation on the board, which was overwhelmingly supported by the legislature and signed by the Governor; and

WHEREAS, S-3522 would protect local governing bodies from the State of New Jersey further directing property taxpayer dollars to subsidize its long mismanagement and underfunding of the pension systems as it would provide the new balanced board of trustees of PERS with the ability to determine or modify member benefits, direct policies and investments to achieve full funding, and serve as fiduciary of the system;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Kenilworth does in fact hereby support S-3522, which would establish a new board of trustees for the Local Part of PERS to preserve the structure and integrity of the more solvent Local Part.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Governor Murphy, Senate President Sweeney, Speaker of the General Assembly Coughlin, Senator Kean, Assemblyman Bramnick, Assemblywoman Munoz, and the New Jersey League of Municipalities.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the safety and security of the citizens of the Borough of Kenilworth and surrounding areas are vitally important; and

WHEREAS, a large percentage of our citizens regularly drive or ride in motor vehicles on our roadways; and

WHEREAS, the use of seat belts in passenger vehicles saved an estimated 14,668 lives in 2016; and

WHEREAS, regular seat belt use is the single most effective way to reduce fatalities in motor vehicle crashes;

WHEREAS, the use of seat belts is supported by the laws of the State of New Jersey;

WHEREAS, May 17 through June 6, 2021, has been selected as the national *Click It or Ticket* mobilization enforcement period;

WHEREAS, across the country law enforcement officers will actively be participating in the mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes; and

WHEREAS, increased enforcement of seat belt laws coupled with publicity has proven to be an effective method to increase seat belt use rates and decrease fatal crashes;

NOW, THEREFORE, BE IT RESOLVED, that May 17 through June 6, 2021, is *Click It or Ticket* Mobilization in the Borough of Kenilworth, County of Union, State of New Jersey, and urge all citizens to always wear seat belts when driving or riding on our roadways.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No ___			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

Whereas, to support the local businesses impacted by the COVID-19 global pandemic, the Borough Council has approved waiver of the fees for Sidewalk Café & Restaurant License and expand the scope to include sidewalk sales for retail establishments that for the year 2021; and

Whereas, the following proprietor has submitted a Sidewalk Café & Restaurant License and fees were received by the Clerk's Office:

Now, Therefore, Be It Resolved that the Treasurer be and is hereby authorized to draw a warrant to refund the following:

Amount of $100.00 be refunded to:

LUNA Deli, LLC
491 Boulevard
Kenilworth, NJ 07033

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 11 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the Borough of Kenilworth is in need for part-time assistance in the municipal court office; and

~~THEREFORE BE IT RESOLVED~~, that Irma O'Grady of 208 Liberty Village Dr., Warren NJ 07059 be appointed as per diem Court Clerical employee be authorized to work up to twenty (20) hours per week, effective April 19, 2021 at a rate of $18.00 per hour; this appointment is contingent upon successful completion of criminal background check.

BE IT FURTHER RESOLVED, that this position is entitled to paid sick leave pursuant to the NJ Sick Leave Law NJSA 34:11D-1 but is not eligible for paid holiday or vacation days.

Approved: Linda Karlewicth
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 12 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

EXPANSION OF CHAPTER 57-30 et. Seq. - MERCHANT ASSITANCE DUE TO COVID-19

WHEREAS, in response to the novel coronavirus (COVID-19) outbreak the Governor of the State of New Jersey issued important measures by executive orders to limit the spread of the disease in our communities which resulted in limited social contact and closed certain businesses; and

WHEREAS, the Mayor and Council are desirous of assisting the local businesses that have through compliance been impacted by the pandemic and measures taken to combat the spread; and

WHEREAS, Chapter 57-30 of the Borough Code permits Sidewalk cafes for eating and drinking establishments; and

WHEREAS, upon the easing of restrictions and in accordance Governor Murphy's re-opening plan the Mayor and Council wish to waive the fees for said permits and expand the scope to include sidewalk sales for retail establishments that for the year 2021; and

WHEREAS, all establishments must comply with the requirements of 57-30 et. Seq. and receive the approval of the Construction Official; and

WHEREAS, the Construction Official has the authority to make judgement calls and recommendations based on site inspections, to encourage merchants to conduct business outdoors; and

FURTHERMORE, Construction and Zoning Officials are directed that in accord with the executive orders of Governor Murphy and sense of the Governing Body, all efforts to assist the local businesses in re-opening shall be made.

BE IT FURTHER RESOLVED, that for the year 2021 in effort to assist local merchants effected by the COVID-19 Pandemic the Sidewalk Café Permit be expanded to include retail establishments for retail sales and that the 2021 permit fee be waived.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 13 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, the employment agreement between DPW Acting Superintendent Michael Calixto and Borough of Kenilworth stipulates a six (6) month probationary performance evaluation period; and

WHEREAS, the Public Works Committee is satisfied with the work product, customer focus, professionalism, and communication exhibited by Acting Superintendent Calixto.

BE IT RESOLVED, upon the recommendation of the Public Works Committee, that DPW Acting Superintendent Michael Calixto has successfully completed his six (6) month performance evaluation period effective April 19, 2021.

BE IT FURTHER RESOLVED, that all conditional terms of the employment agreement between the Borough and Superintendent Calixto be efficacious as of April 19, 2021.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 15 KENILWORTH, N.J. APRIL 14, 2021

Introduced by: _____

Seconded by: CONSENT AGENDA

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

Name	Appointment
Dana Krueger	Probationary EMT

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

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 14 **KENILWORTH, N.J.** **APRIL 14, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Families First Coronavirus Response Act was a federal program that required employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19; and,

WHEREAS, the FFCRA expired on December 31, 2020 and was not renewed by the United States Congress; and,

WHEREAS, President Biden signed the American Rescues Plan Act (hereinafter, the "ARPA") on March 11, 2021, which provided for the extension of the Families First Coronavirus Response Act (hereinafter, the "FFCRA") and permits refundable tax credits to employers who choose to voluntarily provide FFCRA leave to their employees through September 30, 2021; and

WHEREAS, the COVID-19 pandemic continues to adversely impact all residents of the United States, including employees of the Borough of Kenilworth (hereinafter, the "Borough") to and including the present; and,

WHEREAS, the Mayor and Council (hereinafter, the "Governing Body") of the Borough wishes to establish special COVID-19 paid sick leave for calendar year 2021 for all employees of the Borough that mirrors certain provisions of FFCRA.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that a special COVID-19 paid sick leave program be and hereby is established as follows through December 31, 2021 for all employees of the Borough:

SECTION 1. QUALIFYING REASONS FOR LEAVE.

Upon providing documentation and/or attestations to the Borough, a Borough employee qualifies for special COVID-19 paid sick leave if the employee is unable to work (remotely or in-person) due to a need for leave because the employee:

A. Is subject to a federal, state, or local quarantine or isolation order related to COVID-19, including those issued by the local Health Department; and/or,

B. Has been advised by a health care provider to self-quarantine related to COVID-19; and/or,

C. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis; and/or,

D. Is caring for an individual subject to an order described in "A" or self-quarantine as described in "B;" and/or,

E. Is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.

SECTION 2. DURATION OF LEAVE.

A full-time Borough employee is eligible for up to eighty (80) hours of special COVID-19 sick leave, and a part-time Borough employee is eligible for the number of hours of leave that the employee works on average over a two-week period, not to exceed fifty-eight (58) hours. These durations reflect to total allowance of such special leave for calendar year 2021.

SECTION 3. CALCULATION OF PAY.

Employees taking special COVID-19 sick leave shall be paid at their regular rate.

SECTION 4. REPORTING.

The Borough Administrator shall provide a copy of the foregoing Resolution to each Department Head. Department heads will track the qualifying leave and provide a report of FFCRA Leave to the Borough Administrator at the end of every month.

SECTION 5. EFFECTIVE PERIOD.

Provisions for this special COVID-19 sick leave shall be in effect retroactive to January 1, 2021 and terminate on September 30, 2021. No claims for leave may be made after December 31, 2021.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

A full-time Borough employee is eligible for up to eighty (80) hours of special COVID-19 sick leave, and a part-time Borough employee is eligible for the number of hours of leave that the employee works on average over a two-week period, not to exceed fifty-eight (58) hours. These durations reflect to total allowance of such special leave for calendar year 2021.

SECTION 3. CALCULATION OF PAY.

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SECTION 5. EFFECTIVE PERIOD.

Provisions for this special COVID-19 sick leave shall be in effect retroactive to January 1, 2021 and terminate on ~~December 31~~ September 30, 2021, 2021. No claims for leave may be made after December 31, 2021.

VR

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						
Councilman Mark David						
Councilman Joseph Finistrella						
Councilman Gerry Laudati						
Councilman Scott Pentz						
Councilman Fred Pugliese						
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 14, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

Proclamation

Whereas, on March 9, 2020 Governor Murphy declared a public health emergency in order to protect the health, safety, and welfare of the citizens of the State of New Jersey from the potential threat that may exist from the possible exposure to COVID-19.

As we acknowledge the anniversary of the global coronavirus epidemic it presents a timely opportunity for Kenilworth to give special thanks and gratitude to all EMS practitioners, many of whom are volunteers, who have been and continue to serve on the front lines of our nation's war on the Covid-19 pandemic.

When the first Covid-19 case hit Kenilworth on March 12, 2020, our EMTs immediately jumped to action. Captain Laura Corveleyn, Lieutenant Elizabeth Toro, Annette Lotfy, Dani Mauro, Colleen Sesselman, Kiara Adorno, and Charlie Fuquay responded to care for covid 19 positive patients who needed our help.

Pushing back the fear and uncertainty that was prevalent at the beginning of the pandemic, our EMT's felt a duty to act, and became fearless front-line workers without hesitation. At the height of the pandemic, each EMT rode an average of 250 hours each month, many members riding 24 hour shifts at a time responding to calls for help from patients with suspected or positively diagnosed coronavirus, in addition to 911 calls for patients with severe injuries and illness, such as cardiac arrests and strokes.

To protect their family and serve their community, several EMTs chose to move into the fire house to provide prompt care while keeping their loved ones safe. Because of this they were able to not only cover the town, but have multiple ambulances running calls in town at one time. This was invaluable and allowed them to cover approximately 350 covid positive calls and counting.

It is one thing to risk your own health and safety, but it is another thing to do so as a volunteer. Many of our EMT's are in school pursuing a nursing or bachelor's degree or are in the medical field. Despite this they still made time to volunteer and provide 911 services to Kenilworth.

As the coronavirus pandemic unfolds, we are ceaselessly inspired by the sense of duty, selfless service, and sacrifice. We are bearing witness to the remarkable dedication, commitment to service and courage of EMS practitioners. We owe a great debt of gratitude to our EMTs, along with their colleagues in the fire service and law enforcement, who are serving on the front lines of the Covid-19 response.

Now, Therefore, Be It Resolved, by the Mayor and Council of the Borough of Kenilworth, that it is appropriate to recognize the value and the accomplishments of emergency medical services providers and encourages the people of Kenilworth to express their gratitude to our dedicated and selfless volunteer EMTs and first responders.

In Witness Hereof, I have hereunto set my hand and caused the seal of the Borough of Kenilworth to be affixed this 14th day of April 2021.

Linda Karlovitch, Mayor

BOROUGH OF KENILWORTH

Proclamation

WHEREAS, the aim of the Pay It Forward concept is to promote community spirit through intentional acts of kindness; and

WHEREAS, the Pay It Forward novel, written by Catherine Ryan Hyde, and first published in 1999 by Simon & Schuster, Inc., has inspired the creation of a movie, a non-profit foundation, and a movement that has been vital in inspiring millions of good deeds all over the world; and

Pay It Forward Day was created in 2007 in Australia to further the altruistic movement of goodwill; and

Every year, more and more people around the world join us on Pay It Forward Day to #standforkindness in their communities. In 2017 alone there were over 17 million acts of service in more than 80 countries; and

Pay It Forward Day encourages people to do good deeds for others without asking for anything in return except for the recipients to pay it forward to others in need; and

WHEREAS, together we can make a difference by creating positive change in our community and world one good deed at a time.

NOW, THEREFORE, on behalf of the Borough Council, I, Mayor Linda Karlovitch, do hereby proclaim

APRIL 28, 2021 AS PAY IT FORWARD DAY

in the Borough of Kenilworth and encourage all citizens to join me in this worthy observance.

IN WITNESS HEREOF, I have hereunto set my hand and caused the Seal of the Borough of Kenilworth to be affixed this 14th day of April 2021.

Linda Karlovitch, Mayor

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **APRIL 28, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Closed Sessions of Feb. 10th and April 14th , Work Sessions of Feb. 10th, March 16th & 24th, April 14th , Special Meeting of March 16th and the Council Meeting of April 14, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - UC Mosquito Control Disclosure Notice
   - KVFD – Chief certification of Clothing Allowance
   - Tree Removal Request – 247 N. 19th St.
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS **Consent Agenda**
   1. That all bills be paid when properly audited and funds are available
   2. Refund White Good fee
   3. KVFD Clothing Allowance #1 $61,055
   4. DPW Probationary Period Completed – DK
   5. Disposal of Surplus Property – GovDeals Online Auction
   6. Corrective – Special Tax Appeal Counsel – Carlin & Ward
8. ORDINANCE: **Public Hearing #2021-03** An Ordinance Of The Borough Of Kenilworth Amending The Existing Chapter 106 "Garbage, Rubbish, Refuse And Recycling", Article II "Mandatory Recycling"

   Introduction #2021-04AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE I "COLLECTION AND REMOVAL

   Introduction #2021-05AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES and LICENSES", ARTICLE I "FEES GENERALLY

   Introduction #2021-06AN ORDINANCE OF THE BOROUGH OF KENILWORTH PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE EXISTING CHAPTER 120 "LAND USE", ARTICLE 30 "CONDITIONAL USE"

   Introduction #2021-07 ORDINANCE ADOPTING THE 25 NORTH 26th STREET REDEVELOPMENT PLAN DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA CONSISTING OF Block 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY AFFORDABLE HOUSING
9. PROCLAMATIONS ***Public Safety Telecommunications Week & National Police Week***
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – APRIL 28, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member David and seconded by Council Member Ceceri.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Refund White Good fee
3. KVFD Clothing Allowance #1 $61,055
4. DPW Probationary Period Completed – DK
5. Disposal of Surplus Property – GovDeals Online Auction
6. Corrective – Special Tax Appeal Counsel – Carlin & Ward

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at April 28, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **APRIL 28, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 28, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **APRIL 28, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

BE IT HEREBY RESOLVED:

WHEREAS, a fee had been collected for a white goods (washer, dryer) in the amount of 70.00 and;

WHEREAS, the fee was found not to be used;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to draw a warrant in the amount of $70.00 payable to the order of:

Mrs. Paulette Drogan
215 Faitoute Avenue
Kenilworth, NJ 07033

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 28, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **APRIL 28, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

BE IT HEREBY RESOLVED: That the attached list of the Kenilworth Volunteer Fire Department/Rescue Squad members be granted an expense allowance in accordance with the report submitted by Fire Chief William Krueger, in the aggregate amount of $61,055.00.

CERTIFICATION OF FUNDS
APPROPRIATION:
1-01-25-749-140
Kenneth P. Blum, Jr.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 28, 2021.

Laura Reinertsen, Borough Clerk

FD#	NAME	RANK	ADDRESS	TOTAL
4	KRILL, D	FF	[redacted]	$ 465.00
7	GIORDINO, L	DAC	10 DORSET DR. KENILWORTH, NJ 07033	$ 3,500.00
8	ALVAREZ, B	FF	54 S 18TH ST KENILWORTH, NJ 07033	$ 930.00
9	TORO	LT	180 BALTIMORE AVE CRANFORD NJ 07016	$ 1,250.00
10	COX, B	FF	52 N 14TH ST KENILWORTH NJ 07033	$ 665.00
13	HOWARTH, T	FF	815 FILBERT ST ROSELLE PARK NJ 07204	$ 1,130.00
14	MAURO, J	DC	39 N 13TH ST. KENILWORTH, NJ 07033	$ 3,500.00
15	OTT, R	FF	261 FAITOUTE AVE KENILWORTH, NJ 07033	$ 930.00
16	SODS, B	FF	625 KINGSTON AVE KENILWORTH NJ 07033	$ 465.00
17	MCHALE, J	FF	223 N 15TH ST. KENILWORTH, NJ 07033	$ 1,600.00
20	HANNON JR, J	DC	308 LINCOLN DR. KENILWORTH, NJ 07033	$ 3,500.00
23	PADULA, J	FF	65 S 20TH ST. KENILWORTH, NJ 07033	$ 930.00
25	HOWARTH, B	CAPT	815 FILBERT ST ROSELLE PARK NJ 07204	$ 1,600.00
28	FUGETT, J	FF	21 N 6TH ST. KENILWORTH, NJ 07033	$ 930.00
29	TIEMANN, R	LT	26 N 6TH ST KENILWORTH, NJ 07033	$ 1,250.00
31	JEAN	FF	40 REINHOLD TERR. UNION, NJ 07083	$ 930.00
32	PETERS, A	FF	531 MONROE AVE. KENILWORTH, NJ 07033	$ 930.00
36	DELUCA, A	CAPT	36 N 13TH ST. KENILWORTH, NJ 07033	$ 1,800.00
37	O'BRIEN, J	CAPT	550 NEWARK AVE. KENILWORTH, NJ 07033	$ 1,600.00
39	KUKLA, R	FF	34 N. 9TH ST KENILWORTH, NJ 07033	$ 665.00
42	LEVCHUK, R	LT	79 PARK DR. KENILWORTH, NJ 07033	$ 1,250.00
43	LAVECCHIA	LT	563B MORRIS AVE. SPRINGFIELD NJ 07081	$ 1,250.00
44	YOSURACK, J	EMT	141 CROSS ST KENILWORTH, NJ 07033	$ 930.00
46	SCUDERI, M	DC	6 DORSET DR KENILWORTH NJ 07033	$ 3,700.00
47	SPRANGER, D	CAPT	331 COOLIDGE DR KENILWORTH, NJ 07033	$ 1,600.00
48	KRUEGER, W	CHIEF	68 S MICHIGAN AVE. KENILWORTH, NJ 07033	$ 4,000.00
51	HANNON III, J	FF	308 LINCOLN DR. KENILWORTH, NJ 07033	$ 930.00
53	LOFFA, A	FF	145 S 25TH ST KENILWORTH, NJ 07033	$ 930.00
54	RICHARDSON, P	FF	33 BURCHFIELD AVE. CRANFORD, NJ 07086	$ 1,130.00
56	KELLY, S	LT	710 EMERSON AVE. ELIZABETH, NJ 07208	$ 1,050.00
57	GIORDINO, C	FF	10 DORSET DR. KENILWORTH, NJ 07033	$ 930.00
60	DAVIES, A	FF	5 EDWARD PL CRANFORD, NJ 07016	$ 1,130.00
66	ALEXANDER, M	FF	270 DELAWARE AVE UNION NJ 07083	$ 1,130.00
94	KOPYTA, C	ADM	PO BOX 21 KENILWORTH, NJ 07033	$ 930.00
96	CANTALUPO, J	FF	730 CLINTON AVE. KENILWORTH, NJ 07033	$ 930.00
101	ZAMORA	EMT	224 N 11TH ST. KENILWORTH, NJ 07033	$ 465.00
104	TORO, L	ACLT	180 BALTIMORE AVE CRANFORD NJ 07016	$ 1,450.00
105	LOTFY, A	EMT	724 CLINTON AVE. KENILWORTH, NJ 07033	$ 1,130.00
107	CORVELEYN	ACTCP	26 N 6TH ST KENILWORTH, NJ 07033	$ 2,000.00
108	ADORNO	EMT	143 CROSS ST. KENILWORTH, NJ 07033	$ 1,500.00
110	SESSELMAN	EMT	665 PASSAIC AVE. KENILWORTH, NJ 07033	$ 465.00
112	BURDO, L	EMT	1120 WYOMING DR. MOUNTAINSIDE NJ 07092	$ 465.00
114	MAURO, D	EMT	39 N 13TH ST. KENILWORTH, NJ 07033	$ 1,130.00
115	FUQUAY, C	EMT	570 MONROE AVE KENILWORTH, NJ 07033	$ 1,130.00
140	MAURO, R	EMT	39 N 13TH ST. KENILWORTH, NJ 07033	$ 930.00
				$ 61,055.00

RESOLUTION

No. 4 **KENILWORTH, N.J.** **APRIL 28, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the employment agreement between DPW Foreman David Kokai and Borough of Kenilworth stipulates a six (6) month probationary performance evaluation period; and

WHEREAS, the Public Works Superintendent is satisfied with the work product, customer focus, professionalism, and communication exhibited by Foreman David Kokai.

BE IT RESOLVED, upon the recommendation of the Public Works Committee and DPW Superintendent, that DPW Foreman David Kokai has successfully completed his six (6) month performance evaluation period effective May 2, 2021.

BE IT FURTHER RESOLVED, that pursuant to resolution #9 (CA 10/28/2020) Foreman David Kokai's rate of compensation be increased by five thousand dollars ($5,000.00), efficacious as of May 3, 2021.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 28, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **APRIL 28, 2021**

Introduced by: _____

Seconded by: _____

Resolution Authorizing Disposal of Surplus Property

WHEREAS, the Kenilworth Borough is the owner of certain surplus property which it no longer needs for public use: and

WHEREAS, the Kenilworth Borough is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Kenilworth Borough (membership #28058) as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract #R190601 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Kenilworth Borough Website.

(2) The sale will be conducted online, dates to be determined and advertised in an official newspaper of the Borough, the address of the auction site is www.govdeals.com

(3) A list of the surplus property to be sold is as follows:

Dept.	Year	Model	VIN	Minimum Bid
KPD	2014	Chevy Camaro (*Forfeiture*)	2G1FT1EW2E9292521	$10,000.00
DPW	1997	Chevy 2500 4WD Pickup	1GCK24RVZ233637	
DPW	1979	Ford Econoline E350	190824USV1461	
DPW	2001	International 4900 Dump Truck	1HTSDAAAR41H285663	$3,500.00
DPW	2005	Ford Crown Victoria	2FAP71W95X146476	$750.00
DPW	2008	Ford Crown Victoria	2FAHP71V08X172016	$500.00
EQUIPMENT				
DPW	1985	American ALC-20 Leaf Vac	Ser. #W-8-44923321	
DPW	1990	American ALC-25 Leaf Vac	Ser. # W-910714932847	
DPW	2002	American ALC-25 Leaf Vac	Ser. #: F00182-79670	
DPW	2008	Kohler Pro 10 Giant Vac (tailgate)	Ser. #2013238354	$500.00
DPW	2007	Elgin Series P Sweeper	Serial #: P5041S	$10,000.00
DPW	1989	Marathon RMK8000 Hot Box Trailer	2M9HW222XKW004001	$500.00
MISC EQUIPMENT				
DPW		General Equip. Co. 2 Man Auger 330-H	Serial #: 33007335	$100.00
DPW	2005	Swenson V Box Spreader Insert	Model #: 00002-286-49/Ser #: 0805-1118	
DPW	1998	Cross Country Roller Trailer M#410RT35	Ser. 431FS101-1W200-942	$500.00

The surplus property shall be sold in an "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(4) The Kenilworth Borough reserves the right to accept or reject any bid submitted.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 28, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **APRIL 28, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Borough approved the services of Special Counsel to handle tax appeals relating to MERCK, Inc. for the year 2021 by resolution on April 14, 2021; and

WHEREAS, the contractual hourly rate approved by Council was $200.00 per hour; and

WHEREAS, the agreed upon negotiated rate differs from the amount previously approved by resolution #3 (CA 04/14/21).

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

1. Carlin & Ward, located at, 25B Vreeland Rd., Florham Park, NJ 07932, appointed Special Tax Appeal Counsel to handle relating to MERCK, Inc. for the year 2021 pursuant to the provisions of N.J.S.A. 19:44A-20.5 (non-fair and open) .
2. A contractual agreement summarizing the services to be performed and the fees to be charged ($225.00 per hour) for same, are hereby approved and execution of the contract is authorized.
3. The Mayor and the Borough Clerk are hereby authorized to sign a contract for legal services which contract shall be filed with the Borough Clerk and made available for public inspection.
4. The Borough Clerk is hereby directed to publish a "Notice of Award" of said contract in the official newspaper in accordance with the Local Public Contracts Law.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 28, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **APRIL 28, 2021**

Introduced by: DAVID

Seconded by: CECERI

BE IT HEREBY RESOLVED that the ordinance #2021-03 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE II "MANDATORY RECYCLING", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on March 24, 2021 approved for final passage at the regular meeting of the Borough Council of April 28, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No /			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on APRIL 28, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE II "MANDATORY RECYCLING", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 106-15 Commercial and Institutional Establishment Compliance Requirements to make commercial and industrial establishments located within the Borough responsible for disposal costs generated by the establishment.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 106 "Garbage, Rubbish, Refuse and Recycling", Article II "Mandatory Recycling" be amended as follows, strike through verbiage to be removed:

§ 106-15 Commercial and Institutional Establishment Compliance Requirements.

E. The owner/operator/contractor is responsible for arranging for recyclables to be removed from the premises and for assuring that they go into the recyclables market. ~~The owner/operator/contractor may make arrangements to deliver the recyclables to the municipal collection system (drop-off center). Otherwise,~~ The owner/operator/contractor is responsible for arranging to have recyclables picked up and for resolving any problems with the transporter of recyclables.

J. ~~All schools and businesses that have their municipal solid waste (Type 10) picked up by the Borough of Kenilworth must place their MSW in clear plastic bags.~~

Existing items K through L be moved up one row for continuity to J and K as follows:

J. Single-stream recycling of mixed classes of construction recyclables. Construction/demolition sites may opt to collect all recyclables in one container, provided that there are no other materials (including garbage) in that container. To qualify for this provision, recyclables must go to a transfer station/MRF that is properly permitted by the New Jersey Department of Environmental Protection and has certified that it has the ability to separate out and maximize the capture rate of the mandated materials. The specific materials that may be commingled together will be determined by the provisions in the receiving transfer station/MRF's permit.

K. All food service establishments, as defined in the Health Code, shall, in addition to compliance with other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products and maintain such records as may be prescribed for inspection by any code enforcement officer.

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE II "MANDATORY RECYCLING", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI		✓	✓			
X		X				MARK DAVID	✓		✓			
		X				JOSEPH FINISTRELLA			✓			
		X				GERRY LAUDATI			✓			
		X				SCOTT PENTZ			✓			
					X	FRED PUGLIESE			✓			

Introduced:
March 24, 2021

Final Adoption:
April 28, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **April 28, 2021**

Introduced by: DAVID

Seconded by: LAUDATI

BE IT HEREBY RESOLVED that the ordinance #2021-04 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE I "COLLECTION AND REMOVAL", 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 May 26, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No ✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on April 28, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE I "COLLECTION AND REMOVAL", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 106-6 Receptacle Requirements and 106-7 Hours of Collection to reflect current standards and practices.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 106 "Garbage, Rubbish, Refuse and Recycling", Article I "Collection and Removal" be amended as follows, strike through verbiage to be removed:

§ 106-6 Receptacle Requirements.

All garbage ~~and rubbish shall be deposited in a metal container which shall be watertight and equipped with tightfitting covers of metal. The metal container shall not be more than 30 inches in height, and the diameter of said container shall not be more than 20 inches. The combined weight of the receptacle and the contents shall not exceed 75 pounds.~~, as defined, shall be deposited by the owner in a standard suitable container or bundle curbside. Suitable container is defined to be a metal, rubber or plastic receptacle with a tight-fitting cover, so constructed as to prevent spilling or leaking of its contents. Each receptacle for use in a single residence shall have a capacity of not less than twenty (20) no more than thirty (30) gallons and be equipped with a pull handle or handles. Plastic bags of any capacity and grade may not be used for the disposal of wet garbage. The total weight of any container shall not exceed seventy-five (75) pounds.

NOW THEREFORE, Existing Chapter 106 "Garbage, Rubbish, Refuse and Recycling", Article I "Collection and Removal" , be amended as follows:

§ 106-7 Hours of Collection: placement and removal of receptacles.

106-7 A Collections shall start no earlier than ~~5:00~~ 4:30 a.m.

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE I "COLLECTION AND REMOVAL", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		✓				KAY CECERI			✓			
✓		✓				MARK DAVID	✓		✓			
		✓				JOSEPH FINISTRELLA			✓			
	✓	✓				GERRY LAUDATI		✓	✓			
		✓				SCOTT PENTZ			✓			
		✓				FRED PUGLIESE			✓			

Introduced:
April 28, 2021

Final Adoption:
May 26, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **April 28, 2021**

Introduced by: David

Seconded by: Ceceri

BE IT HEREBY RESOLVED that the ordinance #2021-05 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES and LICENSES", ARTICLE I "FEES GENERALLY", 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 May 26, 2021 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.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No /			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on April 28, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES and LICENSES", ARTICLE I "FEES GENERALLY", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 91 Fees and Licenses specifically Uniform Construction Code Fees

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 91 "Fees and Licenses", Article I "Fees Generally" be amended as follows:

§ 91-1.3 Uniform Construction Code Fees.

91-1.3 F Demolition

(1) Less than 5,000 square feet in area and over 30 feet in height: $150.00.

(2) More than 5,000 square feet in area and over 30 feet in height: $450.00

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	✓	✓				KAY CECERI		✓	✓			
✓		✓				MARK DAVID	✓		✓			
		✓				JOSEPH FINISTRELLA			✓			
		✓				GERRY LAUDATI			✓			
		✓				SCOTT PENTZ			✓			
		✓				FRED PUGLIESE			✓			

Introduced:
April 28, 2021

Final Adoption:
May 26, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **April 28, 2021**

Introduced by: David

Seconded by: Pentz

BE IT HEREBY RESOLVED that the ordinance #2021-06 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE EXISTING CHAPTER 120 "Land Use", ARTICLE 30 "Conditional Use", 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 June 9, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No ✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on April 28, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE BOROUGH OF KENILWORTH PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE EXISTING CHAPTER 120 "Land Use", ARTICLE 30 "Conditional Use", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 120 Land Use, Article 30 Conditional Use to include Cannabis Regulatory and Enforcement Assistance whereby the Borough is prohibiting the operation of a business selling marijuana, cannabis, hashish and/or the paraphernalia that facilitates the use of same.

WHEREAS, on February 22, 2021, Governor Murphy enacted into law bills commonly referred to as the "marijuana legislation", and

WHEREAS, the new legislation provides in pertinent part, that a municipality may adopt a new ordinance within 180 days of enactment of the aforementioned law; and

WHEREAS, the Mayor and Borough Council concludes that it is in the best interests of the Borough of Kenilworth not to permit in any zone the operation of a business selling marijuana, cannabis, hashish and/or the paraphernalia that facilitates the use of same.

NOW THEREFORE, by the Mayor and Council of the Borough of Kenilworth as follows:

1. Existing Chapter 120 "Land Use", Article 30 "Conditional Uses" be amended to include the following **§ 120-30.10** Cannabis Regulatory, Enforcement Assistance, and Marketplace.
2. The foregoing recitals are incorporated herein as if set forth at length.
3. Prohibited Uses and Structures in All Zones, is hereby amended to read as follows:

   The operation of cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis.
4. All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.
5. If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.
6. This ordinance shall take effect in the time and manner prescribed by law.

Linda Karlovitch, Mayor

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE BOROUGH OF KENILWORTH PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE EXISTING CHAPTER 120 "Land Use", ARTICLE 30 "Conditional Use", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		✓				KAY CECERI			✓			
✓		✓				MARK DAVID	✓		✓			
		✓				JOSEPH FINISTRELLA			✓			
		✓				GERRY LAUDATI			✓			
	✓	✓				SCOTT PENTZ		✓	✓			
		✓				FRED PUGLIESE			✓			

Introduced:
April 28, 2021

Final Adoption:
June 9, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 11 **KENILWORTH, N.J.** **April 28, 2021**

Introduced by: Councilman Gerry Laudati

Seconded by: Councilman Mark David

BE IT HEREBY RESOLVED that the ordinance #2021-07 entitled:

ORDINANCE ADOPTING THE 25 NORTH 26th STREET REDEVELOPMENT PLAN DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA CONSISTING OF BLOCK 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY AFFORDABLE HOUSING

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 June 9, 2021 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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on April 28, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-07

ORDINANCE ADOPTING THE 25 NORTH 26th STREET REDEVELOPMENT PLAN DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA CONSISTING OF BLOCK 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY AFFORDABLE HOUSING

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, on February 26, 2020, pursuant to Resolution No. 8, the governing body of the Borough of Kenilworth (the "**Borough**") authorized and requested the Planning Board to undertake a preliminary investigation (the "**Investigation**") to determine whether the privately owned property Block 183, Lot 9 (the "**Area of Investigation**"), constitutes an area in need of redevelopment for non-condemnation purposes according to the criteria set forth under the Local Redevelopment and Housing Law ("**LRHL**"), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on June 11, 2020 a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties in the Area of Investigation constitute an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

WHEREAS, Kevin O'Brien, PP, AICP, Shamrock Enterprises, Ltd. publicly presented a Preliminary Investigation Report entitled "Planning Report Concerning the Determination of the Proposed Block 183, Lot 9 Study Area As a Non-Condemnation Area in Need of Redevelopment" for the designated Area of Investigation, including Block 183, Lot 9, dated December 10, 2020 (the "Investigation Report"); and

WHEREAS, on December 17, 2020, the Planning Board unanimously recommended that the governing body of the Borough designate the Area of Investigation, including Block 183, Lot 9, as a non-condemnation area in need of redevelopment due to the substantial evidence that the Area of Investigation meets the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, on February 10, 2021, pursuant to Resolution No. 5, the Borough's governing body agreed with the Planning Board's findings that the properties within the Area of Investigation, including Block 183, Lot 9, met numerous criteria under N.J.S.A. 40A:12A-5, and therefore, determined and declared the properties as being in need of redevelopment for non-condemnation purposes; and

WHEREAS, at the direction of the Borough's governing body, Michael J. Mistretta, PP, LLA of Harbor Consultants Inc., has prepared a Redevelopment Plan entitled the "25 North 26th Street Redevelopment Plan" ("the Redevelopment Plan") dated March 2021 covering Block 183, Lot 9 to be in need of redevelopment for non-condemnation purposes; and

WHEREAS, the Redevelopment Plan requires the development of a minimum of 25 or no less than 15% of the total number of residential units in the project as on-site, family rental units for affordable to very low, low and moderate income households as defined under N.J.A.C. 5:93-1 et seq.; and

ORDINANCE NO. 2021-07
ORDINANCE ADOPTING THE 25 NORTH 26th STREET REDEVELOPMENT PLAN DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA CONSISTING OF BLOCK 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY AFFORDABLE HOUSING

WHEREAS, the Redevelopment Plan also requires the affordable units to be subject to the Fair Housing Act ("FHA"), the Uniform Housing Affordability Controls ("UHAC") regulations (N.J.A.C. 5:80-26.1 et seq.), applicable Council on Affordable Housing ("COAH") regulations, and all applicable laws regarding the construction, phasing, administration, and affirmative marketing of affordable units; and

WHEREAS, based on the foregoing conditions, the Borough's governing body wishes to adopt the 25 North 26th Street Redevelopment Plan for the Area of Investigation consisting only of Block 183, Lot 9, which has been established as an area in need of redevelopment for non-condemnation purposes; and

WHEREAS, after reviewing the Redevelopment Plan the Borough Council has determined that the Redevelopment Plan is substantially consistent with the Borough's Master Plan and/or is designed to effectuate the Borough's Master Plan; and,

WHEREAS, a copy of the Redevelopment Plan shall be referred to the Borough Planning Board for a report regarding its recommendations concerning same prior to final adoption of this Ordinance.

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

SECTION 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. The Planning Board of the Borough of Kenilworth has reviewed the Redevelopment Plan and provided its recommendations pursuant to the provisions of N.J.S.A. 40A:12A-7(e).

SECTION 3. The Redevelopment Plan. The 25 North 26th Street Redevelopment Plan prepared by Michael J. Mistretta, PP, LLA of Harbor Consultants attached hereto and made part hereof as **Exhibit A,** as filed in the Office of the Borough Clerk, is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-1 et seq., and shall supersede the current zoning applied to Block 183, Lot 9 and be enacted as an amendment to the Borough's Zoning Map.

SECTION 4. Severability. If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 5. Repealer. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

ORDINANCE NO. 2021-07

ORDINANCE ADOPTING THE 25 NORTH 26th STREET REDEVELOPMENT PLAN DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA CONSISTING OF BLOCK 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY AFFORDABLE HOUSING

SECTION 6. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

SECTION 7. Effective Date. This ordinance shall take effect immediately after final adoption and approval pursuant to law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		✓				KAY CECERI			✓			
	✓	✓				MARK DAVID		✓	✓			
			✓			JOSEPH FINISTRELLA				✓		
✓		✓				GERRY LAUDATI	✓		✓			
			✓			SCOTT PENTZ				✓		
			✓			FRED PUGLIESE				✓		
		✓				MAYOR KARLOVITCH			✓			

Introduced:
April 28, 2021

Final Adoption:
June 9, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **MAY 12, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Work Session & Council Meeting of April 28, 2021. (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - Sen. Kean – Support of S3522 – Create Separate Bd. of Trustees for PERS (Local)
   - NJDOT – Notice of 2022 State Aid Grant Period
   - Department reports for April 2021 from: Clerk's Office, Court, Finance, Fire, Planning & Zoning, Police and Public Works (emailed)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

Consent Agenda

1.	That all bills be paid when properly audited and funds are available	
2.	Temporary Budget Appropriations	
3.	Authorize Payment – S 18th St. Drainage Improvements	$80,000.00
4.	Authorize Payment – 433 N 15th St Sewer Repair	$6,000.00
5.	Authorize Payment – Emergency Road Collapse	$8,403.94
6.	Support of Rails to Trails, Union County	
7.	Low-flying Aircraft Noise Levels	

8. ORDINANCE: None Presented
9. PROCLAMATIONS Public Works Week
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn ____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – MAY 12, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member LAUDATI and seconded by Council Member PUGLIESE.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Temporary Budget Appropriations
3. Authorize Payment – S 18th St. Drainage Improvements $80,000.00
4. Authorize Payment – 433 N 15th St Sewer Repair $6,000.00
5. Authorize Payment – Emergency Road Collapse $8,403.94
6. Support of Rails to Trails, Union County
7. Low-flying Aircraft Noise Levels

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese		✓	✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on May 12, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **MAY 12, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

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.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 12, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **MAY 12, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, an emergent condition has arisen wherein the appropriations set forth in the 2021 temporary budget are insufficient to meet the financial obligations as set forth below and the payroll for municipal officers and employees, and

WHEREAS, the permanent budget for the year 2021 has not yet been adopted, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2021 pursuant to the provisions of N.J.S.A.40A:4-20 including this resolution total $8,819,631.92 and

NOW, THEREFORE, BE IT RESOLVED by (not less than two-thirds (2/3) of all the members thereof affirmatively concurring) that in accordance with the aforementioned statute the 2021 temporary budget be and the same is hereby amended to provide for an emergency temporary appropriation in the amount of $4,409,815.96 said appropriations as follows:

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese		/	/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 12, 2021.

Laura Reinertsen, Borough Clerk

Account Number	Account Description	Account Type	Temp Budget
1-01-20-701-011	CLERK - FULL TIME	Sub Account	98,175.00
1-01-20-701-021	CLERK - ADVERTISING	Sub Account	2,572.50
1-01-20-701-022	CLERK - POSTAGE & PRINTING	Sub Account	7,875.00
1-01-20-701-026	CLERK - MAINTENANCE OF EQUIPMENT	Sub Account	1,050.00
1-01-20-701-028	CLERK - OTHER PROFESSIONAL FEES	Sub Account	4,725.00
1-01-20-701-036	CLERK - OFFICE SUPPLIES	Sub Account	2,100.00
1-01-20-701-041	CLERK - CONFER, EDUC, MEETINGS, TRAINING	Sub Account	1,050.00
1-01-20-701-109	CLERK - CODIFICATION	Sub Account	2,625.00
1-01-20-701-110	CLERK - ELECTIONS	Sub Account	5,775.00
1-01-20-701-118	CLERK - ZONING UPDATES	Sub Account	0.00
1-01-20-701-198	CLERK - AUCTION COSTS	Sub Account	525.00
1-01-20-703-011	MAYOR & COUNCIL - SALARIES	Sub Account	1,968.75
1-01-20-703-041	MAYOR & COUNCIL - CONFERENCES & MEETINGS	Sub Account	1,837.50
1-01-20-703-111	MAYOR & COUNCIL - VIDEOTAPE MEETINGS	Sub Account	2,100.00
1-01-20-703-116	MAYOR & COUNCIL - MISCELLANEOUS EXPENSE	Sub Account	1,837.50
1-01-20-705-011	FINANCE - FULL TIME	Sub Account	123,871.13
1-01-20-705-012	FINANCE - PART TIME	Sub Account	2,625.00
1-01-20-705-013	FINANCE - PT TAX COLLECTOR	Sub Account	10,003.88
1-01-20-705-021	FINANCE - ADVERTISING	Sub Account	78.75
1-01-20-705-023	FINANCE - PRINTING & BINDING	Sub Account	1,050.00
1-01-20-705-026	FINANCE - MAINTENANCE OF EQUIPMENT	Sub Account	6,628.13
1-01-20-705-036	FINANCE - OFFICE SUPPLIES	Sub Account	1,312.50
1-01-20-705-041	FINANCE - CONFERENCES & MEETINGS	Sub Account	472.50
1-01-20-705-042	FINANCE - EDUCATION	Sub Account	525.00
1-01-20-705-044	FINANCE - PROFESSIONAL ASSOCIATION DUES	Sub Account	186.38
1-01-20-705-045	FINANCE - COMPUTER SOFTWARE/REPAIR	Sub Account	13,371.75
1-01-20-705-101	FINANCE - IT SUPPORT & EQUIPMENT	Sub Account	1,837.50
1-01-20-705-201	FINANCE - KENILWORTH ON AIR PEG TV	Sub Account	787.50
1-01-20-705-999	FINANCE - MISCELLANEOUS	Sub Account	0.00
1-01-20-706-025	PAYROLL EXPENSES	Sub Account	8,925.00
1-01-20-706-035	HUMAN RESOURCE EXPENSES	Sub Account	131.25
1-01-20-706-040	HUMAN RESOURCE - EAP PROGRAM	Sub Account	2,625.00
1-01-20-706-045	BANK SERVICE CHARGES & EXPENSES	Sub Account	131.25
1-01-20-706-055	COPIER LEASE CHARGES	Sub Account	3,412.50
1-01-20-707-029	AUDIT - FEES	Sub Account	18,375.00
1-01-20-710-012	ASSESSOR - PART TIME	Sub Account	16,275.00
1-01-20-710-023	ASSESSOR - PRINTING & BINDING	Sub Account	157.50
1-01-20-710-028	ASSESSOR - OTHER PROFESSIONAL SERVICES	Sub Account	2,244.38
1-01-20-710-036	ASSESSOR - OFFICE SUPPLIES	Sub Account	131.25
1-01-20-710-044	ASSESSOR - PROFESSIONAL DUES	Sub Account	91.88
1-01-20-710-166	ASSESSOR - UPDATE TAX MAP	Sub Account	1,050.00
1-01-20-712-010	LEGAL - PART TIME (DO NOT USE)	Sub Account	0.00
1-01-20-712-020	LEGAL - BOROUGH ATT FEES, EXPENSES, ETC.	Sub Account	15,750.00
1-01-20-712-025	LEGAL - MAYOR'S RIVER STUDY COMMITTEE	Sub Account	2,625.00
1-01-20-712-030	LEGAL - LABOR	Sub Account	29,137.50
1-01-20-712-040	LEGAL - COAH	Sub Account	5,250.00
1-01-20-712-050	LEGAL - TAX APPEALS	Sub Account	4,725.00
1-01-20-712-200	LEGAL - OTHER	Sub Account	262.50
1-01-20-712-600	OTHER EXPENSES - RETAINER	Line Item Control	18,894.75
1-01-20-715-011	ENGINEERING - SALARIES	Sub Account	52.50
1-01-20-715-015	ENGINEERING - SEWER ENGINEER-DO NOT USE	Sub Account	0.00
1-01-20-715-021	ENGINEERING - SD PERMITS	Sub Account	2,625.00
1-01-20-715-022	ENGINEERING - ROAD OPENINGS	Sub Account	15,750.00
1-01-20-715-023	ENGINEERING - GRADING PERMITS	Sub Account	5,250.00
1-01-20-715-024	ENGINEERING - GRANT APPS/ASSOCIATED COST	Sub Account	11,550.00
1-01-20-715-025	ENGINEERING - OUTSIDE FIRM - MEETINGS	Sub Account	10,500.00
1-01-20-715-026	ENGINEERING - EMERGENCY CALL OUTS	Sub Account	2,887.50
1-01-20-715-027	ENGINEERING - ADDITIONAL FEES	Sub Account	11,025.00
1-01-20-715-030	ENGINEERING - MATERIALS & SUPPLIES	Sub Account	262.50
1-01-20-715-035	ENGINEERING - STORMWATER REGULATION FEE	Sub Account	1,050.00
1-01-20-715-040	ENGINEERING - COAH	Sub Account	12,600.00
1-01-20-715-050	ENGINEERING - SEWER	Sub Account	5,250.00
1-01-21-720-017	PLANNING BOARD - PART TIME	Sub Account	3,150.00
1-01-21-720-021	PLANNING BOARD - ADVERTISING	Sub Account	0.00
1-01-21-720-026	PLANNING BOARD - MAINTENANCE OF EQUIP.	Sub Account	288.75
1-01-21-720-036	PLANNING BOARD - OFFICE SUPPLIES	Sub Account	262.50
1-01-21-720-042	PLANNING BOARD - EDUCATION & TRAINING	Sub Account	498.75

1-01-21-720-044	PLANNING BOARD - PROFESSIONAL ASSN. DUES	Sub Account	262.50
1-01-21-720-111	PLANNING BOARD - VIDEOTAPE MEETINGS	Sub Account	1,837.50
1-01-21-720-118	PLANNING BOARD-LEGAL/OTHER PROFESSIONALS	Sub Account	12,600.00
1-01-22-721-010	ZONING - PART TIME	Sub Account	11,550.00
1-01-22-721-116	ZONING - MISC. COSTS	Sub Account	157.50
1-01-22-721-200	ZONING ORDINANCES	Sub Account	105.00
1-01-22-725-011	CONSTRUCTION CODE - FULL TIME	Sub Account	58,471.88
1-01-22-725-012	CONSTRUCTION CODE - PART TIME	Sub Account	0.00
1-01-22-725-013	CONSTRUCTION CODE-STORAGE TRAILER INSP	Sub Account	328.13
1-01-22-725-015	CONSTRUCTION CODE - HOUSING INSPECTOR	Sub Account	0.00
1-01-22-725-021	CONSTRUCTION-STORAGE INSP-DO NOT USE	Sub Account	0.00
1-01-22-725-023	CONSTRUCTION CODE - PRINTING & BINDING	Sub Account	1,155.00
1-01-22-725-026	CONSTRUCTION CODE - MAINTENANCE OF EQUIP	Sub Account	4,672.50
1-01-22-725-033	CONSTRUCTION CODE - BOOKS & PUBLICATIONS	Sub Account	525.00
1-01-22-725-036	CONSTRUCTION CODE - OFFICE SUPPLIES	Sub Account	735.00
1-01-22-725-042	CONSTRUCTION CODE - EDUCATION & TRAINING	Sub Account	525.00
1-01-22-725-053	CONSTRUCTION CODE - NEW EQUIP., OFFICE	Sub Account	262.50
1-01-22-726-010	BUILDING INSPECTOR - PART TIME	Sub Account	17,850.00
1-01-22-726-011	CONSTRUCTION CODE OFFICIAL-TEMPORARY	Sub Account	0.00
1-01-22-726-020	BUILDING INSPECTOR - MISC. EXPENSE	Sub Account	262.50
1-01-22-727-012	PLUMBING INSPECTOR - PART TIME	Sub Account	8,925.00
1-01-22-727-020	PLUMBING INSPECTOR - MISCELLANEOUS EXP.	Sub Account	105.00
1-01-22-728-010	ELECTRICAL INSPECTOR - PART TIME	Sub Account	8,925.00
1-01-22-728-020	ELECTRICAL INSPECTOR - MISC. COSTS	Sub Account	105.00
1-01-22-729-010	FIRE SUBCODE - PART TIME	Sub Account	8,925.00
1-01-22-729-020	FIRE SUBCODE - MISC. EXPENSES	Sub Account	105.00
1-01-23-730-000	INSURANCE - LIABILITY	Sub Account	262,500.00
1-01-23-733-171	INSURANCE - PRESCRIPTION	Sub Account	317,100.00
1-01-23-733-172	INSURANCE - DENTAL	Sub Account	60,375.00
1-01-23-733-173	INSURANCE - SUN LIFE	Sub Account	11,025.00
1-01-23-733-175	INSURANCE - HEALTH - ACTIVE EMPLOYEES	Sub Account	569,625.00
1-01-23-733-176	INSURANCE - HEALTH RETIRED EMPLOYEES	Sub Account	294,000.00
1-01-23-733-179	INSURANCE - VISION COVERAGE	Sub Account	7,875.00
1-01-23-733-180	INSURANCE - MISC. FRINGE COSTS	Sub Account	0.00
1-01-23-734-175	INSURANCE - HEALTH BENEFIT WAIVER	Sub Account	7,875.00
1-01-23-735-175	INSURANCE - STATE TEMPORARY DISABILITY	Sub Account	52.50
1-01-25-745-011	POLICE - FULL TIME	Sub Account	1,544,025.00
1-01-25-745-013	POLICE - OFFICER IN CHARGE	Sub Account	5,250.00
1-01-25-745-014	POLICE - OVERTIME	Sub Account	65,625.00
1-01-25-745-015	POLICE - OTHER SALARIES AND WAGES	Sub Account	0.00
1-01-25-745-017	POLICE - CLERICAL SALARIES	Sub Account	42,000.00
1-01-25-745-018	POLICE - DISPATCHER SALARIES	Sub Account	91,350.00
1-01-25-745-019	POLICE - DISPATCHER OVERTIME	Sub Account	7,875.00
1-01-25-745-021	POLICE - ADVERTISING	Sub Account	52.50
1-01-25-745-023	POLICE - PRINTING & BINDING	Sub Account	52.50
1-01-25-745-025	POLICE - MAINT. OF MOTOR VEHICLES	Sub Account	18,375.00
1-01-25-745-026	POLICE - MAINT. OF OTHER EQUIPMENT	Sub Account	8,925.00
1-01-25-745-028	POLICE - PHYSICIANS SERVICES	Sub Account	3,150.00
1-01-25-745-036	POLICE - OFFICE SUPPLIES	Sub Account	3,675.00
1-01-25-745-041	POLICE - CONFERENCES & MEETINGS	Sub Account	1,837.50
1-01-25-745-042	POLICE - EDUCATION & TRAINING	Sub Account	3,675.00
1-01-25-745-043	POLICE - IT SERVICE	Sub Account	6,300.00
1-01-25-745-051	POLICE - PURCHASE & LEASE OF VEHICLES	Sub Account	0.00
1-01-25-745-061	POLICE - PURCHASE NEW EQUIPMENT	Sub Account	3,150.00
1-01-25-745-076	POLICE - EQUIPMENT SERVICE CONTRACTS	Sub Account	57,487.50
1-01-25-745-116	POLICE - MISC. COSTS	Sub Account	2,100.00
1-01-25-745-141	POLICE - DETECTIVE BUREAU SUPPLIES	Sub Account	2,100.00
1-01-25-745-142	POLICE - PRISONER MAINTENANCE	Sub Account	183.75
1-01-25-745-143	POLICE - CRIME PREVENTION	Sub Account	0.00
1-01-25-745-145	POLICE - AWARDS	Sub Account	105.00
1-01-25-745-147	POLICE - FIRST AID SUPPLIES	Sub Account	3,150.00
1-01-25-745-148	POLICE - AMMUNITION & FIREARMS	Sub Account	6,300.00
1-01-25-745-149	POLICE - NEW HIRE EXPENSES	Sub Account	3,150.00
1-01-25-746-012	TRAFFIC POLICE - PART TIME	Sub Account	65,625.00
1-01-25-746-026	TRAFFIC POLICE - MAINT. OF EQUIPMENT	Sub Account	21,000.00
1-01-25-746-032	TRAFFIC POLICE - CLOTHING & UNIFORMS	Sub Account	787.50
1-01-25-746-042	TRAFFIC POLICE - EDUCATION & TRAINING	Sub Account	420.00
1-01-25-746-058	TRAFFIC POLICE - OTHER EQUIP. & SUPPLIES	Sub Account	420.00

1-01-25-746-116	TRAFFIC POLICE - MISC. COSTS	Sub Account	315.00
1-01-25-746-146	TRAFFIC POLICE - TRAFFIC SIGNS	Sub Account	3,150.00
1-01-25-747-010	EMERGENCY MANAGEMENT - PART TIME	Sub Account	3,202.50
1-01-25-747-030	EMERGENCY MANAGEMENT - MATERIALS & SUPP.	Sub Account	9,450.00
1-01-25-749-012	FIRE DEPARTMENT - PART TIME	Sub Account	4,252.50
1-01-25-749-030	FIRE DEPARTMENT - MATERIALS & SUPPLIES	Sub Account	1,050.00
1-01-25-749-041	FIRE DEPARTMENT - MAINT. OF EQUIPMENT	Sub Account	11,550.00
1-01-25-749-042	FIRE DEPARTMENT - EDUCATION & TRAINING	Sub Account	2,730.00
1-01-25-749-056	FIRE DEPARTMENT - OTHER SAFETY EQUIPMENT	Sub Account	5,250.00
1-01-25-749-090	FIRE DEPARTMENT - INSURANCE	Sub Account	2,205.00
1-01-25-749-093	FIRE DEPARTMENT - MED. EXP. - HEP. "B"	Sub Account	525.00
1-01-25-749-116	FIRE DEPARTMENT - MISC. COSTS	Sub Account	2,625.00
1-01-25-749-122	FIRE DEPARTMENT - DAY STIPEND - FIRE	Sub Account	40,559.40
1-01-25-749-123	FIRE DEPARTMENT - DAY STIPEND - RESCUE	Sub Account	28,610.40
1-01-25-749-124	FIRE DEPARTMENT - WEEKEND STIPEND - FIRE	Sub Account	13,759.20
1-01-25-749-140	FIRE DEPARTMENT - VOLUNTEERS	Sub Account	75,533.85
1-01-25-749-150	FIRE DEPARTMENT - JANITORIAL SUPPLIES	Sub Account	136.50
1-01-25-749-151	FIRE DEPARTMENT - HVAC MAINTENANCE	Sub Account	708.75
1-01-25-749-152	FIRE DEPARTMENT - ELEVATOR MAINTENANCE	Sub Account	1,470.00
1-01-25-749-153	FIRE DEPARTMENT - FIRE ALARM MON. SERV.	Sub Account	446.25
1-01-25-753-017	FIRE PREVENTION - SMOKE DETECTOR INSP.	Sub Account	3,675.00
1-01-25-753-018	FIRE PREVENTION - INSPECTORS	Sub Account	37,485.00
1-01-25-753-019	FIRE PREVENTION - PART TIME	Sub Account	4,620.00
1-01-25-753-051	FIRE PREVENTION - VEHICLE	Sub Account	262.50
1-01-25-753-075	FIRE PREVENTION - KNOX BOXES	Sub Account	1,575.00
1-01-25-753-116	FIRE PREVENTION - MISCELLANEOUS COSTS	Sub Account	105.00
1-01-25-753-133	FIRE PREVENTION - HANDOUTS MATERIALS FPW	Sub Account	1,312.50
1-01-26-765-011	PUBLIC WORKS - FULL TIME	Sub Account	417,375.00
1-01-26-765-014	PUBLIC WORKS - OVERTIME	Sub Account	26,250.00
1-01-26-765-026	PUBLIC WORKS - MAINT. OF OTHER EQUIPMENT	Sub Account	23,100.00
1-01-26-765-030	PUBLIC WORKS - MATERIALS & SUPPLIES	Sub Account	2,625.00
1-01-26-765-032	PUBLIC WORKS - CLOTHING & UNIFORMS	Sub Account	4,200.00
1-01-26-765-038	PUBLIC WORKS - GEN'L HARDWARE & TOOLS	Sub Account	4,725.00
1-01-26-765-041	PUBLIC WORKS - CONFERENCES & MEETINGS	Sub Account	1,050.00
1-01-26-765-043	PUBLIC WORKS - MAINTENANCE OF FUEL TANKS	Sub Account	2,625.00
1-01-26-765-093	PUBLIC WORKS - MEDICAL. EXP - MANDATED	Sub Account	525.00
1-01-26-765-116	PUBLIC WORKS - MISC. COSTS	Sub Account	0.00
1-01-26-765-131	PUBLIC WORKS - PAINT - TRAFFIC	Sub Account	0.00
1-01-26-765-132	PUBLIC WORKS - STONE & BLACKTOP	Sub Account	5,250.00
1-01-26-765-150	PUBLIC WORKS - SNOW REMOVAL/EQUIPMENT	Sub Account	15,750.00
1-01-26-766-175	SNOW REMOVAL - OTHER EXPENSES	Sub Account	52.50
1-01-26-767-011	PARKS - FULL TIME	Sub Account	0.00
1-01-26-767-021	PARKS - MAINTENANCE OF PARKS	Sub Account	3,675.00
1-01-26-770-011	SOLID WASTE - FULL TIME	Sub Account	116,550.00
1-01-26-770-014	SOLID WASTE - OVERTIME	Sub Account	9,450.00
1-01-26-770-026	SOLID WASTE - MAINT. OF OTHER EQUIPMENT	Sub Account	22,575.00
1-01-26-770-032	SOLID WASTE - CLOTHING & UNIFORMS	Sub Account	866.25
1-01-26-770-036	SOLID WASTE - OFFICE SUPPLIES	Sub Account	4,200.00
1-01-26-770-116	SOLID WASTE - MISC. COSTS	Sub Account	2,782.50
1-01-26-770-117	SOLID WASTE - PUBLIC EDUCATION	Sub Account	1,050.00
1-01-26-772-011	BUILDING & GRNDS - FULL TIME	Sub Account	0.00
1-01-26-772-014	BUILDING & GRNDS - OVERTIME	Sub Account	52.50
1-01-26-772-022	BUILDING & GRNDS - OUTSIDE SERVICES	Sub Account	23,100.00
1-01-26-772-024	BUILDING & GRNDS - CLEANING,PAINT,JANITO	Sub Account	2,231.25
1-01-26-772-026	BUILDING & GRNDS - MAINT. OF OTHER EQUIP	Sub Account	28,875.00
1-01-26-772-030	BUILDING & GRNDS - MATERIALS & SUPPLIES	Sub Account	5,250.00
1-01-26-772-244	BUILDING & GRNDS - SR. CIT. BLDG CLEANIN	Sub Account	1,050.00
1-01-26-773-026	SEWERS - MAINT. OF OTHER EQUIPMENT	Sub Account	7,350.00
1-01-26-773-030	SEWERS - MATERIALS & SUPPLIES	Sub Account	1,050.00
1-01-26-773-042	SEWERS - EDUCATION-TRAINING OSHA MANDAT	Sub Account	0.00
1-01-26-773-050	SEWERS - RVSA PERMIT FEES DUE	Sub Account	3,150.00
1-01-26-773-094	SEWERS - REPAIRS & MAINTENANCE	Sub Account	5,250.00
1-01-26-775-001	RECYCLING - CANS AND BOTTLES	Sub Account	67,777.50
1-01-26-775-002	RECYCLING - LEAVES & BRUSH	Sub Account	31,500.00
1-01-26-775-003	RECYCLING - GRASS CLIPPINGS	Sub Account	0.00
1-01-26-775-004	RECYCLING - OTHER MATERIALS	Sub Account	0.00
1-01-26-776-121	SHADE TREE - NEW TREES	Sub Account	1,050.00
1-01-26-776-122	SHADE TREE - GENERAL MAINTENANCE	Sub Account	41,737.50

1-01-26-776-123	SHADE TREE - TREE REMOVAL	Sub Account	0.00
1-01-27-761-012	SENIOR CITIZEN TRANSP - PART TIME	Sub Account	8,925.00
1-01-27-761-013	SENIOR CITIZEN TRANSP - PT AFTER HOURS	Sub Account	0.00
1-01-27-761-034	SENIOR CITIZEN TRANSP - MV PARTS & ACCES	Sub Account	1,050.00
1-01-27-762-010	SENIOR CITIZEN PRGRMS - PART TIME	Sub Account	525.00
1-01-27-762-020	SENIOR CITIZEN PRGRMS - MISC EXPENSES	Sub Account	3,937.50
1-01-27-785-011	BOARD OF HEALTH - FULL TIME	Sub Account	23,100.00
1-01-27-785-012	BOARD OF HEALTH - PART TIME	Sub Account	15,225.00
1-01-27-785-021	BOARD OF HEALTH - ADVERTISING	Sub Account	191.63
1-01-27-785-028	BOARD OF HEALTH - SPEC. SERV. (EXTERM.)	Sub Account	735.00
1-01-27-785-036	BOARD OF HEALTH - OFFICE SUPPLIES	Sub Account	1,680.00
1-01-27-785-041	BOARD OF HEALTH - CONFERENCES & MEETINGS	Sub Account	446.25
1-01-27-785-093	BOARD OF HEALTH - MEDICAL EXPENSES	Sub Account	2,362.50
1-01-27-785-095	BOARD OF HEALTH - LEAD SCREENINGS	Sub Account	57.75
1-01-27-785-096	BOARD OF HEALTH - LAB REPORTS	Sub Account	105.00
1-01-27-785-116	BOARD OF HEALTH - MISCELLANEOUS COSTS	Sub Account	147.00
1-01-27-785-183	BOARD OF HEALTH - UNION TWSP. CONTRACT	Sub Account	5,110.88
1-01-27-785-184	BOARD OF HEALTH - BOARD PHYSICIAN	Sub Account	210.00
1-01-27-785-185	BOARD OF HEALTH - CLINICS	Sub Account	162.75
1-01-27-785-186	BOARD OF HEALTH - VISITING NURSE SERVICE	Sub Account	3,514.88
1-01-27-785-187	BOARD OF HEALTH - COMMISSIONERS EXPENSES	Sub Account	105.00
1-01-27-785-188	BOARD OF HEALTH - VEHICLE EXPENSE	Sub Account	63.00
1-01-27-788-000	ANIMAL CONTROL - DOG & CAT REGULATION	Sub Account	6,966.75
1-01-27-790-012	PUBLIC ASSISTANCE - PART TIME	Sub Account	52.50
1-01-27-790-023	PUBLIC ASSISTANCE - PRINTING & BINDING	Sub Account	0.00
1-01-27-790-036	PUBLIC ASSISTANCE - OFFICE SUPPLIES	Sub Account	52.50
1-01-27-790-041	PUBLIC ASSISTANCE - CONF. & MEETINGS	Sub Account	0.00
1-01-27-790-042	PUBLIC ASSISTANCE - EDUCATION & TRAINING	Sub Account	0.00
1-01-27-790-044	PUBLIC ASSISTANCE - PROF. ASSOC. DUES	Sub Account	0.00
1-01-27-790-053	PUBLIC ASSISTANCE - NEW EQUIPMENT	Sub Account	0.00
1-01-27-790-116	PUBLIC ASSISTANCE - MISCELLANEOUS COSTS	Sub Account	0.00
1-01-28-795-011	RECREATION - FULL TIME	Sub Account	16,800.00
1-01-28-795-012	RECREATION - PART TIME	Sub Account	2,625.00
1-01-28-795-026	RECREATION - MAINTENANCE AND EQUIPMENT	Sub Account	656.25
1-01-28-795-041	RECREATION - CONF. MTGS, EDUC. TRAINING	Sub Account	0.00
1-01-28-795-064	RECREATION - WRESTLING PROGRAM	Sub Account	0.00
1-01-28-795-065	RECREATION - PROGRAMS	Sub Account	367.50
1-01-28-795-066	RECREATION - SUPPLIES	Sub Account	525.00
1-01-28-795-111	RECREATION PROGRAMS - CHEERING	Sub Account	0.00
1-01-28-795-112	RECREATION PROGRAMS - FLAG FOOTBALL	Sub Account	0.00
1-01-28-795-113	RECREATION PROGRAMS - SOFTBALL	Sub Account	0.00
1-01-28-795-114	RECREATION BASKETBALL	Sub Account	498.75
1-01-28-795-115	RECREATION SOCCER	Sub Account	1,165.50
1-01-28-795-116	RECREATION PROGRAMS - HOLIDAY RELATED	Sub Account	4,966.50
1-01-28-795-117	RECREATION PROGRAMS-FAMILY NIGHTS/EVENTS	Sub Account	2,588.25
1-01-29-800-000	MAINT. FREE PUBLIC LIBRARY	Line Item Control	277,676.70
1-01-29-801-000	FIRE DEPARTMENT - RESCUE SQUAD CONTRIBU.	Line Item Control	13,125.00
1-01-29-802-000	FIRE DEPARTMENT - "LOSAP" AWARDS PROGRAM	Line Item Control	34,125.00
1-01-30-420-201	PRIDE IN KENILWORTH	Line Item Control	0.00
1-01-30-420-202	BEAUTIFICATION	Line Item Control	1,050.00
1-01-30-420-203	CELEBRATION OF PUBLIC EVENTS	Line Item Control	10,500.00
1-01-31-430-070	UTILITIES - HEATING OIL/NATURAL GAS	Sub Account	21,000.00
1-01-31-430-071	UTILITIES - ELECTRICITY	Sub Account	36,750.00
1-01-31-430-072	UTILITIES - WATER	Sub Account	5,250.00
1-01-31-430-074	UTILITIES - GASOLINE & DIESEL FUEL	Sub Account	65,625.00
1-01-31-430-076	UTILITIES - TELEPHONE	Sub Account	23,625.00
1-01-31-430-077	UTILITIES - TELECOMMUNICATIONS	Sub Account	5,250.00
1-01-31-774-000	UTILITIES - RAHWAY VALLEY SEWER AUTH.	Line Item Control	652,761.38
1-01-31-777-000	UTILITIES - FIRE HYDRANT SERVICE	Line Item Control	74,550.00
1-01-31-821-000	UTILITIES - STREET LIGHTING	Line Item Control	78,225.00
1-01-31-827-000	UTILITIES - TIPPING FEES (SOLID WASTE)	Line Item Control	168,000.00
1-01-32-750-175	ACCUMULATED LEAVE - OTHER EXPENSES	Sub Account	52.50
1-01-33-756-010	PUBLIC DEFENDER - PART TIME	Sub Account	52.50
1-01-33-756-021	PUBLIC DEFENDER - CONTRACTUAL	Sub Account	2,362.50
1-01-33-757-012	PROSECUTOR - PART TIME	Sub Account	52.50
1-01-33-757-021	PROSECUTOR - CONTRACTUAL	Sub Account	8,400.00
1-01-33-833-011	COURT - FULL TIME	Sub Account	55,125.00
1-01-33-833-012	COURT - PART TIME	Sub Account	28,875.00

1-01-33-833-026	COURT - MAINTENANCE OF EQUIPMENT	Sub Account	525.00
1-01-33-833-032	COURT - CLOTHING & UNIFORMS	Sub Account	78.75
1-01-33-833-033	COURT - BOOKS & PUBLICATIONS	Sub Account	525.00
1-01-33-833-041	COURT - CONFERENCES & MEETINGS	Sub Account	656.25
1-01-33-833-044	COURT - PROFESSIONAL ASSOC. DUES	Sub Account	679.88
1-01-33-833-058	COURT - OTHER EQUIP. & SUPPLIES	Sub Account	1,470.00
1-01-33-833-150	COURT - FILL IN JUDGES	Sub Account	472.50
1-01-33-833-151	COURT - INTERPRETER	Sub Account	1,575.00
1-01-33-833-152	COURT - COURT PER DIEM HELP	Sub Account	1,840.13
1-01-33-833-165	COURT - BANK FEES - CREDIT CARDS	Sub Account	1,575.00
1-01-33-833-170	COURT - SUBPOENA FEES	Sub Account	52.50
1-01-35-835-000	CONTINGENT	Line Item Control	0.00
1-01-36-834-000	STATUTORY - UNEMPLOYMENT COMPENSATION	Line Item Control	10,500.00
1-01-36-836-000	STATUTORY - CONTRIBUTION TO P.E.R.S.	Line Item Control	161,489.48
1-01-36-837-000	STATUTORY - SOCIAL SECURITY (ER)	Line Item Control	170,625.00
1-01-36-838-000	STATUTORY - D.C.R.P.	Line Item Control	4,200.00
1-01-36-839-000	STATUTORY - CONTRIBUTION TO P.F.R.S.	Line Item Control	422,064.83
1-01-37-480-101	JUDGEMENTS - TAX APPEALS	Sub Account	15,750.00
1-01-38-000-110	HURRICANE EXP - POLICE SALARIES	Sub Account	0.00
1-01-38-000-120	HURRICANE EXP - DPW SALARIES	Sub Account	0.00
1-01-38-000-130	HURRICANE EXP - BUILDING MAINT/REPAIRS	Sub Account	0.00
1-01-38-000-140	HURRICANE EXP - RESIDENTS DEBRIS REMOVAL	Sub Account	0.00
1-01-38-000-150	HURRICANE EXP - OTHER STORM RELATED EXP	Sub Account	0.00
1-01-40-319-999	GRANTS PAYABLE - GENERAL	Sub Account	0.00
1-01-40-320-000	MUNICIPAL ALLIANCE GRANT FUNDS	Sub Account	0.00
1-01-40-321-000	DRUNK DRIVING GRANT FUNDS	Sub Account	0.00
1-01-40-322-000	ALCOHOL, EDUCATION REHAB	Sub Account	0.00
1-01-40-324-000	RECYCLING TONNAGE GRANT	Sub Account	0.00
1-01-40-325-000	CLEAN COMMUNITIES	Sub Account	0.00
1-01-40-327-000	BODY ARMOUR REPLACEMENT	Sub Account	0.00
1-01-40-328-000	DRIVE SOBER GET PULLED OVER	Sub Account	0.00
1-01-40-329-000	UNION COUNTY RECYCLING	Sub Account	0.00
1-01-40-330-000	GREENING UNION COUNTY	Sub Account	0.00
1-01-40-330-001	UC SENIOR FOCUS GRANT	Sub Account	0.00
1-01-40-331-000	CLICK IT OR TICKET	Sub Account	0.00
1-01-40-331-001	U TEXT U DRIVE/DISTRACTED DRIVING	Sub Account	0.00
1-01-40-332-000	UNION COUNTY RECREATION GRANT	Sub Account	0.00
1-01-40-333-000	UNION COUNTY HEART GRANT	Sub Account	0.00
1-01-40-334-000	UNION COUNTY INFRASTRUCTURE GRANT	Sub Account	0.00
1-01-40-335-000	FEDERAL BULLET PROOF REPLACEMENT PROGRAM	Sub Account	1,408.21
1-01-40-362-000	LOCAL SHARE-ALLIANCE GRANT	Sub Account	4,200.00
1-01-40-363-000	DOT GRANT - CARNEGIE STREET	Sub Account	0.00
1-01-40-365-000	IMPROVEMENTS TO 16TH ST. PARK	Sub Account	0.00
1-01-40-366-000	PURCHASE OF RECREATION EQUIPMENT	Sub Account	0.00
1-01-40-367-000	CDBG-HANDYMAN	Sub Account	0.00
1-01-40-367-001	CDBG-ADA CURBING	Sub Account	0.00
1-01-40-367-002	CDBG- SOCIAL SERVICES	Sub Account	0.00
1-01-40-368-001	NJCCN HEALTHY KIDS GARDEN GRANT	Sub Account	0.00
1-01-44-840-000	CAPITAL IMPROVEMENT FUND	Line Item Control	21,000.00
1-01-45-850-000	PRINCIPAL ON BONDS	Line Item Control	525,000.00
1-01-45-851-000	PAYT. OF BANS & CAPITAL NOTES	Line Item Control	0.00
1-01-45-852-000	INTEREST ON BONDS	Line Item Control	99,643.69
1-01-45-853-000	INTEREST ON NOTES	Line Item Control	0.00
1-01-45-854-000	INTEREST ON ASSESSMENT NOTES	Line Item Control	0.00
1-01-46-887-001	EMERGENCY AUTHORIZATION	Line Item Control	7,875.00
1-01-46-887-002	SPECIAL EMERGENCY APPROP-DO NOT USE	Line Item Control	0.00
1-01-46-888-001	DEFERRED CHARGE FUTURE TAXATION UNFUNDED	Line Item Control	0.00
1-01-46-890-000	OVEREXPENDITURE OF APPROP. RESERVES	Line Item Control	0.00
1-01-46-891-000	OVEREXPENDITURE OF APPROPRIATIONS	Line Item Control	0.00
1-01-46-895-000	OVEREXPENDITURE RESERVE FOR GRANTS	Line Item Control	0.00
1-01-46-896-000	OVEREXPENDITURE OF GRANTS APPROPRIATED	Line Item Control	0.00
1-01-46-897-000	OVEREXPENDITURE OF CDBG GRANT	Line Item Control	0.00
1-01-49-062-001	RESERVE FOR LEGAL JUDGEMENTS	Line Item Control	0.00
1-01-50-890-000	RESERVE FOR UNCOLLECTED TAXES	Line Item Control	411,282.34
1-01-55-067-001	Reserve for Snow Removal Costs	Line Item Control	0.00
			8,819,631.92

RESOLUTION

No. 3 KENILWORTH, N.J. MAY 12, 2021

Introduced by: _____

Seconded by: CONSENT AGENDA

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 1st and Final Payment for S 18th Street Drainage Improvements 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: S 18th Street Drainage Improvements
CONTRACTOR: Messercola Excavating Co., Inc.
549 E. 3rd Street
Plainfield, NJ 07060

Payment

Contract amount:	$83,000.00
Change orders amount:	$ 0.00
Unused Allowance:	$ (3,000.00)
Contract sum to date:	$80,000.00
Total completed and stored to date:	
Less 10% retainage to date:	$ 0.00
Total Earned less retainage:	$ 0.00
Less previous payments:	$ 0.00
Amount due :	$80,000.00
Balance to finish including retainage:	$ 0.00

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:
C-04-55-201-101
Kenneth P Blenk

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 12

, 2021.

Laura Reinertsen, Borough Clerk

Harbor Consultants, Inc.
Engineers, Planners & Surveyors
320 North Avenue East
Cranford, NJ 07016
Tel (908) 276-2715
Fax (908) 709-1738

May 6, 2021

Ms. Laura Reinertsen, Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

RE: Messercola Excavating Co., Inc.
S 18th Street Drainage Improvements
Kenilworth, NJ

Dear Ms. Reinertsen:

Enclosed is Application for Payment No. 1 and final payment received from Messercola Excavating, Inc. for work completed on the above referenced project. Harbor Consultants, Inc. has reviewed this application and recommends that payment in the amount of **$80,000.00** be approved at the next available Council meeting.

The current status of the contract is as follows:

Contract amount:	$83,000.00
Change orders amount:	$ 0.00
Unused Allowance:	$ (3,000.00)
Contract sum to date:	$80,000.00
Total completed and stored to date:	
Less 10% retainage to date:	$ 0.00
Total Earned less retainage:	$ 0.00
Less previous payments:	$ 0.00
Amount due :	$80,000.00
Balance to finish including retainage:	$ 0.00

If you should have any questions please give us a call.

RESOLUTION

No. 4 KENILWORTH, N.J. MAY 12, 2021

Introduced by: _____

Seconded by: CONSENT AGENDA

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 for 433 N. 15th Street Sewer Repair 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: 433 N. 15th Street Sewer Repair
CONTRACTOR: Messercola Excavating Co., Inc.
549 E. 3rd Street
Plainfield, NJ 07060

Payment of Invoice #8448
Amount Due **$6,000.00**

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:
T-03-56-870-002
Kenneth P. Blum/A

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 12, 2021.

Laura Reinertsen, Borough Clerk

Harbor Consultants, Inc.
Engineers, Planners & Surveyors
320 North Avenue East
Cranford, NJ 07016
Tel (908) 276-2215
Fax (908) 709-1738

May 6, 2021

Ms. Laura Reinertsen, Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

RE: Messercola Excavating Co., Inc.
433 N 15th Street Sewer Repair
Kenilworth, NJ

Dear Ms. Reinertsen:

Enclosed is Application for Payment No. 1 and final payment received from Messercola Excavating, Inc. for work completed on the above referenced project. Harbor Consultants, Inc. has reviewed this application and recommends that payment in the amount of **$6,000.00** be approved at the next available Council meeting.

The current status of the contract is as follows:

Contract amount:	$6,000.00
Change orders amount:	$ 0.00
Contract sum to date:	$6,000.00
Total completed and stored to date:	
Less 10% retainage to date:	$ 0.00
Total Earned less retainage:	$ 0.00
Less previous payments:	$ 0.00
Amount due :	$6,000.00
Balance to finish including retainage:	$ 0.00

If you should have any questions please give us a call.

Very truly yours,

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.

RESOLUTION

No. 5 **KENILWORTH, N.J.** **MAY 12, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

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 for the Emergency Road Collapse Repair 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: Market Street Emergency Road Collapse Repair
CONTRACTOR: Messercola Excavating Co., Inc.
549 E. 3rd Street
Plainfield, NJ 07060

Payment of Invoice #8363
Amount Due **$8,403.94**

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:
C-04-55-175-110
Kenneth P. Blum Jr.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 12, 2021.

Laura Reinertsen, Borough Clerk

Harbor Consultants, Inc.
Engineers, Planners & Surveyors
320 North Avenue East
Cranford, NJ 07016
Tel (908) 276-2715
Fax (908) 709-1738

May 6, 2021

Ms. Laura Reinertsen, Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

RE: Messercola Excavating Co., Inc.
Market Emergency Road Collapse Repair
Kenilworth, NJ

Dear Ms. Reinertsen:

Harbor Consultants is in receipt of a payment request from Messercola Excavating Co., Inc. For work performed for emergency repair of a road collapse in Market Street on from February 24, 2021. Attached is a time and material invoice in the amount of $8,403.94. We recommend payment in the amount of $8,403.94 be approved at the next available Council meeting.

If you should have any questions please give us a call.

Very truly yours,

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.

RESOLUTION

No. 6 **KENILWORTH, N.J.** **MAY 12, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the Mayor and Council (hereinafter, the "Governing Body") of the Borough of Kenilworth (hereinafter, the "Borough") wishes to support expanded means and methods for connectivity and transportation within the municipality and the greater Union County area; and

WHEREAS, there exists an advocacy group, "Rails to Trails , Union County," that seeks to transform unused railroad lines into a greenway for walking and biking trails between the City of Elizabeth and the Township of Cranford; and

WHEREAS, the Governing Body believes that the aforementioned objective of "Rails to Trains Union County" is valuable and necessary for creating a community and region that is more walkable and bikeable; and

WHEREAS, "Rails to Trails Union County" has the support of the Union County Board of County Commissioners; and

WHEREAS, the Governing Body of the Borough wishes to formally express its support of the "Rails to Trails Union County" advocacy group to their pursuit of the transformation of unutilized railroad lines into walking and biking trails.

NOW, THREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey hereby expresses its support for the "Rails to Trails Union County" advocacy group in their pursuit of the transformation of unutilized railroad lines into walking and biking trails between the City of Elizabeth and the Township of Cranford.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese		/	/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _/		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 12, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **MAY 12, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Borough of Kenilworth recognizes the increase of low-flying aircrafts in the community since May 2018; and

WHEREAS, the increased flight traffic has created excessive noise in the community throughout various times of day and night; and

WHEREAS, such extreme noise has disrupted the quality of life for Kenilworth residents as it has become increasingly difficult for residents to enjoy normal behaviors such as outdoor activities, watching television and listening to music; and

WHEREAS, the volume and frequency of the noise caused by low-flying aircrafts continue irrespective of time thus often interfering with sleep patterns of Kenilworth residents of all ages; and

WHEREAS, the Governing Body is deeply disturbed by the impact such noise has on the health, safety and welfare of its residents; and

WHEREAS, the Governing Body is aware of and very concerned about the deleterious health effects such noise has on its residents, including disruption to children's learning, hearing problems, elevated blood pressure and increased stress levels; and

WHEREAS, the Governing Body is very concerned about the ongoing state of low-level flying especially after witnessing the detrimental effects of the 1987 Expanded East Coast Plan (EECP); and

WHEREAS, the Governing Body seeks to restore the aircraft routes to where they were prior to May 2018; and

WHEREAS, the Governing Body requests an explanation for the change in flight patterns absent proper notice and with total disregard to the effects such change has had on the environment and the residents of Kenilworth; and

WHEREAS, the Governing Body seeks assurances that Kenilworth's noise concerns will be addressed by city and county noise committees; and

NOW THEREFORE, BE IT RESOLVED, the Borough of Kenilworth expresses its opposition to the continued low flying aircrafts and the maladies associated with such activity which is imposed onto its residents, and

BE IT FURTHER RESOLVED, that this resolution be sent expeditiously to the U.S Representative Tom Malinowski, U.S. Senator Robert Menendez, U.S. Senator Cory Booker and that copies be sent to the Flight Standards District Offices (FSDO) which is the local field office of the Federal Aviation Administration (FAA) servicing Union County, located at Park 80 West, Saddle Brook, NJ 07663 as well as the Port Authority of New York and New Jersey Noise Office, c/o The Port Authority of New York and New Jersey Corporate Offices, 4 World Trade Center, 150 Greenwich Street, New York, NY 10007.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 12, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **MAY 26, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Work Session & Council Meeting of April 28, 2021. (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - NJ Senate & General Assembly Letter of Support for Rahway River Flood Mitigation
   - NJDOT – TAP Grant *Declined*
   - Kenilworth Planning Board Review – Re: Ordinance 2021-06 & 2021-07
   - VFW Memorial Day Services – 5/31/21 at 11am
   - KFD – Recommendation of Appointment and Clothing Allowance Correction
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda

   1. That all bills be paid when properly audited and funds are available
   2. Preparation of Estimated Tax Bill
   3. Refund Overpayment of 2nd Qtr Taxes
   4. Cancelation of FD Allowance payment – LB
   5. Authorize Payment for Sidewalk Replacement Phase 3 – AA Berms, LLC $71,694.50
   6. Refund Raffle fee – DBMHS/ PTO $80.00
   7. Refund Filming Permit Bond $2,500.00
   8. Authorize SRO Agreement with the Bd. of Education
   9. Appoint DPW NJCC Seasonal Employees – MP
   10. Appoint Probationary Firefighter – TK
   11. Adoption of Program Forms for DPW Adopt a Park/Block/Trail
8. ORDINANCE: **Public Hearing #2021-04** An Ordinance of Amending The Existing Chapter 106 "Garbage, Rubbish, Refuse And Recycling", Article I "Collection And Removal

   Public Hearing #2021-05 An Ordinance of Amending The Existing Chapter 91 "Fees And Licenses", Article I "Fees Generally

   Introduction #2021-08 An Ordinance of Amending The Existing Chapter 190 "Vehicles And Traffic", Article II "Parking"

   Introduction #2021-09 An Ordinance of Amending The Existing Chapter 91 "Fees And Licenses", Article II "Police Reports And Services", Section 4 Fees
9. PROCLAMATIONS ***Memorial Day*** ***Battle of Connecticut Farms*** ***PRIDE Month***
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn ____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – MAY 26, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member LAUDATI and seconded by Council Member PUGLIESE.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Preparation of Estimated Tax Bill $43,400,870.50
3. Refund Overpayment of 2nd Qtr Taxes
4. Cancelation of FD Allowance payment – LB
5. Authorize Payment for Sidewalk Replacement Phase 3 – AA Berms, LLC $71,694.50
6. Refund Raffle fee – DBMHS/ PTO $80.00
7. Refund Filming Permit Bond – PACIFIC 2.1 Enterprises $2,500.00
8. Authorize SRO Agreement with the Bd. of Education
9. Appoint DPW NJCC Seasonal Employees – MP ~~JK~~
10. Appoint Probationary Firefighter – TK
11. ~~Adoption of Program Forms for DPW Adopt a Park/Block/Trail~~ PULLED
12. Authorizing Disposal of Surplus Property GovDeals Auction Date

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on May 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, in accordance with Chapter 72 PL 1994, the Borough of Kenilworth has the authority to prepare and issue estimated tax bills, and;

WHEREAS, in order for the Borough of Kenilworth to meet financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing, it would be in our best interest to do so, and;

WHEREAS, the Tax Collector and Chief Financial Officer have reviewed and computed an estimated levy in accordance with N.J.S.A. 54:4-66.3.

NOW, THERFORE BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth on this 26th day of May 26, 20201, as follows:.

1. The Borough of Kenilworth Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Kenilworth for the third quarter 2020 taxes in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq in the event that a tax rate is not certified timely.

2. The entire estimated tax levy for 2021 is hereby set at $43,400,870.50.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 26, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH
CALCULATION OF THE 2021 ESTIMATED TAX RATE

	0.95%	2020 tax levy	1.05%
Net County	$7,522,351.73	$7,918,264.98	$8,314,178.23
County Open Space	$230,908.88	$243,061.98	$255,215.08
School Budget	$20,303,701.15	$21,372,317.00	$22,440,932.85
Local Municipal	$11,690,443.49	$12,305,729.99	$12,921,016.49
Municipal Library	$502,462.93	$528,908.35	$555,353.77
	$40,249,868.19	$42,368,282.30	$44,486,696.42

2021 ESTIMATED TAX RATE

county	0.943	$7,800,128.73	(approved budget)
open space	0.029	$247,071.28	(approved budget)
school	2.647	$21,889,339.00	(approved budget)
local	1.562	$12,921,016.49	(estimated budget)
library	0.066	$543,315.00	(estimated budget)
	5.247	$43,400,870.50	

net valuation $827,045,106

PREPARED AND CERTIFIED BY:

Jill A. Goode, CTC

Ken Blum, CFO

RESOLUTION

No. 3 **KENILWORTH, N.J.** **May 26, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS: Duplicate tax payments were made for the 2nd Q quarter of 2021 for the following properties located in Kenilworth, NJ, and;

WHEREAS, this resulted in the overpayment of taxes for the 2nd quarter of 2021, and;

NOW, THERFORE BE IT RESOLVED that the Treasurer, after proper notation on the tax account records by the Collector of Taxes, be and is hereby authorized to issue a warrant as follows.

Refund:

Corelogic Tax Services, Attn: Centralized Refunds, P.O.Box 9202, Coppell, TX 75019

B 38 L 8.01	232 No. 18th Street	$ 3,064.15
B 73 L 2	270 Boulevard	$ 2,043.19
B 74 L 22	22 No. 10th Street	$2,140.55
B 77 L 3	17 No. 12th Street	$ 1,874.10
B 123 L 16	64 Arthur Terrace	$ 2,430.06
B 129 L 1.01	114 So. Michigan Avenue	$ 2,941.17
B 139 L 20	582 Passaic Avenue	$ 1,521.83
B 147 L 21	2 Red Maple Lane	$ 2,823.59

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						/
Councilman Mark David			/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz						/
Councilman Fred Pugliese		/	/			
Mayor Linda Karlovitch			/			
ON CONSENT AGENDA	Yes /			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Borough Council approved by resolution #3 on the consent agenda of April 28, 2021 the 1st allowance payment for the Kenilworth Volunteer Fire Department/Rescue Squad; and

WHEREAS, Fire Chief William Krueger affirms the following member is not eligible for said allowance payment:

Louis Burdo 1120 Wyoming Dr. Mountainside, NJ 07092 $465.00

BE IT HEREBY RESOLVED: that the above-mentioned Kenilworth Volunteer Fire Department/Rescue Squad member's allowance payment of $465.00 be removed from the approved Clothing Allowance list and returned to the fire department budget.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

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 1st and Final Payment for Sidewalk Replacement Phase 3 from N 20th Street to N. 21st Street 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: Sidewalk Replacement Phase 3
CONTRACTOR: AA Berms, LLC.
PO Box 180
Belleville, NJ 07109

Payment

Total Completed and Stored to Date	$71,694.50
Total Amount Due	**$71,694.50**

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:
C-04-55-201-104
Kenneth P. Blum Jr.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 26, , 2021.

Laura Reinertsen, Borough Clerk

Harbor Consultants, Inc.
Engineers, Planners & Surveyors
320 North Avenue East
Cranford, NJ 07016
Tel (908) 276-2715
Fax (908) 709-1738

May 20, 2021

Ms. Laura Reinertsen, Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

RE: Sidewalk Replacement Phase 3 from N 20th Street to N 21st Street Kenilworth, NJ

Dear Ms. Reinertsen:

Enclosed is Application for Payment No. 1 and final payment received from AA Berms, LLC for work completed on the above referenced project. Harbor Consultants, Inc. has reviewed this application and recommends that payment in the amount of **$71,694.50** be approved at the next Council meeting.

The current status of the contract is as follows:

Contract amount:	$71,694.50
Change orders amount:	$ 0.00
Contract sum to date:	$71,694.50
Total completed and stored to date:	$71,694.50
Less 10% retainage to date:	$ 0.00
Total Earned less retainage:	$71,694.50
Less previous payments:	$ 0.00
Amount due :	$71,694.50
Balance to finish including retainage:	$ 0.00

If you should have any questions please give us a call.

Very truly yours,

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.

RESOLUTION

No. 6 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: Council Member

Seconded by: _____

BE IT HEREBY RESOLVED:

WHEREAS, a fee had been collected for a Tricky Tray Raffle in the amount of 80.00 and;

WHEREAS, the fee was found not to be used;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to draw a warrant in the amount of $80.00 payable to the order of:

David Brearley PTO
401 Monroe Ave.
Kenilworth, NJ 07033

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No ___			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the PACIFIC 2.1 ENTERTAINMENT heretofore received a filming permit within the Borough of Kenilworth to film scenes for HULU T.V. Series "Wu Tang: An American Saga" at Kenilworth based business, Stereodisk, located at 760 Fairfield Avenue; and

WHEREAS, Leandro Gonzalez, CEO of Stereodisk has attested that there are no damages to their premise.

NOW, THREFORE, BE IT RESOLVED the Cash Bond of $2,500.00 be refunded to PACIFIC 2.1 Entertainment Corp. 78 John Miller Way, Ste. 2080, Kearny, NJ 07032.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

BE IT HEREBY RESOLVED, that the Borough of Kenilworth enter into an Agreement with the Kenilworth Board of Education to provide a School Resource Officer within the Kenilworth school system for a period of three (3) years.

BE IT FURTHER RESOLVED, that the Kenilworth Board of Education agrees to the following payments to the Borough of Kenilworth:

School Year 2021/2022 = $53,778.00

School Year 2022/2023 = $54,854.00

School Year 2023/2024 = $55,951.00

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

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, the NJ Clean Communities Grant and the Recycling Tonnage Grant guidelines for allow for and provide for hiring and compensation of part-time/seasonal workers; and

WHEREAS, the primary duties include litter collection on Borough properties, cleaning of graffiti and the enforcement of proper e-waste and single stream recycling within the DPW yard.

BE IT RESOLVED, that the following individual be appointed temporary part-time seasonal employee at the Department of Public Works at $13.00 per hour, not to exceed twenty-five (25) hours per week paid through the NJ Clean Communities Grant, effective June 1, 2021 through October 1, 2021:

Matthew Payne
606 Bloomingdale Ave.
Kenilworth, NJ 07033

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

BE IT FUTHER RESOLVED, that the above appointment is not eligible holiday, or vacation pay; sick time is in accordance with *NJSA 34:11D-1 et seq.* .

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

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

Name	**Appointment**
Tyler Klutkowski	Probationary Firefighter

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

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			✓
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 11 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: PULLED

Seconded by: _____

WHEREAS, the Mayor and Council (hereinafter, the "Governing Body") of the Borough of Kenilworth (hereinafter, the "Borough") wishes to support ADOPT-A-PARK/BLOCK/TRAIL project; and

WHEREAS, the ADOPT-A-PARK/BLOCK/TRAIL project will involve individual volunteers and neighborhood groups, schools and local businesses donating countless hours for plantings, clean-ups and other essential projects that help our parks thrive as centers for environmental conservation, relaxation and recreation for the whole community; and

WHEREAS, the Governing Body believes that the aforementioned objective of "ADOPT-A-PARK/BLOCK/TRAIL project" is valuable and necessary for instilling pride and creating a beautiful community: and

WHEREAS, the Department of Public Works will supervise the ADOPT-A-PARK/BLOCK/TRAIL project; and

NOW, THREFORE, BE IT RESOLVED the Governing Body of the Borough wishes to formally express its support of the "ADOPT-A-PARK/BLOCK/TRAIL" project , by adopting the attached release and report forms.

Approved:

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						/
Councilman Mark David						
Councilman Joseph Finistrella						
Councilman Gerry Laudati						
Councilman Scott Pentz						/
Councilman Fred Pugliese						
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 26, 2021.

PULLED

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH
DEPARTMENT OF PUBLIC WORKS
401 Sheridan Avenue
Kenilworth, NJ 07033
(908)276-5073/ ksenica@kenilworthnj.org

ADOPT-A-PARK/BLOCK/TRAIL SUMMARY REPORT

TO BE COMPLETED FOLLOWING EACH ADOPT-A-PARK/BLOCK/TRAIL SESSION

PROJECT DATE(S): _____ (DD/MM/YYYY) WEATHER: _____

GROUP NAME: _____

CONTACT NAME/#/EMAIL: _____

NO. PARTICIPANTS: _____

HOURS WORKED: _____ PROJECT SITE: _____

DESCRIPTION OF CLEAN UP: _____

_____

MATERIALS USED: _____

MATERIAL SUPPLIER: _____

WORK DONE: _____

_____

ANY PROBLEMS/CONCERNS (Please Specify): _____

_____

TOTAL NUMBER OF BAGS OF LITTER COLLECTED: _____

TOTAL NUMBER OF CO-MINGLED RECYCLABLE BAGS COLLECTED: _____

OTHER: _____

ASSISTANCE NEEDED FOR FUTURE ADOPT-A-PARK/BLOCK/TRAIL SESSIONS: _____

_____

COMMENTS OR SUGGESTIONS: _____

_____

KENILWORTH DEPARTMENT OF PUBLIC WORKS
ADOPT-A-PARK/BLOCK/TRAIL RELEASE

I understand that participation in the Adopt-A-Park/Block/Trail Program involves activities, which may be hazardous and/or pose a potential risk of personal injury. Some examples of these activities or potential hazards include but are not limited to: using sharp trail tools, handling sharp or heavy trash; working outdoors in weather that can turn unexpectedly hot, cold, windy or stormy; the risk of disease; and walking on surfaces which can conceal sharp or hazardous objects. I assume all risks associated with participation in the program and hereby for myself, my heirs, executors and administrators waive and release the Borough of Kenilworth, Department of Public works, County of Union, Board of County Commissioners, Department of Parks and Recreation, its Directors, officers and employees from all claims, liability, risk of loss or injury and damages of any kind including wrongful death associated with or arising out of my participation in the Adopt-A-Park/Block/Trail Program. I also give the Borough of Kenilworth and the County of Union permission to photograph me and my group and will provide photos for publicity purposes.

NOTE: If a signatory is younger than 18 years, form must be signed by parent or guardian.

PARTICIPANT	SIGNATURE OF PARTICIPANT OR GUARDIAN*	E-MAIL	DATE

GROUP LEADER:
I certify that every person performing maintenance in this Adopt-A-Park/Block/Trail Program has signed the above release. This release signifies that the Group Leader is responsible for total supervision of all members of his/her group and has provided them with safety information as provided by the Borough.

Group Leader Signature **Date Signed** **Date Worked**

Name of Organization **City/Town** **State**

( ) .
Phone **Email Address**

Name of Group Contact (If different than Group Leader)

Park **Project (i.e.: park, block, trial etc.)**

RESOLUTION

No. 12 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

Resolution Authorizing Disposal of Surplus Property

WHEREAS, the Kenilworth Borough is the owner of certain surplus property which it no longer needs for public use: and

WHEREAS, the Kenilworth Borough is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Kenilworth Borough (membership #28058) as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract #R190601 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Kenilworth Borough Website.

(2) The sale will be conducted online, June 1 – 11, 2021 and advertised in an official newspaper of the Borough, the address of the auction site is www.govdeals.com

(3) A list of the surplus property to be sold is as follows:

Dept.	Year	Model	VIN	Minimum Bid
KPD	2014	Chevy Camaro (*Forfeiture*)	2G1FT1EW2E9292521	$10,000.00
DPW	1997	Chevy 2500 4WD Pickup	1GCK24RVZ233637	
DPW	1979	Ford Econoline E350	190824USV1461	
DPW	2001	International 4900 Dump Truck	1HTSDAAAR41H285663	$3,500.00
DPW	2005	Ford Crown Victoria	2FAP71W95X146476	$750.00
DPW	2008	Ford Crown Victoria	2FAHP71V08X172016	$500.00
EQUIPMENT				
DPW	1985	American ALC-20 Leaf Vac	Ser. #W-8-44923321	
DPW	1990	American ALC-25 Leaf Vac	Ser. # W-910714932847	
DPW	2002	American ALC-25 Leaf Vac	Ser. #: F00182-79670	
DPW	2008	Kohler Pro 10 Giant Vac (tailgate)	Ser. #2013238354	$500.00
DPW	2007	Elgin Series P Sweeper	Serial #: P5041S	$10,000.00
DPW	1989	Marathon RMK8000 Hot Box Trailer	2M9HW222XKW004001	$500.00
MISC EQUIPMENT				
DPW		General Equip. Co. 2 Man Auger 330-H	Serial #: 33007335	$100.00
DPW	2005	Swenson V Box Spreader Insert	Model #: 00002-286-49/Ser #: 0805-1118	
DPW	1998	Cross Country Roller Trailer M#410RT35	Ser. 431FS101-1W200-942	$500.00

The surplus property shall be sold in an "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(4) The Kenilworth Borough reserves the right to accept or reject any bid submitted.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on MAY 26, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 13 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: PUGLIESE

Seconded by: DAVID

BE IT HEREBY RESOLVED that the ordinance #2021-04 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE I "COLLECTION AND REMOVAL", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on April 28, 2021 approved for final passage at the regular meeting of the Borough Council of May 26, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 26, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE I "COLLECTION AND REMOVAL", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 106-6 Receptacle Requirements and 106-7 Hours of Collection to reflect current standards and practices.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 106 "Garbage, Rubbish, Refuse and Recycling", Article I "Collection and Removal" be amended as follows, strike through verbiage to be removed:

§ 106-6 Receptacle Requirements.

All garbage ~~and rubbish shall be deposited in a metal container which shall be watertight and equipped with tightfitting covers of metal. The metal container shall not be more than 30 inches in height, and the diameter of said container shall not be more than 20 inches. The combined weight of the receptacle and the contents shall not exceed 75 pounds.~~, as defined, shall be deposited by the owner in a standard suitable container or bundle curbside. Suitable container is defined to be a metal, rubber or plastic receptacle with a tight-fitting cover, so constructed as to prevent spilling or leaking of its contents. Each receptacle for use in a single residence shall have a capacity of not less than twenty (20) no more than thirty (30) gallons and be equipped with a pull handle or handles. Plastic bags of any capacity and grade may not be used for the disposal of wet garbage. The total weight of any container shall not exceed seventy-five (75) pounds.

NOW THEREFORE, Existing Chapter 106 "Garbage, Rubbish, Refuse and Recycling", Article I "Collection and Removal" , be amended as follows:

§ 106-7 Hours of Collection: placement and removal of receptacles.

106-7 A Collections shall start no earlier than ~~5:00~~ 4:30 a.m.

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

_____

Linda Karlovitch, Mayor

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE I "COLLECTION AND REMOVAL", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KAY CECERI						✓
X		X				MARK DAVID		✓	✓			
		X				JOSEPH FINISTRELLA			✓			
	X	X				GERRY LAUDATI			✓			
		X				SCOTT PENTZ						✓
		X				FRED PUGLIESE	✓		✓			
						MAYOR KARLOVITCH						

Introduced:
April 28, 2021

Final Adoption:
May 26, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 14 **KENILWORTH, N.J.** **MAY 26, 2021**

Introduced by: LAUDATI

Seconded by: FINESTRELLA

BE IT HEREBY RESOLVED that the ordinance #2021-05 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES and LICENSES", ARTICLE I "FEES GENERALLY", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on April 28, 2021 approved for final passage at the regular meeting of the Borough Council of May 26, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 26, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES and LICENSES", ARTICLE I "FEES GENERALLY", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 91 Fees and Licenses specifically Uniform Construction Code Fees

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 91 "Fees and Licenses", Article I "Fees Generally" be amended as follows:

§ 91-1.3 Uniform Construction Code Fees.

91-1.3 F Demolition

(1) Less than 5,000 square feet in area and over 30 feet in height: $150.00.

(2) More than 5,000 square feet in area and over 30 feet in height: $450.00

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI						✓
X		X				MARK DAVID			✓			
		X				JOSEPH FINISTRELLA		✓	✓			
		X				GERRY LAUDATI	✓		✓			
		X				SCOTT PENTZ						✓
		X				FRED PUGLIESE			✓			
						MAYOR KARLOVITCH						

Introduced:
April 28, 2021

Final Adoption:
May 26, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Heinertsen, Borough Clerk

RESOLUTION

No. 15 **KENILWORTH, N.J.** **May 26, 2021**

Introduced by: LAUDATI

Seconded by: DAVID

BE IT HEREBY RESOLVED that the ordinance #2021-08 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 190 "VEHICLES AND TRAFFIC", ARTICLE II "PARKING", 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 June 23, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 26, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 190 "VEHICLES AND TRAFFIC", ARTICLE II "PARKING", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 190-6 Limited Time Parking to include regulations for nuisance vehicle parked on Borough Roadways.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 190 "Vehicles and Traffic", Article II "Parking" be amended to include the following

§ 190-6.1 Borough Roadways

No person, or registered owner of any vehicle shall park or cause to be parked upon any street or parts thereof within the Borough of Kenilworth for any period in excess of 48 consecutive hours.

Vehicles so parked shall be deemed a nuisance, and any police officer may provide for the removal of such vehicle at the owner's expense.

The owner thereof shall pay the reasonable costs of removal and storage which may result from such removal before regaining possession of the vehicle.

Violations and Penalties
In accordance with 190-26 Violations and Penalties

Severability
If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date
This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
					✓	KAY CECERI						✓
	✓	✓				MARK DAVID						
		✓				JOSEPH FINISTRELLA						
✓		✓				GERRY LAUDATI						
					✓	SCOTT PENTZ						
		✓				FRED PUGLIESE						
						MAYOR KARLOVITCH						

Introduced:
May 26, 2021

Final Adoption:
June 23, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 16 **KENILWORTH, N.J.** **May 26, 2021**

Introduced by: DAVID

Seconded by: FINESTRELLA

BE IT HEREBY RESOLVED that the ordinance #2021-09 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES, 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 June 9, 2021 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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						✓
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on May 26, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES, WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 91 Police Service Fees to include the fees pertaining to the Kenilworth Youth Police Academy.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES be amended to include the following

§ 91-4 N YOUTH POLICE ACADEMY

1. Kenilworth Youth Police Academy Registration Fee be set at $50.00 per person
2. The Kenilworth Police Chief and or his designee may award scholarships at their discretion, registration fee for same will be waived

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
					✓	KAY CECERI						
✓		✓				MARK DAVID						
	✓	✓				JOSEPH FINISTRELLA						
		✓				GERRY LAUDATI						
					✓	SCOTT PENTZ						
		✓				FRED PUGLIESE						
						MAYOR KARLOVITCH						

Introduced:
May 26, 2021

Final Adoption:
June 9, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

Proclamation

Memorial Day – May 31, 2021

On Memorial Day, we pause to honor the fallen heroes who died in service to our Nation. Whether on the battlefields of Bunker Hill, on the beaches of Normandy, in the jungles of Vietnam, or in the mountains and deserts of the Middle East, brave Americans of every generation have given their last full measure of devotion in defense of our country, our liberty, and our founding ideals. With heavy hearts and a sense of profound gratitude, we mourn these women and men -- parents, children, loved ones, comrades-in-arms, friends, and all those known and unknown -- who believed so deeply in what our country could be they were willing to give their lives to protect its promise.

We are indebted to all those who sacrificed all in our name, including our Nation's mothers and fathers who have given their daughters and sons to America, spouses and partners who shoulder the weight of unthinkable loss, and courageous children in whom the legacies of their parents live on.

It is our sacred duty to remember the courageous warriors who have made the ultimate sacrifice to ensure that our great country would endure. We must strive to ensure that their noble acts of dedication to our country and the cause of freedom were not in vain and to comfort the families they have left behind, who bear the heartbreak of their loss.

In solemn reflection, we gather in eternal gratitude for the sacrifices of these extraordinary Americans and offer a prayer for lasting peace. Let us renew our steadfast resolve to work toward a peaceful future, in which the horrors of war are a distant memory and our families, our communities, and our Nation need no longer confront the sorrow and pain of losing our beloved sons and daughters.

NOW, THEREFORE, I, Linda Karlovitch, Mayor of the Borough of Kenilworth do hereby proclaim Memorial Day, May 31, 2021, as a day of prayer for permanent peace and I further ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. on Memorial Day.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of May 2021

_____

Linda Karlovitch, Mayor

BOROUGH OF KENILWORTH

Proclamation

Battle of Connecticut Farms – June 7, 1780

WHEREAS, the Borough of Kenilworth, County of Union State of New Jersey, on this 8th day of May in the year 2019 hereby proclaims that our Borough was part of Connecticut Farms during the Battle of Connecticut Farms on June 7, 1780, in the course of the American Revolutionary War 1775 - 1783; and

WHEREAS, the Borough wishes to honor our citizen hero militia who fought in this major battle against the British Crown; protecting General George Washington and our American Continental Army who were encamped at Morristown, New Jersey at that date by stopping the surprise attack of five thousand British soldiers on route through Connecticut Farms, with the intent of marching to end the war with a British victory at Morristown; and

WHEREAS, General George Washington himself praised the militia at the Connecticut Farms Battle that took place that day on June 7, 1780, stating that the militia fought "with honor".

THEREFORE BE IT RESOLVED, the Borough of Kenilworth hereby proclaims that moving forward every year, June 7th will be a day of remembrance and recognition of the hero militia here at Connecticut Farms that helped to win our independence from British rule to become the United States of America, fighting the Battle at Connecticut Farms, New Jersey during the American Revolutionary War.

BE IT FURTHER RESOLVED, that in recognition and remembrance, from this day forward, Borough flags be flown at half-staff every June 7th.

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 May 2021

_____

Linda Karlovitch, Mayor

BOROUGH OF KENILWORTH

Proclamation

As we celebrate and declare June as Pride Month in Kenilworth, we are reminded of what makes Kenilworth great – our remarkable capacity to live together and advance together across every conceivable difference. This June, we stand with the "LGBTQ" community as they declare their pride in who they are and who they love.

The story of America's Lesbian, Gay, Bisexual, Transgender, Queer, Pansexual, Asexual, Genderfluid, Nonbinary, cisgender and heterosexual community is the story of our fathers and sons, our mothers and daughters, and our friends and neighbors who continue the task of making our country a more perfect Union. It is a story about the struggle to realize the great American promise that all people can live with dignity and fairness under the law. Each June, we commemorate the courageous individuals who have fought to achieve this promise for LGBT Americans, and we rededicate ourselves to the pursuit of equal rights for all, regardless of sexual orientation or gender identity.

Every generation has brought us closer to fulfilling its promise of equality. While progress has taken time, our achievements in advancing the rights of LGBT Americans remind us that history is on our side, and that the American people will never stop striving toward liberty and justice for all.

NOW, THEREFORE, I, Linda Karlovitch, Mayor of the Borough of Kenilworth do hereby proclaim ***June 2021, as PRIDE Month*** in the Borough of Kenilworth and call upon the people of the Kenilworth to eliminate prejudice everywhere it exists, and to celebrate the great diversity of the American people.

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 May 2021.

_____

Linda Karlovitch, Mayor

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **JUNE 9, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of Work Session and the Council Meetings of 5/12/21 & 5/26/21 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - NJDOT – 2022 Safe Routes to School Grant Announcement
   - Mental Health Assoc, of NJ – Annual Walk for Wellness
   - Block Party Request – 580 Passaic Ave
   - Department reports for May 2021 from: Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda

   1. That all bills be paid when properly audited and funds are available
   2. UC CARES Act Funding Reimbursement
   3. Medicare Reimbursement #1
   4. Appoint Summer Recreation Staff
   5. Authorize NJDOT Roadway Grant 2022 Submittal
8. ORDINANCE:

   Public Hearing #2021-06 An Ordinance Of The Borough Of Kenilworth Prohibiting The Operation Of Any Class Of Cannabis Businesses Within Its Geographical Boundaries And Amending The Existing Chapter 120 "Land Use", Article 30 "Conditional Use"

   Public Hearing #2021-07 Ordinance Adopting The 25 North 26th Street Redevelopment Plan Dated March, 2021 For The Delineated Redevelopment Area Consisting Of Block 183, Lot 9 For The Development Of Inclusionary Affordable Housing

   Public Hearing #2021-09 An Ordinance Of The Borough Of Kenilworth Amending The Existing Chapter 91 "Fees And Licenses", Article II "Police Reports And Services", Section 4 Fees
9. PROCLAMATIONS ***Posttraumatic Stress Disorder Awareness Month***
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn ____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – JUNE 9, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member Pugliese and seconded by Council Member Ceceri.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. UC CARES Act Funding Reimbursement
3. Medicare Reimbursement #1
4. Appoint Summer Recreation Staff
5. Authorize NJDOT Roadway Grant 2022 Submittal

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on June 9, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 KENILWORTH, N.J. JUNE 9, 2021

Introduced by: _____

Seconded by: CONSENT AGENDA

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes 4			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 9, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **JUNE 9, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the United States Congress has enacted the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") for, among other reasons, providing relief for economic damage caused to states, counties and municipalities by the COVID-19 health crisis; and

WHEREAS, the County of Union has received CARES Act funds from the United States Treasury (the Stimulus Funds") to be used to reimburse the County and municipalities and agencies within the County, including the Borough of Kenilworth, due to economic damage caused by the COVID-19 health crisis; and

WHEREAS, the Freeholders of the County of Union have determined that it is in the best interest of the citizens of Union County to dedicate a share of the funding to reimburse municipalities for COVID-19 related costs and expenses under the Stimulus Funds through a reimbursement agreement; and

WHEREAS, the Borough of Kenilworth wishes to enter into agreement with the County of Union to receive reimbursement from the Stimulus Funds of COVID-19 related costs and damages, to the extent available and applicable, in an amount not to exceed $273,287.94.00 for the period of March 1, 2020 through December 15, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth, in the County of Union, New Jersey that the Mayor/Borough Administrator is hereby authorized to execute a Reimbursement Agreement with the County of Union according to the terms and conditions and in substantially the form attached hereto; and

BE IT FURTHER RESOLVED, by the Borough of Kenilworth, in the County of Union, New Jersey that the Borough Administrator and/or Chief Financial Officer of the Borough are hereby authorized to execute any and all additional documents necessary to effectuate the Reimbursement Agreement.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 9, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **JUNE 9, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

BE IT HEREBY RESOLVED: That the attached list of Retirees be reimbursed for their payments for Medicare Part B coverage from January 1 through June 30, 2021 inclusive, in accordance with Chapter 231, P.L. 1970 State of New Jersey.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 9, 2021.

Laura Reinertsen, Borough Clerk

	Retirees	Premium	Months	Adjustments	Total
x	Michael Ciravolo	144.60	6		$867.60
x	*Mary Ciravolo - Spouse*	144.60	6		$867.60
x	Brent David	148.50	6		$891.00
x	*Carol David (spouse)*	148.50	6		$891.00
x	*Charles David (Deceased) – Marie (spouse)*	144.60	6		$867.60
x	Richard Dopf -	146.50	6		$879.00
x	*Carleen Dopf - Spouse*	148.50	6		$891.00
x	William Dowd -	148.50	6		$891.00
x	Kristine Fennes - *Spouse*	148.50	6	*Disability Award & IRMAA*	*$891.00*
		1,733.70	1	*2019 Premiums*	*$1,733.70*
		5,552.40	1	*2020 Premiums*	*$5,552.40*
x	Jeffery Ferguson	139.50	6		$837.00
x	Kenneth Grady -	148.50	6		$891.00
x	Susan Grady - *spouse*	146.50	6		$879.00
x	Patricia Howarth -	148.50	6		$891.00
x	Robert E. Jeans -	151.10	6		$906.60
x	Lenore Jeans	148.50	6		$891.00
x	Hedwig Lipke -	386.10	6	*IRMAA adjustment*	$2,316.60
x	*Henry Moll*	*0.00*	*0*	*Deceased 10/05/20*	*$0.00*
x	Nancy Moll	148.50	6		$891.00
x	William OMalley	146.50	6		$879.00
x	Karen Pavone	148.50	6		$891.00
x	Jospeh Pavone	148.50	6		$891.00
x	Scott Phillips	297.00	6		$1,782.00
x	Joseph Rego	148.50	6		$891.00
x	Rose Rego - Spouse	123.50	6		$741.00
x	Victor Smith (Deceased) - Margaret (spouse)	148.50	6	*IRMAA adjustment*	$891.00
x	Frank Szelinggiewicz – (spouse)	148.50	6		$891.00
x	Joanne Szelinggiewicz	148.50	6		$891.00
x	Donald Tisch –	386.10	6	*IRMAA adjustment*	$2,316.60
	Louis Vitale -	0.00	6	*Not received*	$0.00
x	Debra Weiss	148.50	6		$891.00
x	Robert Weiss - *spouse*	148.50	6		$891.00
x	Richard Wood	148.50	6		$891.00
					$37,463.70

IRMAA - Income Related Monthly Adjustment Amount

RESOLUTION

No. 4 **KENILWORTH, N.J.** **JUNE 9, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

BE IT HEREBY RESOLVED, that the following be employed as Recreation Summer Staff as of July 5, 2021 through August 20, 2021, pending successful completion of a criminal background check for adults and internal juvenile records check and submission of required payroll documents.

KENILWORTH RECREATION 2021 - COVID-19 MODIFIED - SUMMER 'CAMP LIKE' PARK ACTIVITIES – PAYROLL - PARK ACTIVITIES 5 DAYS/WEEK for 7 WEEKS

	Name	Title		Pay Rate		Est. # Hrs/Wk
1	Caitlyn Martin	Activities Coordinator	Teacher	$ 16.00	/hour	Min 25 max 35
2	Dani Mauro	Counselor	Teacher	$ 16.00	/hour	Min 25 max 35
3	Rebecca Pizutto	Counselor	College Student	$ 12.50	/hour	Min 25 max 35
4	Rae Mauro	Counselor	College Student	$ 11.50	/hour	Min 25 max 35
5	Jessica Skwarek	Counselor	Student	$ 11.50	/hour	Min 25 max 35
6	Chloe Salfred-Ingrham	Counselor	Student	$ 11.50	/hour	Min 25 max 35
7	Joe Galati	Counselor	Student	$ 11.50	/hour	Min 25 max 35
	Estimated MAX Payroll for 7 weeks					$22,172.50

Kenilworth Rec 2021 Summer, due to various construction projects going on at the School, and a lack of available space, for the safety of the children and our staff, we are unable to use the facilities for any camp activities. In lieu of Camp we will be offering various structured crafts, STEM activities, games etc. to help engage with the community and children. Having the counselors on hand will allow us to better maintain social distancing guidelines and overall operations, prep, execution etc. This will take place at DiMario Park, time frame for children will be from 9am-12pm Mon-Fri. All registration based through Community Pass and weather based. Rain will cause the days activities to be cancelled.

BE IT FUTHER RESOLVED, that the above appointments are not eligible holiday, sick, or vacation pay.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 9, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **JUNE 9, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2022 NJDOT Roadway Improvement project.

NOW, THEREFORE, BE IT RESOLVED that Council of Kenilworth formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022 - Various Streets - Kenilworth – 00204 to the New Jersey Department of Transportation on behalf of Kenilworth.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Kenilworth and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 9, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **JUNE 9, 2021**

Introduced by: Pugliese

Seconded by: David

BE IT HEREBY RESOLVED that the ordinance #2021-06 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE EXISTING CHAPTER 120 "Land Use", ARTICLE 30 "Conditional Use", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on April 28, 2021 approved for final passage at the regular meeting of the Borough Council of June 9, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on June 9, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE BOROUGH OF KENILWORTH PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE EXISTING CHAPTER 120 "LAND USE", ARTICLE 30 "CONDITIONAL USE", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 120 Land Use , Article 30 Conditional Use to include Cannabis Regulatory and Enforcement Assistance whereby the Borough is prohibiting the operation of a business selling marijuana, cannabis, hashish and/or the paraphernalia that facilitates the use of same.

WHEREAS, on February 22, 2021, Governor Murphy enacted into law bills commonly referred to as the "marijuana legislation", and

WHEREAS, the new legislation provides in pertinent part, that a municipality may adopt a new ordinance within 180 days of enactment of the aforementioned law; and

WHEREAS, the Mayor and Borough Council concludes that it is in the best interests of the Borough of Kenilworth not to permit in any zone the operation of a business selling marijuana, cannabis, hashish and/or the paraphernalia that facilitates the use of same.

NOW THEREFORE, by the Mayor and Council of the Borough of Kenilworth as follows:

1. Existing Chapter 120 "Land Use", Article 30 "Conditional Uses" be amended to include the following **§ 120-30.10** Cannabis Regulatory, Enforcement Assistance, and Marketplace.
2. The foregoing recitals are incorporated herein as if set forth at length.
3. Prohibited Uses and Structures in All Zones, is hereby amended to read as follows:

   The operation of cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis.
4. All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.
5. If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.
6. This ordinance shall take effect in the time and manner prescribed by law.

Linda Karlovitch, Mayor

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE BOROUGH OF KENILWORTH PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE EXISTING CHAPTER 120 "LAND USE", ARTICLE 30 "CONDITIONAL USE", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KAY CECERI			✓			
X		X				MARK DAVID		✓	✓			
		X				JOSEPH FINISTRELLA			✓			
		X				GERRY LAUDATI			✓			
	X	X				SCOTT PENTZ			✓			
		X				FRED PUGLIESE	✓		✓			
						MAYOR KARLOVITCH						

Introduced:
April 28, 2021

Final Adoption:
June 9, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **JUNE 9, 2021**

Introduced by: DAVID

Seconded by: CECERI

BE IT HEREBY RESOLVED that the ordinance #2021-07 entitled:

ORDINANCE ADOPTING THE 25 NORTH 26th STREET REDEVELOPMENT PLAN DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA CONSISTING OF BLOCK 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY AFFORDABLE HOUSING

Was introduced and approved on first reading, at the regular meeting of the Borough Council on April 28, 2021 approved for final passage at the regular meeting of the Borough Council of June 9, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Laudati			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on June 9, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-07

ORDINANCE ADOPTING THE 25 NORTH 26th STREET REDEVELOPMENT PLAN DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA CONSISTING OF BLOCK 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY AFFORDABLE HOUSING

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, on February 26, 2020, pursuant to Resolution No. 8, the governing body of the Borough of Kenilworth (the "**Borough**") authorized and requested the Planning Board to undertake a preliminary investigation (the "**Investigation**") to determine whether the privately owned property Block 183, Lot 9 (the "**Area of Investigation**"), constitutes an area in need of redevelopment for non-condemnation purposes according to the criteria set forth under the Local Redevelopment and Housing Law ("**LRHL**"), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on June 11, 2020 a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties in the Area of Investigation constitute an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

WHEREAS, Kevin O'Brien, PP, AICP, Shamrock Enterprises, Ltd. publicly presented a Preliminary Investigation Report entitled "Planning Report Concerning the Determination of the Proposed Block 183, Lot 9 Study Area As a Non-Condemnation Area in Need of Redevelopment" for the designated Area of Investigation, including Block 183, Lot 9, dated December 10, 2020 (the "Investigation Report"); and

WHEREAS, on December 17, 2020, the Planning Board unanimously recommended that the governing body of the Borough designate the Area of Investigation, including Block 183, Lot 9, as a non-condemnation area in need of redevelopment due to the substantial evidence that the Area of Investigation meets the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, on February 10, 2021, pursuant to Resolution No. 5, the Borough's governing body agreed with the Planning Board's findings that the properties within the Area of Investigation, including Block 183, Lot 9, met numerous criteria under N.J.S.A. 40A:12A-5, and therefore, determined and declared the properties as being in need of redevelopment for non-condemnation purposes; and

WHEREAS, at the direction of the Borough's governing body, Michael J. Mistretta, PP, LLA of Harbor Consultants Inc., has prepared a Redevelopment Plan entitled the "25 North 26th Street Redevelopment Plan" ("the Redevelopment Plan") dated March 2021 covering Block 183, Lot 9 to be in need of redevelopment for non-condemnation purposes; and

WHEREAS, the Redevelopment Plan requires the development of a minimum of 25 or no less than 15% of the total number of residential units in the project as on-site, family rental units for affordable to very low, low and moderate income households as defined under N.J.A.C. 5:93-1 et seq.; and

ORDINANCE NO. 2021-07
ORDINANCE ADOPTING THE 25 NORTH 26th STREET REDEVELOPMENT PLAN DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA CONSISTING OF BLOCK 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY AFFORDABLE HOUSING

WHEREAS, the Redevelopment Plan also requires the affordable units to be subject to the Fair Housing Act ("FHA"), the Uniform Housing Affordability Controls ("UHAC") regulations (N.J.A.C. 5:80-26.1 et seq.), applicable Council on Affordable Housing ("COAH") regulations, and all applicable laws regarding the construction, phasing, administration, and affirmative marketing of affordable units; and

WHEREAS, based on the foregoing conditions, the Borough's governing body wishes to adopt the 25 North 26th Street Redevelopment Plan for the Area of Investigation consisting only of Block 183, Lot 9, which has been established as an area in need of redevelopment for non-condemnation purposes; and

WHEREAS, after reviewing the Redevelopment Plan the Borough Council has determined that the Redevelopment Plan is substantially consistent with the Borough's Master Plan and/or is designed to effectuate the Borough's Master Plan; and,

WHEREAS, a copy of the Redevelopment Plan shall be referred to the Borough Planning Board for a report regarding its recommendations concerning same prior to final adoption of this Ordinance.

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

SECTION 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. The Planning Board of the Borough of Kenilworth has reviewed the Redevelopment Plan and provided its recommendations pursuant to the provisions of N.J.S.A. 40A:12A-7(e).

SECTION 3. The Redevelopment Plan. The 25 North 26th Street Redevelopment Plan prepared by Michael J. Mistretta, PP, LLA of Harbor Consultants attached hereto and made part hereof as **Exhibit A,** as filed in the Office of the Borough Clerk, is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-1 et seq., and shall supersede the current zoning applied to Block 183, Lot 9 and be enacted as an amendment to the Borough's Zoning Map.

SECTION 4. Severability. If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 5. Repealer. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

ORDINANCE NO. 2021-07

ORDINANCE ADOPTING THE 25 NORTH 26th STREET REDEVELOPMENT PLAN DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA CONSISTING OF BLOCK 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY AFFORDABLE HOUSING

SECTION 6. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

SECTION 7. Effective Date. This ordinance shall take effect immediately after final adoption and approval pursuant to law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KAY CECERI		✓	✓			
	X	X				MARK DAVID	✓		✓			
			X			JOSEPH FINISTRELLA				✓		
X		X				GERRY LAUDATI			✓			
			X			SCOTT PENTZ				✓		
			X			FRED PUGLIESE				✓		
		X				MAYOR KARLOVITCH			✓			

Introduced:
April 28, 2021

Final Adoption:
June 9, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 KENILWORTH, N.J. JUNE 9, 2021

Introduced by: DAVID

Seconded by: PUGLIESE

BE IT HEREBY RESOLVED that the ordinance #2021-09 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES, WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on May 26, 2021 approved for final passage at the regular meeting of the Borough Council of June 9, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No ✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on June 9, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES, WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 91 Police Service Fees to include the fees pertaining to the Kenilworth Youth Police Academy.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES be amended to include the following

§ 91-4 N YOUTH POLICE ACADEMY

1. Kenilworth Youth Police Academy Registration Fee be set at $50.00 per person
2. The Kenilworth Police Chief and or his designee may award scholarships at their discretion, registration fee for same will be waived

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
					X	KAY CECERI			✓			
X		X				MARK DAVID	✓		✓			
	X	X				JOSEPH FINISTRELLA			✓			
		X				GERRY LAUDATI			✓			
					X	SCOTT PENTZ			✓			
		X				FRED PUGLIESE		✓	✓			
						MAYOR KARLOVITCH						

Introduced:
May 26, 2021

Final Adoption:
June 9, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **JUNE 23, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of Work Session and the Council Meetings of June 9, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - UC CDBG Shared Services Agreement for Fiscal Year 21/22
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda

   1. That all bills be paid when properly audited and funds are available
   2. Increase State Contract Services – Rich's Tree Services
   3. Bd. of Health - 2021 STD Services Contract – City of Elizabeth
   4. Award CDBG project - ADA Door Improvements – ADS $17,945.00
   5. Award Kids Rec Project – Asbestos Remediation – Guardian Contracting $3,800.00
   6. CDBG Agreement Modification for Fiscal Year 2021-2022
   7. Mayor's Council for Rahway Watershed Flood Control Municipal Cost Sharing Agreement
8. ORDINANCE:

   Public Hearing #2021-08 An Ordinance Of The Borough Of Kenilworth Amending The Existing Chapter 190 "Vehicles And Traffic", Article II "Parking" Within The Borough Of Kenilworth, County Of Union, State Of New Jersey"

   Introduction #2021-10 An Ordinance Of The Borough Of Kenilworth Adopting A New Agreement Between The Member Municipalities Of The Rahway Valley Sewerage Authority
9. PROCLAMATIONS
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – JUNE 23, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member Pugliese and seconded by Council Member Laudati.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Increase State Contract Services – Rich's Tree Services
3. Bd. of Health - 2021 STD Services Contract – City of Elizabeth
4. Award CDBG project - ADA Door Improvements – ADS $17,945.00
5. Award Kids Rec Project – Asbestos Remediation – Guardian Contracting $3,800.00
6. CDBG Agreement Modification for Fiscal Year 2021-2022
7. Mayor's Council for Rahway Watershed Flood Control Municipal Cost Sharing Agreement

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David						✓
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on June 23, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **JUNE 23, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David						✓
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 23, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **JUNE 23, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

Authorizing A $20,000.00 Increase To The Open-Ended Goods And Services Contract With Rich Tree Service, Inc. For Tree Trimming, Pruning, And Removal Services Pursuant To New Jersey State Contract No. 18-Dpp-00645 Reflecting A Revised Amount Not To Exceed $70,000.00

WHEREAS, the Borough of Kenilworth (hereinafter, the "Borough") desires and requires certain goods and/or services including tree trimming, tree pruning, and tree removal; and,

WHEREAS, the Mayor and Council (hereinafter, the "Governing Body") of the Borough adopted Resolution No. 4 at a Regular Meeting held on April 14, 2021 which authorized an open-ended goods and services contract with Rich Tree Service, Inc. for aforesaid goods and/or services best meeting the requirements of the Borough as a contracting unit in an amount not to exceed fifty-thousand dollars and zero cents ($50,000.00); and,

WHEREAS, the Qualified Purchasing Agent affirmed Rich Tree Service, Inc. as a vendor possessing New Jersey State Contract No. 18-DPP-00645, expiring December 31, 2021, for the provision of goods and/or services including tree trimming, tree pruning, and tree removal; and,

WHEREAS, the Borough, through its Department of Public Works, has attested to the need for an increased volume of the services of Rich Tree Service, Inc.; and,

WHEREAS, based upon foreseeable use of the goods and/or services provided by Rich Tree Service, Inc., the Qualified Purchasing Agent of the Borough recommends that the Governing Body of the Borough increase the maximum value of the open-ended goods and services contract with Rich Tree Service, Inc. pursuant to the provisions of the Local Public Contracts Law of the State of New Jersey, *N.J.S.A. 40A:11-1 et seq.*, and the associated regulations.

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Qualified Purchasing Agent, the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey hereby increases the open-ended goods and services contract with Rich Tree Service, LLC of 325 Bergen Street, South Plainfield, New Jersey 07080 in the amount of twenty-thousand dollars and zero cents ($20,000.00) for Tree Trimming, Pruning, and Removal Services pursuant to New Jersey State Contract No. 18-DPP-00645 (expiring Dec. 31, 2021) reflecting revised amount not to exceed seventy-thousand dollars ($70,000.00); and,

BE IT FURTHER RESOLVED that maximum procurement value authorized by the foregoing Resolution may be increased by passage of a subsequent Resolution without the constitution of a "Change "Order" pursuant to the provisions of *N.J.A.C. 5:30-11.2* subject to the limitations and provisions of *N.J.A.C. 5:30-11.10.*

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David						✓
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _✓_			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 23, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 KENILWORTH, N.J. JUNE 23, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Kenilworth Board of Health has determined and recommends the City of Elizabeth, Dept. of Health and Human Services to provide STD Services, to provide said services for the Borough of Kenilworth at a practical rate, and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that the Mayor and Council pass a resolution authorizing the award of contracts.

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Kenilworth hereby authorizes the Kenilworth Board of Health President and Secretary to enter into an agreement with the City of Elizabeth, Department of Health and Human Services for Sexually Transmitted Disease Services pursuant to their contract (attached), for a sum of $175.00 per patient for a term beginning January 1, 2021 through December 31, 2021.

2. The Mayor, Borough Clerk and the Borough Attorney are hereby authorized to negotiate and finalize terms of the agreement and execute all necessary documents to effectuate the purposes herein above expressed.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David						✓
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 23, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **JUNE 23, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Administrator applied for and was awarded Union County CDBG grant monies for ADA Door Improvements for Borough facilities in the amount of $18,000.00 (non-matching); and

WHEREAS, the Borough Council approved, by motion at the regular meeting of the Borough Council of June 9, 2021, the Engineer's recommendation of award as attached to Automated Door Systems not to exceed $18,000.00; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that the Mayor and Council pass a resolution authorizing the award of contracts.

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Kenilworth hereby authorizes the Mayor and Clerk to enter into an agreement with **Automatic Door Systems,** for their quote for the Kenilworth "ADA Door Improvements Municipal Building, Recreation Building and Senior Center", base bid plus alternate bid #1 & #2 for a total sum of **$17,945.00**
2. The Mayor, Borough Clerk and the Borough Attorney are hereby authorized to negotiate and finalize terms of the agreement and execute all necessary documents to effectuate the purposes herein above expressed.

CERTIFICATION OF FUNDS
APPROPRIATION: T-06-56-850-006
Union County CDBG Yr 46
ADA Door Upgrade (020-028)

Kenneth P. Blum Jr.
KEN BLUM, TREASURER

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David						✓
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 23, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

June 9, 2021

Ms. Laura Reinertsen, Borough Clerk/Administrator
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

Re: ADA Door Improvements
Municipal Building, Recreation Building & Senior Center
Kenilworth, NJ

Dear Ms. Reinertsen:

Two quotes were received on Jue 9, 2021 for the referenced project as indicated on the attached bid tabulation. The lowest responsible bidder is Automatic Door Systems in the amount of $17,945.00, including Altemate Bids 1 and 2. The budgeted amount for this project is $18,000.00. It is our recommendation that the contract be awarded to Automatic Door Systems in the amount of $17,945.00, subject to verification of available funds by the Borough Financial Officer.

HARBOR CONSULTANTS INC.
Engineers, Planners & Surveyors
320 North Avenue East
Cranford, NJ 07016

BID TABULATION

ADA DOOR IMPROVEMENTS
MUNICIPAL BUILDING, RECREATION BUILDING, SENIOR CENTER

QUOTES RECEIVED 6/09/21 BY 4:30 PM

BIDDER NAME	BASE BID	ALT. 1	ALT. 2
Automatic Door Systems	$7,313.00	$5,315.00	$5,315.00
K and D Contracting	$8,350.00	$6,350.00	$6,350.00

RESOLUTION

No. 5 **KENILWORTH, N.J.** **JUNE 23, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Administrator applied for and was awarded Union County Kids Recreational Trust grant monies for Asbestos Abatement for the Recreation; and

WHEREAS, the Borough Council approved, by motion at the regular meeting of the Borough Council of June 9, 2021, the Engineer's recommendation of award as attached to Guardian Contracting not to exceed $10,000.00; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that the Mayor and Council pass a resolution authorizing the award of contracts.

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Kenilworth hereby authorizes the Mayor and Clerk to enter into an agreement with **Guardian Contracting,** for their quote for the Kenilworth "Recreation Building Asbestos Floor Tile Abatement", base bid for a total sum of **$3,800.00**
2. The Mayor, Borough Clerk and the Borough Attorney are hereby authorized to negotiate and finalize terms of the agreement and execute all necessary documents to effectuate the purposes herein above expressed.

CERTIFICATION OF FUNDS
APPROPRIATION: G-02-70-081-019
Union County Kids Rec Trust

Kenneth P. Blum Jr.
KEN BLUM, TREASURER

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David						✓
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 23, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

June 8, 2021

Ms. Laura Reinertsen, Borough Clerk/Administrator
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

RE: Bid Recommendation
Asbestos Floor Tile Removal
Recreation Building

Dear Ms. Reinertsen:

Three quotes were received on Jue 8, 2021 for the referenced project as indicated on the attached bid tabulation. The lowest responsible bidder is Guardian Contracting in the amount of $3,800.00. The budgeted amount for this project is $10,000.00. It is our recommendation that the contract be awarded to Guardian Contracting in the amount of $3,800.00, subject to verification of available funds by the Borough Financial Officer.

HARBOR CONSULTANTS INC.
Engineers, Planners & Surveyors
320 North Avenue East
Cranford, NJ 07016

BID TABULATION

RECREATION BUILDING
ASBESTOS FLOOR TILE
ABATEMENT

QUOTES RECEIVED 6/08/21 BY 4:30 PM

BIDDER NAME	BID AMOUNT
AbateTech	$8,900.00
Guardian Contracting	$3,800.00
Perimeter Insulation	$14,450.00

RESOLUTION

No. 6 **KENILWORTH, N.J.** **JUNE 23, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE BOROUGH OF KENILWORTH TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014, AS AMENDED JUNE 28, 2017

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Borough of Kenilworth and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Kenilworth that the agreement entitled **"COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,"** dated June 2014, as amended June 28, 2017 for the Purpose of Inserting a Description of Activities for Fiscal Year 2021-2022 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David						✓
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 23, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **JUNE 23, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

WHEREAS, there exists in the Rahway River Basin, conditions of serious and repeated flood damage with resulting threat to life and property in areas within each municipality which is desirous of being party to this Agreement; and

WHEREAS, the municipalities, "Parties", and their allocations are as follows: Cranford - $20,000; Millburn - $10,000; Maplewood - $5,000; Springfield - $10,000; Union - $10,000; Rahway - $10,000 and Kenilworth - $5,000; and

WHEREAS, the Parties intend to act in a cooperative manner to engage in planning, engineering, legal and environmental assessment activities to commence a process to determine the most feasible and effective program for alleviation of these flooding events; and

WHEREAS, the Parties simultaneous with the US Army Corps of Engineers and the New Jersey Environmental Protection (DEP) have been working to finalize the US Army Corp's Rahway River Flood Mitigation Study which included a 2012 INTERLOCAL COST SHARING AGREEMENT that is now replaced by this new agreement;

WHEREAS, Millburn Township is willing to act as LEAD Agency for the phase of work set forth in the attached Agreement .

NOW THEREFORE BE IT RESOLVED, that the Mayor and Clerk be authorized to enter into agreement with the Mayor's Council for Rahway Watershed Flood Control Municipal Cost Sharing Agreement FY 2021.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David						✓
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 23, 2021.

Laura Reinertsen, Borough Clerk

Mayors Council for Rahway River Watershed Flood Control Municipal Cost Sharing Agreement-FY 2021

Agreement entered into this 20th day January 2021, by and between and among the following municipalities-FY2021:

Cranford Township, 8 Springfield Avenue, Cranford NJ. 07016

Kenilworth Borough, 567 Kenilworth Blvd., Kenilworth, NJ 07033

Maplewood Township, 574 Valley Street, Maplewood, NJ 07040

Millburn Township, 375 Millburn Avenue, Millburn, NJ 07041

City of Rahway, 1 City Hall Plaza, Rahway, NJ 07065

Springfield Township, 100 Mountain Ave., Springfield, NJ 07081

Union Township, 1976 Morris Avenue, Union NJ 07083

WHEREAS there exists in the Rahway River Basin, conditions of serious and repeated flood damage with resulting threat to life and property in areas within each municipality which is party to this Agreement; and

WHEREAS the Parties intend to act in a cooperative manner to engage in planning, engineering, legal and environmental assessment activities to commence a process to determine the most feasible and effective program for the alleviation of these flooding events; and

WHEREAS the Parties simultaneous with the US Army Corps of Engineers and the New Jersey Environmental Protection Agency

(DEP) have been working to finalize the US Army Corp's Rahway River Flood Mitigation Study which included a 2012 INTERLOCAL COST SHARING AGREEMENT that has been annually updated and is now replaced by the new agreement;

WHEREAS Millburn Township is willing to continue to act as LEAD Agency for the phase of work set forth in this AGREEMENT as herein, the Parties agree as follows:

1.Purpose:

The Parties shall collaborate to implement engineering, environmental, federal and state lobbying and legal activities and to fund the cost thereof for:

- **a)** Development and approval of this Agreement
- **b)**Negotiate and contract development for access agreements with County of Essex and City of Orange for the performance of surveys, studies, tests, soundings, including sonar ,borings, appraisals and other engineering and environmental analysis as shall be necessary to determine the suitability of a flood control project;
- **c)**Develop, consistent with applicable law, a mechanism for the receipt and disbursement of federal and/state loan or grant funds
- **d)**Assist in the preparation of grant/loan applications for federal and/or state governments including if necessary, the Local Finance Board
- **e)** Hiring of Winning Strategies and any other lobby firm to obtain federal/state funding and project authorization.

2. Cost

In order to fund the performances services enumerated, the Parties agree to each authorize and contribute the sum listed in Appendix A.

A new appendix will be incorporated into this agreement each new fiscal year such services are required by the adoption of a Resolution by all Parties approving the same. The Township of Millburn shall receive $1,500 as reimbursement for the cost of the administration of the escrow fund and associated activities.

Checks by the Parties for their share of budget shall be made by the Parties payable to Millburn Township-Joint Municipal Escrow Fund, mailed in care of Millburn CFO.

3. Lead Agency

a)As lead Agency, Millburn Township shall establish an escrow account for the receipt of funds from the Parties. Following receipt of itemized bills for any such services, Millburn Township is authorized to pay the same only to the extent funds are available for the purpose in the escrow account. If determines during the performance of the work to be performed pursuant to paragraph 1 that additional contributions are required in order to complete the same, the Parties shall agree among them as to the appropriate cumulative amounts to be deposited in the escrow account and shall deposit the same in accordance with agreed upon allocation. If the work authorized under the Paragraph 1 is completed with a balance remaining in the escrow account, said sum shall be distributed to the Parties in accordance with the allocation formula agreed to.

b) Copies of all maps, engineering data, agreements, correspondence, and documents created as a result of this Agreement shall be provided to ach of the Parties by Millburn, with reproduction costs paid by any party requesting the same.

4. Joint Action by Parties

a) Each Party shall adopt an enactment to authorize the execution of this Agreement and the payment of the sum shown in Appendix A.

b) No activities as outlined above, shall be undertaken unless and until this Agreement shall be fully executed.

c) Future phases of work associated with the alleviation of flooding, shall require a new Agreement or Agreements among the Parties and /or any additional municipalities which shall join in such collaborative joint efforts and projects.

d) In any case, where the consent of one of the Parties is required, the same must be delivered in writing and the Parties are entitled to rely upon a consent executed by the Mayor of said municipality as authorized by and binding upon that municipality.

5) One agreement

This agreement may be executed in counterparts, each of which shall be deemed an original and which together, shall constitute one and the same agreement.

6. Notices

All notices pertaining to this Agreement shall be in writing delivered to the Parties personally or by private courier or overnight service(such as Federal Express), or by registered or certified mail, return receipt requested and postage paid, at the addresses set forth above and shall be deemed delivered and effective upon actual receipt in the event of personal or private courier delivery or three (3) business days after deposit with the US Postal Service properly addressed and with postage thereon fully paid in the event of mail delivery.

7.Entire Agreement; Modification; Waiver

This Agreement constitutes the entire Agreement between and among the Parties pertaining to the subject matter contained in the Agreement and supersedes all prior and contemporaneous agreements, representations, and understandings. This Agreement shall be construed without regard to any presumptions or other rules requiring construction against any party causing this Agreement to be drafted. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all the Parties. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any provisions, whether similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by or on behalf of all Parties.

8)Severability

Each provision of this Agreement is severable from any and all provisions of this Agreement. Should any provision of this Agreement be for any reason unenforceable, the balance shall nonetheless be of full force and effect.

9.Governing Law

The Agreement shall be governed and construed according to the laws of the State of New Jersey.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed by their duly authorized officials effective as of the day and year first above written:

_____ Cranford Township Clerk

_____ Kenilworth Borough Clerk

_____ Maplewood Township Clerk

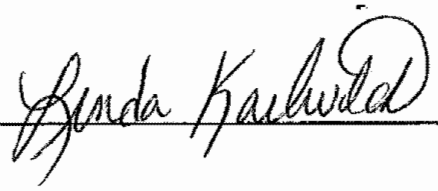
_____ Rahway City Clerk

_____ Millburn Township Clerk

_____ Springfield Township Clerk

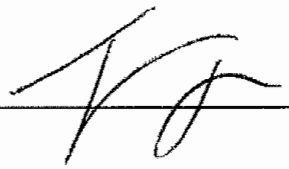
_____ Union Township Clerk

_____ Cranford Mayor


_____ Kenilworth Mayor

_____ Maplewood Mayor

_____ Rahway Mayor


_____ Millburn Mayor

_____ Springfield Mayor

_____ Union Mayor

APPENDIX A

FY 2021 Mayors Council Rahway River Watershed Flood Control Budget

Revenue $70,000 (1)

Expenses $60,000-2021 annual Winning Strategies

8,500-Miscellaneous-engineering

1,500-Escrow administration

(1) Contribution by municipalities allocation

Cranford - $20,000
Millburn- 10,000
Springfield-10,000
Union- 10,000
Rahway - 10,000
Kenilworth- 5,000
Maplewood- 5,000

RESOLUTION

No. 8 **KENILWORTH, N.J.** **JUNE 23, 2021**

Introduced by: Laudati

Seconded by: Finistrella

WHEREAS, 2021-2022 applications for renewal of liquor licenses have been submitted electronically to the Division of Alcoholic Beverages; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth 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
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
2008-33-008-008	Kenilworth Bar LLC
2008-33-013-011	Butternut Café t/a Boulevard Five 72

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David						✓
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese					✓	
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JUNE 23, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 KENILWORTH, N.J. JUNE 23, 2021

Introduced by: Pugliese

Seconded by: Finistrella

BE IT HEREBY RESOLVED that the ordinance #2021-08 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 190 "VEHICLES AND TRAFFIC", ARTICLE II "PARKING" WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on May 26, 2021 approved for final passage at the regular meeting of the Borough Council of June 23, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David						/
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese	/		/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on June 23, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 190 "VEHICLES AND TRAFFIC", ARTICLE II "PARKING", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 190-6 Limited Time Parking to include regulations for nuisance vehicle parked on Borough Roadways.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 190 "Vehicles and Traffic", Article II "Parking" be amended to include the following

§ 190-6.1 Borough Roadways

No person, or registered owner of any vehicle shall park or cause to be parked upon any street or parts thereof within the Borough of Kenilworth for any period in excess of 48 consecutive hours.

Vehicles so parked shall be deemed a nuisance, and any police officer may provide for the removal of such vehicle at the owner's expense.

The owner thereof shall pay the reasonable costs of removal and storage which may result from such removal before regaining possession of the vehicle.

Violations and Penalties
In accordance with 190-26 Violations and Penalties

Severability
If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date
This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
					X	KAY CECERI			✓			
	X	X				MARK DAVID						✓
		X				JOSEPH FINISTRELLA		✓	–			
X		X				GERRY LAUDATI			–			
					X	SCOTT PENTZ			–			
		X				FRED PUGLIESE	✓		–			
						MAYOR KARLOVITCH						

Introduced:
May 26, 2021

Final Adoption:
June 23, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **June 23, 2021**

Introduced by: Laudati

Seconded by: Ceceri

BE IT HEREBY RESOLVED that the ordinance #2021-10 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY

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 July 14, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David						✓
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on June 23, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE BOROUGH OF KENILWORTH ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY

Purpose: The purpose of this Ordinance is to adopt the revised agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in 1995 by the then nine (9) member municipalities of the Authority.

Be it ordained by the Borough of Kenilworth County Union State of New Jersey, as follows:

Section 1. The Borough of Kenilworth hereby approves the revised Agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in 1995 by the then nine (9) member municipalities of the Authority.

Section 2. The revised Agreement approved by this Ordinance is attached as Appendix A ("2021 Agreement") and shall become effective upon approval by comparable ordinances adopted by all eleven (11) current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge ("Member Municipalities").

Section 3. The 1995 Agreement, upon adoption of comparable ordinances by all of the Member Municipalities, shall be null and void and shall have no effect, having been replaced by the 2021 Agreement.

Section 4. Severability. If any section, clause, paragraph, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. Inconsistency. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	✓	✓				KAY CECERI						
					✓	MARK DAVID						
		✓				JOSEPH FINISTRELLA						
✓		✓				GERRY LAUDATI						
		✓				SCOTT PENTZ						
		✓				FRED PUGLIESE						
						MAYOR KARLOVITCH						

Introduced:
June 23, 2021

Final Adoption:
July 14, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **JULY 14, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of Work Session and the Council Meetings of June 23, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - KVFD – Chief Krueger's Recommendations of Appointment
   - Resident Request to Purchase Borough Property
   - Department Reports for June 2021 from: Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda

   1. That all bills be paid when properly audited and funds are available
   2. COVID Cancelation of Part of Emergency Ordinance – Overestimated Shortage
   3. Authorize Payment of Emergency Repairs – Messercola Excavating $9,025.00
   4. Appoint Permanent Police Officer – Probationary Period Complete – BB
   5. Appoint Senior Clerk – KR
   6. Appoint Senior Program Handyman – RH
   7. Appoint Probationary Firefighters/EMTs to the KVFD – GP ES AD CS DS JS DW
   8. Authorize Submittal of 2021 Kids Rec Grant and Greening UC Grant applications
   9. Establish AD HOC Committee "Rails to Trails"
   10. Municipal Lien - DPW Clean Up – 231 N. 8th St. and 108 N. Michigan
8. ORDINANCE:

   Public Hearing #2021-10 An Ordinance Of The Borough Of Kenilworth Adopting A New Agreement Between The Member Municipalities Of The Rahway Valley Sewerage Authority

   Introduction #2021-11 An Ordinance Of The Borough Of Kenilworth Amending The Existing Chapter 75 "Cats", Establishing Section 16 "Feral Population Management", Within The Borough Of Kenilworth, County Of Union, State Of New Jersey

   Introduction #2021-12 An Ordinance Amending Chapter 15 "Departmental Structures" And Chapter 48 "Traffic Bureau" Of The Code Of The Borough Of Kenilworth, County Of Union, State Of New Jersey

   Introduction #2021-13 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40A: 4-45.14)
9. INTRODUCTION OF 2021 MUNICIPAL BUDGET
10. PROCLAMATIONS Independent Retailer Month
11. MEETING OPEN TO THE PUBLIC
12. GENERAL BUSINESS
13. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – JULY 14, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member David and seconded by Council Member Finestrella

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. COVID Cancelation of Part of Emergency Ordinance – Overestimated Shortage
3. Authorize Payment of Emergency Repairs – Messercola Excavating $9,025.00
4. ~~Appoint Permanent Police Officer – Probationary Period Complete – BB~~
5. Appoint Senior Clerk – KR
6. Appoint Senior Program Handyman – RH
7. Appoint Probationary Firefighters/EMTs to the KVFD – GP ES AD CS DS JS DW
8. Authorize Submittal of 2021 Kids Rec Grant and Greening UC Grant applications
9. Establish AD HOC Committee "Rails to Trails"
10. Municipal Lien - DPW Clean Up – 231 N. 8th St. and 108 N. Michigan

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on July 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

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.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, NEW JERSEY, PREVIOUSLY ADOPTED A SPECIAL EMERGENCY ORDINANCE NO. 2020-10 DECLARED UNDER P.L. 2020 C.74 IN THE AMOUNT OF $328,112.00 AND AFTER EVALUATION OF 2020 OPERATIONS A RESOLUTION CANCELLING A PORTION OF ORDINANCE NO. 2020-10 IN THE AMOUNT OF $212,073.88 IS DESIRED BRINGING THE ADJUSTED TOTAL OF ORDINANCE NO. 2020-10 TO $116,038.12

WHEREAS, Borough of Kenilworth declared special emergency in December of 2020 in the amount of $328,112.00, and;

WHEREAS, Local Finance Notice Required actual analysis of the revenue collected as of 12/31/2020 and cancellation of any overestimated shortages, and

WHEREAS, Borough of Kenilworth completed 2020 operations, and

WHEREAS, actual shortage of revenue is $116,038.12, and

WHEREAS, Borough of Kenilworth desires to cancel special emergency in the amount of $212,073.88, and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Borough of Kenilworth, in the County of Union, authorizes Kenneth P. Blum, Jr., Chief Financial Officer to cancel Special Emergency in the amount of $212,073.88.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No ___			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

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 for the Emergency Repairs listed below be and is hereby approved.

REPAIR TYPE	LOCATION	AMOUNT
Inlet	Colfax/Ashwood	$1,100
Inlet	N 20th / Monroe	$1,100
Inlet/Curb Head	445 Sheridan	$1,275
Inlet/Curb Head	10 Shady Lane	$1,850
Inlet - Reconst	480 S 31st	$2,200
Inlet / Backplate	600 Hoiles	$1,500
TOTAL		**$9,025**

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: Emergency Repairs – Various Locations
CONTRACTOR: Messercola Excavating Co., Inc.
549 E. 3rd Street
Plainfield, NJ 07060

Amount Due **$9,025.00**

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: C-04-55-154-109
Kenneth F. Blum
Ken Blum, CFO/Treasurer

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes: /			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

June 15, 2021

Ms. Laura Reinertsen, Borough Clerk/Administrator
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

Re: Emergency Repairs - Various Locations

Dear Ms. Reinertsen:

Attached are invoices received from Messercola Excavating Co. Inc. for emergency repair work as follows:

1. Invoice 8513, repair inlet at corner of Colfax Avenue and Ashwood Avenue in the amount of $1,100.00.

2. Invoice 8514, repair inlet at corner of N 20th Street and Monroe Avenue in the amount of $1,100.00.

3. Invoice 8515, repair inlet and install new curb head at 445 Sheridan Avenue in the amount of $1,275.00.

4. Invoice 8462, repair inlet and install new curb head at 10 Shady Lane in the amount of $1,850.00.

5. Invoice 8463, reconstruct inlet at 480 S 31st Street in the amount of $2,200.00.

6. Invoice 8464, repair inlet and install new backplate at 600 Hoiles Drive in the amount of $1,500.00.

Total - $9,025.00

If you should have any questions, please give us a call.

Very truly yours,

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.

RESOLUTION

No. 5 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, the Borough clerk's is responsible for administering the democratic process such as elections, access to borough records, all legislative actions ensuring transparency to the public, compliance for federal, state, and local statutes, the Open Public Records Act (OPRA) and public inquiries and relationships and arranges for ceremonial and official functions; and

WHEREAS, to continue the efficient operation and management of the Borough Clerk's office there exists a need to appoint a Senior Clerk; and

WHEREAS, KRISTIN RAGLAND is a NJ Certified Municipal Registrar (CMR), is one class away from being eligible for the NJ Register Municipal Clerk (RMC) State Exam; and

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

1. KRISTIN RAGLAND be appointed Senior Clerk in the Borough Clerk's Office at a rate of $51,000.00 per annum, effective August 2, 2021.
2. Kristin Ragland has one (1) year from date of appointment to attain the New Jersey Registered Municipal Clerk certification and upon verification of same, $5,000.00 will be added to her base salary
3. This offer of employment is contingent upon successful completion of medical release, criminal and background checks

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

Be It Hereby Resolved: that **Richard Holler** be employed as a Part Time Senior Citizen Handyman at a rate of $17.00 per hour for the Borough of Kenilworth Senior Citizen Handyman Program Grant.

Be It Hereby Further Resolved: that this appointment is contingent upon successful completion of a criminal background check and is not eligible holiday, sick, or vacation pay.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

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

Name	Appointment
Gaven Puchinsky	Probationary Firefighter / EMT
Emily Steitz	Probationary Firefighter / EMT
Anthony Dudkiewicz	Probationary Firefighter / EMT
Casey Scheper	Probationary Firefighter / EMT
Dominick Schulz	Probationary Firefighter / EMT
Jonathan Schultz	Probationary Firefighter / EMT
Dylan Worst	Probationary Firefighter / EMT

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

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /		No ___			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

_____
Laura Reinertsen, Borough Clerk

Apt KFD FF EMT GP ES AD CS DS JS DW

RESOLUTION

No. 8 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Union County Board of Chosen Freeholders has announced the 2021 Kids Recreation Trust Fund Grant and the 2021 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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

IT HEREBY RESOLVED, that the following AD HOC COMMITTEE be created for 2021:

RAILS TO TRAILS

Rails-To-Trails is a Union County initiative to convert an inactive CNJ rail corridor, owned by Conrail/CSX (https://tinyurl.com/y6l3qhmh) and the abandoned Rahway Valley line, into walkable and bikeable paths to safely connect our Eastern Union County communities and businesses for all to enjoy. To be modeled off the Middlesex Greenway and newly constructed Summit Park Line.

BE IT FURTHE RESOLVED, the following are hereby appointed to the committee: Mayor Karlovitch, Michael Brennan, Michael Calixto, Steven Dunn, Toni Giordano and Louis DeMondo; and

BE IT FURTHER RESOLVED, that Committee's may be added and/or deleted as the need arises.

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

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; and

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 the Borough Code Enforcement Officer for the Borough of Kenilworth; and

BE IT FURTHER RESOLVED, that the Tax Collector be directed to place liens on the properties located at:

231 N. 8th Street and 108 N. Michigan Ave., 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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH
Code Enforcement Officer
567 Boulevard, Kenilworth, NJ 07033
Office: 908-276-5802 Office Fax: 908-276-7688

FROM: Iris L. Ramos, Property Maintenance Officer
TO: Ms. Laura Reinertsen, Borough Clerk
DATE: July 07,2021
RE: Certification of Incurred Clean/Landscaping Cost for:
231 North 8th Street, Kenilworth, NJ 07033
Service Date of 02 July 2021
Block 24.01, Lot 6

I, Iris L Ramos the Property Code Enforcement Office for the Borough of Kenilworth have reviewed and deem costs incurred by the Public Works Department of the Borough of Kenilworth to clean/landscape the premise located at 231 North 8th Street, Kenilworth, NJ 07033, Block 24.01, Lot 6, to be correct in the amount of $3,474.42 for July 2, 2021. The cleaning/landscaping was preformed on the two following dates July 2,2021.

I certify that the $3,474.42 was incurred due to non-compliance to violation notice regarding the Borough of Kenilworth Ordinance 150.11, Exterior Maintenance Standards.

Summary of incurred costs are as follows:

Total Cost: $3,474.42

Number of Employees: 5
Number of Hours: 4.5

Joseph Ferry @ $29.43 x 4.5 hours = $132.44
Ronald Ott @ $28.56 x 4.5 hours = $128.52
Kyle Addvensky @ $20.40 x 4.5 hours = $91.80
Todd Patzwa @ $20.40 x 4.5 hours = $91.80
Matthew Jankunas @ $17 x 4.5 = $76.50
Employee Costs: $521.06

Fuel/Gasoline/Mix @ $2.1722 x 5 gallons = $10.86
Fuel Costs: $10.86

Equipment/Vehicles

3 - Ride on Mower @ $30.00/each = $90 x4.5 hours = $405
4 - Weed Whacker @ $15.00/each = $60 x 4.5 hours = $270
3 - Backpack Blowers @ $25.00/each = $75 x 4.5 hours = $337.50
3 - Chain Saw @ $30/each = $90 x 4.5 hours = $405
1 - Pickup Truck @ $100/each = $100 x 4.5 hours = $450
2 - Mason Dump @ $100/each = $200 x 4.5 hours = $900
1 - Sanitation Truck (Brush) @ $175 each = $175 x 1 hour = $175
Equipment/Vehicles Costs: $2,942.50

Total Cost for Property Clean Up = $3,474.42

Iris L. Ramos

Attached: Costs provided by DPW
Cc: Jill Goode, Borough Tax Collector

BOROUGH OF KENILWORTH

Code Enforcement Officer
567 Boulevard, Kenilworth, NJ 07033
Office: 908-276-5802 Office Fax: 908-276-7688

FROM: Iris L. Ramos, Property Maintenance Officer
TO: Ms. Laura Reinertsen, Borough Clerk
DATE: July 07,2021
RE: Certification of Incurred Clean/Landscaping Cost for:
108 North Michigan Ave, Kenilworth, NJ 07033
Service Date of 01 July 2021
Block 47, Lot 26

I, Iris L Ramos the Property Code Enforcement Office for the Borough of Kenilworth have reviewed and deem costs incurred by the Public Works Department of the Borough of Kenilworth to clean/landscape the premise located at 108 North Michigan Ave, Kenilworth, NJ 07033, Block 47, Lot 26, to be correct in the amount of $4,953.49 for July 1, 2021. The cleaning/landscaping was preformed on the two following dates July 1,2021.

I certify that the $4,953.49 was incurred due to non-compliance to violation notice regarding the Borough of Kenilworth Ordinance 150.11, Exterior Maintenance Standards.

Summary of incurred costs are as follows:

Total Cost: $4,953.49

Number of Employees: 5
Number of Hours: 7.5

Joseph Ferry @ $29.43 x 7.5 hours = $220.73
Manuel Nieto @ $28.56 x 7.5 hours = $214.20
Ronald Ott @ $28.56 x 7.5 hours = $214.20
Kyle Addvensky @ $20.40 x 7.5 hours = $153.00
Todd Patzwa @ $20.40 x 7.5 hours = $153.00
Employee Costs: $955.13

Fuel/Gasoline/Mix @ $2.1722 x 5 gallons = $10.86
Fuel Costs: $10.86

Equipment/Vehicles

4 - Ride on Mower @ $30.00/each = $120 x 7.5 hours = $900
4 - Weed Whacker @ $15.00/each = $60 x 7.5 hours = $450
3 - Backpack Blowers @ $25.00/each = $75 x 7.5 hours = $562.50
1 - Chain Saw @ $30/each = $30 x 7.5 hours = $225
1 - Pickup Truck @ $100/each = $100 x 7.5 hours = $750
1 - Mason Dump @ $100/each = $100 x 7.5 hours = $750
1 - Sanitation Truck (Brush) @ $175 each = $175 x 1 hour = $175
1 - Sanitation Truck (Trash) @ $175 each = $175 x 1 hour = $175
Equipment/Vehicles Costs: $3,987.50

Total Cost for Property Clean Up = $4,953.49

Iris L. Ramos

Attached: Costs provided by DPW
Cc: Jill Goode, Borough Tax Collector

RESOLUTION

No. 4 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: David

Seconded by: Ceceri

WHEREAS, Brett Bryon was appointed Probationary Police Officer by the Kenilworth governing body effective June 3, 2020; and

WHEREAS, this appointment carries a probationary period of one year, during which the appointee is not considered a permanent employee as provided in NJSA 40A:14-147; and

WHEREAS, pursuant to Chapter 39-5 of the Borough Code Chief Soos certifies that Brett Bryon has satisfactorily completed the probationary period requirement.

NOW THEREFORE BE IT RESOLVED, that Police Officer **BRETT BYRON** , having completed her one year probationary period and upon the recommendation of Police Chief Soos, be appointed a permanent police officer in the Kenilworth Police Department.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No X			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 11 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: David

Seconded by: Pugliese

BE IT HEREBY RESOLVED that the ordinance #2021-10 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on June 23, 2021 approved for final passage at the regular meeting of the Borough Council of July 14, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese		✓	✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on July 14, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE BOROUGH OF KENILWORTH ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY

Purpose: The purpose of this Ordinance is to adopt the revised agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in 1995 by the then nine (9) member municipalities of the Authority.

Be it ordained by the Borough of Kenilworth County Union State of New Jersey, as follows:

Section 1. The Borough of Kenilworth hereby approves the revised Agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in 1995 by the then nine (9) member municipalities of the Authority.

Section 2. The revised Agreement approved by this Ordinance is attached as Appendix A ("2021 Agreement") and shall become effective upon approval by comparable ordinances adopted by all eleven (11) current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge ("Member Municipalities").

Section 3. The 1995 Agreement, upon adoption of comparable ordinances by all of the Member Municipalities, shall be null and void and shall have no effect, having been replaced by the 2021 Agreement.

Section 4. Severability. If any section, clause, paragraph, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. Inconsistency. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI			✓			
					X	MARK DAVID	✓		✓			
		X				JOSEPH FINISTRELLA			✓			
X		X				GERRY LAUDATI			✓			
		X				SCOTT PENTZ			✓			
		X				FRED PUGLIESE		✓	✓			
						MAYOR KARLOVITCH						

Introduced:
June 23, 2021

Final Adoption:
July 14, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 12 **KENILWORTH, N.J.** **July 14, 2021**

Introduced by: Ceceri

Seconded by: David

BE IT HEREBY RESOLVED that the ordinance #2021-11 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 75 "CATS", ESTABLISHING SECTION 16 "FERAL POPULATION MANAGEMENT", 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 August 25, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on July 14, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 75 "CATS", ESTABLISHING SECTION 16 "FERAL POPULATION MANAGEMENT", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to establish a program for the managed care of feral cats in the Borough of Kenilworth .

AN ORDINANCE REGARDING THE MANAGED CARE OF FREE-ROAMING CATS"

WHEREAS, the Mayor and Council of the Borough of Kenilworth are aware of the problems in the Borough caused by a large feral cat population; and

WHEREAS, feral cats are cats that are significantly or completely unsocialized and not adoptable as companion animals; and

WHEREAS, there are no facilities in the Borough of Kenilworth ("Borough") to address issues created by feral cats; and

WHEREAS, the population of feral cats has been increasing in the Borough; and

WHEREAS, a present goal of Trap-Neuter-Return (TNR) is to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and

WHEREAS, programs for the managed care of feral cat colonies that include trapping, neutering and returning such cats to their habitats have proven to be effective in reducing the number of feral cats and is more humane than trapping and euthanizing; and

WHEREAS, TNR programs are beneficial to communities and the public health because cats in managed colonies are vaccinated against rabies, which has positive public consequences, and are spayed or neutered, thereby controlling the population; and

WHEREAS, the Mayor and Borough Council deem it in the public interest to amend its ordinances in order to meet these stated goals;

THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Kenilworth, County of Union and State of New Jersey that the following section be added to the Ordinances of the Borough of Kenilworth as follows:

DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this Section. When not inconsistent with the context, words used in the present tense include the future words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned means that an owner or caregiver has forsaken a domesticated cat entirely or has neglected or refused to provide care and support to the cat.

Animal Control Officer means any person employed or appointed by the Borough who is authorized to investigate violations of laws and regulations concern animals, and to issue citations in accordance with New Hersey law and this Code.

Caregiver means any person other than an owner who provides food, water or shelter to, or otherwise cares for a feral cat.

Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for humans.

Ear Marked means a tagged, noticed or tipped left ear as performed by a licensed veterinarian.

Feral Cat colony means a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral cats that congregate with a Colony shall be deemed to be part of it.

Managed Cat colony- spraying and neutering the cats to stabilize the population of the Feral Cat colony.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

Owner means any person, firm, corporation, partnership, association, association, trust, estate, or any other legal entity.

Rescue group is a for-profit entity, or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

Sponsor is any animal welfare provider that agrees to comply with the requirements of this chapter for sponsors provides written notice to and is approved by the Borough and the majority of any other approved sponsor(s).

Stray Cat means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by its owner.

Suitable Shelter means shelter that provides protection from rain, sun and other elements that is adequate to protect the health of the cat.

TNR means Trap, Neuter and Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

Zoonotic Disease means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

RESPONSIBILITIES OF OWNERS OF DOMESTICATED CATS.

1. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.

2. The Owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.

3. The Owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.

4. An Owner shall not abandon a domesticated cat.

   It shall be the duty of the Sponsor to:

   a. Review and approve of colony caregivers.

   b. Help to resolve any complaints over the conduct of a colony caregiver or of cats within colony;

   c. Maintain records provided by colony Caregivers on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the Sponsor's colonies; and

   d. Report annually to the Borough on the following:

      i. number of colonies in the Borough;

      ii. total number of cats in colonies;

      iii. number of cats and kittens spayed and neutered pursuant to the TNR program; and

      iv. number of cats and kittens placed in permanent homes.

   e. Register Feral Cat colonies as provided in Section 8.

   f. Equally responsible with that of the Animal Control Officer for humanely capturing, trapping, neutering, vaccinating, identifying and spaying or neutering feral cats.

5. Feral Cat Caregiver requirements.

   Caregivers are responsible for the following.

   a. registering the Feral Cat colony with the Sponsor.

   b. taking steps that are reasonably likely to result in the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured.

   c. taking steps that are reasonably likely to further the objective of the spay/neuter of at least ninety percent (90%) of the colony population.

   d. providing the Sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered

   e. providing food, water and if feasible shelter for colony cats

   f. observing the colony cats at least twice per week and keeping a record of any illness of unusual behavior noticed in any colony cats

   g. obtaining the approval, in writing, of the owner of any property, to which the caregiver requires access to provide colony care

h. in the event kittens are born to a colony, the caregivers shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement or with the sponsor for subsequent permanent placement

i. reporting annually in writing to the Sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year, the number of kittens born to colony cats and their disposition, and the number of cats and kittens placed in permanent homes as companion cats; and

j. obtaining proper medical attention to any colony cat that appears to require it

k. taking reasonable steps to prevent cats from creating a nuisance to adjacent properties

6. Colony Cat Requirements

   a. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be ear-tipped

   b. An electronic animal identification device (EAID) shall be inserted into the cat by a veterinarian in accordance with professional medical standards. The colony number shall be used for purposes of the EAID

7. Disposition of Colony Cats

   a. An animal control officer or sponsor who has trapped a cat whose left ear has been tipped of which bears some other distinguishing mark indicating that it belongs to a feral cat colony shall scan any cat trapped or picked up for an EAID. If an EAID is found, the officer shall return the cat to its colony or its owner. If an EAID is not found the officer shall contact the sponsor and the sponsor or any other person named as the owner of the cat

   b. If the owner or sponsor is not able to immediately take custody of the cat, the officer shall return the cat to the appropriate colony

   c. If the cat does not have an EAID then the animal control officer shall contact the sponsor so that the cat can be properly placed in a colony. I the cat is obviously a domestic cat the sponsor shall arrange for care of the cat until the owner is located and maty determine the disposition of the cat ih those circumstances where the domestic cat's owner can not be located. If the cat does not have an EAID and the owner cannot be located, then the sponsor will nevertheless treat the cat as a stray with a seven (7) day holding period.

8. Registration of Feral Cat colonies.

   a. The sponsor shall register Feral Cat colonies maintained by approved Caregivers. Feral Cat Colonies within the Borough that are not registered by the Sponsor are not entitled

to any benefits or protections set forth in this Ordinance. No colonies may be established except in accordance with this Ordinance. On an annual basis the sponsor shall provide the Borough of Kenilworth with a colony management plan for the Borough containing all registered Feral Cat colonies with information on the number of cats, anticipated rate of attrition and the length of project, efforts to deter predation and to prevent immigration of more cats into each colony. The list of registered Feral Cat colonies and the annual colony management plan shall be filed with the Borough administrator.

ORDINANCE ENFORCEMENT

1. The Borough shall have the following rights:
   a. the right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating sings of the disease.
   b. the right to seize or remove a cat from a colony that is creating a nuisance as defined above and the Caregiver and Sponsor have been given 30 days to remove and relocate the cat and have failed to do so.
   c. the right to seize or remove a colony of cats when the caregiver regularly fails to comply with the requirements of this Article and the Sponsor has not been able to obtain a replacement or substitute Caregiver within 30 days of the Borough's notice to the sponsor of the Caregiver's failure to comply with this Ordinance.
2. The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint.

   All ordinances or parts of ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 75 "CATS", ESTABLISHING SECTION 16 "FERAL POPULATION MANAGEMENT", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
✓		✓				KAY CECERI						
	✓	✓				MARK DAVID						
		✓				JOSEPH FINISTRELLA						
		✓				GERRY LAUDATI						
		✓				SCOTT PENTZ						
		✓				FRED PUGLIESE						
						MAYOR KARLOVITCH						

Introduced:
July 14, 2021

Final Adoption:
August 25, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

In consideration for being permitted to participate in the Borough of Kenilworth Trap-Neuter-Return ("TNR") program, which, without limitation, shall entail the trapping, handling, neutering, vaccinating, caretaking and transporting of feral and stray cats the "Services"), I understand and hereby agree to the following terms and conditions:

RELEASE

ASSUMPTION OF RISK

I am voluntarily participating in the Borough TNR program with full knowledge of the risks and dangers involved and hereby agree to accept any and all risks of injury, death, or damage to myself and/or my personal property. I understand that I may come into contact with, and otherwise interact with, animals. Further, I understand that the Services entail risk of personal injury and damage to personal property including, without limit:

- Injuries related to trapping, transporting and handling feral and/or stray cats.
- Exposure of animals at home to disease and/or parasites.
- Injuries related to lifting animals, food, litter, or equipment
- Exposure to cleaners, latex gloves, bleach, parasite control products
- Exposure to or incidents relating to the public (outbursts, inappropriate contact).
- Slips/trips/falls on the street during trapping activities or resulting from wet floors or equipment.
- Internal or external parasites (i.e., ticks, fleas, ringworm); and
- Zoonotic illnesses (human illnesses contracted from animals).

INDEMNIFICATION

_____ _____

Attest Attest

RESOLUTION

No. 13 **KENILWORTH, N.J.** **July 14, 2021**

Introduced by: David

Seconded by: Pentz

BE IT HEREBY RESOLVED that the ordinance #2021-12 entitled:

AN ORDINANCE AMENDING CHAPTER 15 "DEPARTMENTAL STRUCTURES" AND CHAPTER 48 "TRAFFIC BUREAU" OF THE CODE OF 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 August 25, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David	✓		/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz		✓	/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on July 14, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-12

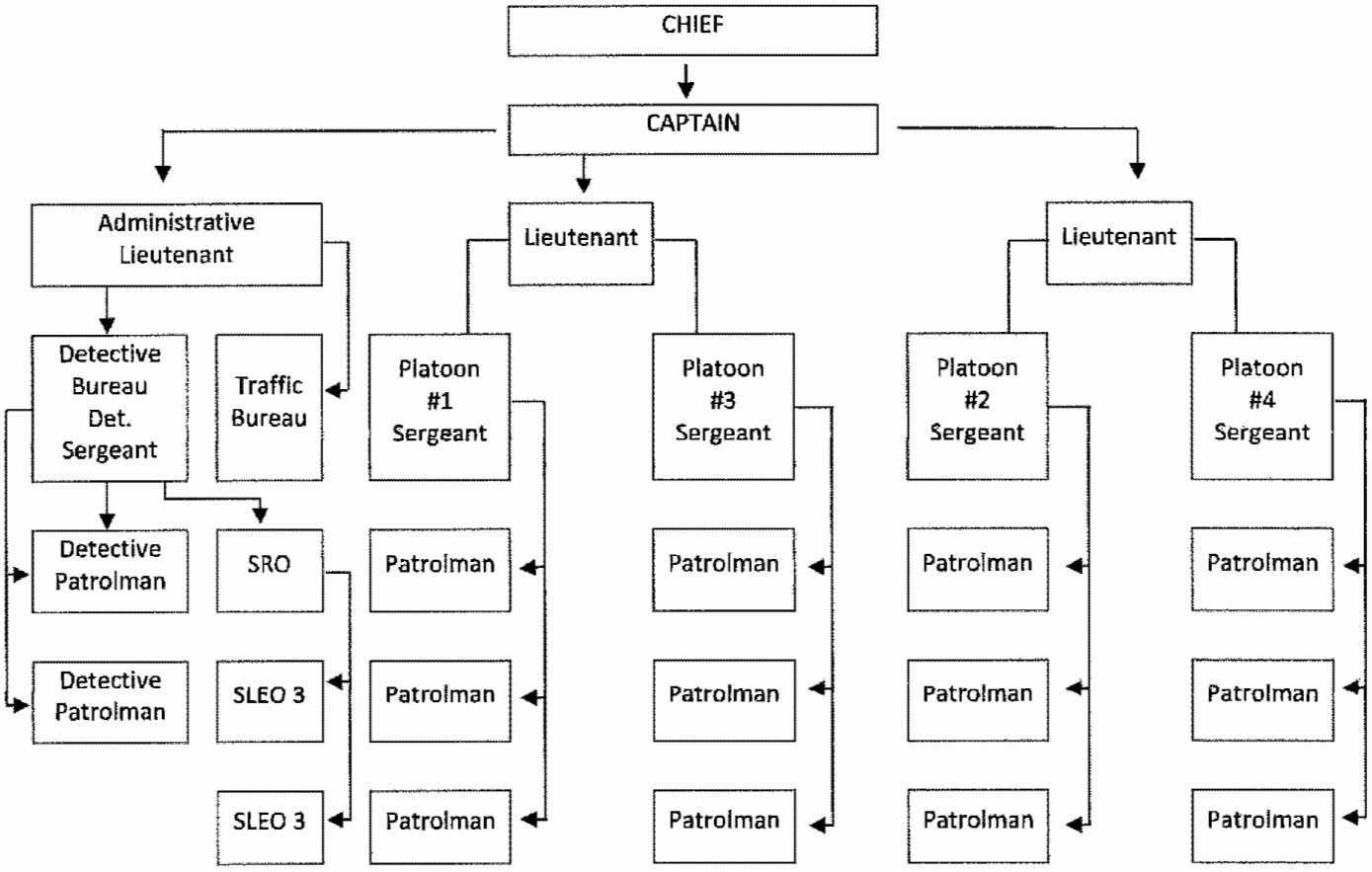
AN ORDINANCE AMENDING CHAPTER 15 "DEPARTMENTAL STRUCTURES" AND CHAPTER 48 "TRAFFIC BUREAU" OF THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The Purpose of this ordinance is to amend Chapter 15 "Departmental Structures" and Chapter 48 "Traffic Bureau" in accordance with current practices and policies of the Kenilworth Police Department.

BE IT HEREBY ORDAINED by the Governing Body of the Borough of Kenilworth, County of Union, New Jersey, that it is hereby amending Chapter 15 to the Code of the Borough of Kenilworth as follows:

DEPARTMENTAL STRUCTURE

Section 15.2 Police Department Table of Organization – As follows:



BE IT FURTHER RESOLVED, that the following amendments be made to **Chapter 48 Traffic Bureau:**

1. The term "superior" be removed from Chapter 48-2 "Membership".
2. Chap 48-3 "Supervisor" shall be deleted in its entirety.
3. The term "Supervisor" shall be replaced with "Traffic Officer" throughout Chapter 48-4 "Duties" and 48-5 "Designation of Members and ~~Supervisor~~ ***Traffic Officer***"

ORDINANCE NO. 2021-12

AN ORDINANCE AMENDING CHAPTER 15 "DEPARTMENTAL STRUCTURES" AND CHAPTER 48 "TRAFFIC BUREAU" OF THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		✓				KAY CECERI						
✓		✓				MARK DAVID						
		✓				JOSEPH FINISTRELLA						
		✓				GERRY LAUDATI						
	✓	✓				SCOTT PENTZ						
		✓				FRED PUGLIESE						
						MAYOR KARLOVITCH						

Introduced:
July 14, 2021

Final Adoption:
August 25, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 14 **KENILWORTH, N.J.** **July 14, 2021**

Introduced by: Laudati

Seconded by: Ceceri

BE IT HEREBY RESOLVED that the ordinance #2021-13 entitled:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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 25, 2021 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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on July 14, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-13
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

CALENDAR YEAR 2021
ORDINANCE TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 1.00% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Kenilworth, County of Union, hereby determines that this difference in the amount of $322,279.03 that is not appropriated as part of the final 2021 budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	✓	✓				KAY CECERI						
		✓				MARK DAVID						
		✓				JOSEPH FINISTRELLA						
✓		✓				GERRY LAUDATI						
		✓				SCOTT PENTZ						
		✓				FRED PUGLIESE						
						MAYOR KARLOVITCH						

Introduced:
July 14, 2021

Final Adoption:
August 25, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 15 **KENILWORTH, N.J.** **JULY 14, 2021**

Introduced by: Laudati

Seconded by: Ceceri

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021.

BE IT FURTHER RESOLVED that said budget be published in the Local Source in the issue of August 5, 2021.

The Governing body of the Borough of Kenilworth does hereby approve the attached as the Budget for the year 2021. The public hearing and second reading will be on August 25, 2021.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No X			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on JULY 14, 2021.

Laura Reinertsen, Borough Clerk

2021 Municipal Budget

BOROUGH OF KENILWORTH, COUNTY OF UNION
FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2021

Revenue and Appropriation Summaries

Summary of Revenues - Current Fund	Anticipated	
	2021	2020
1. Surplus	2,000,000.00	1,800,689.06
2. Total Miscellaneous Revenues	2,621,752.56	2,647,519.45
3. Receipts from Delinquent Taxes	250,000.00	250,000.00
4. Local Tax for Municipal Purposes	13,159,355.78	12,834,638.34
Total General Revenues	18,031,108.34	17,532,846.85

Summary of Appropriations - Current Fund	2021 Budget	Final 2020 Budget
1. Operating Expenses: Salaries & Wages	5,901,643.00	5,649,750.00
Other Expenses	8,409,149.47	8,333,767.35
2. Deferred Charges & Other Appropriations	1,572,784.00	1,479,532.00
3. Capital Improvements	60,000.00	40,000.00
4. Debt Service	1,234,232.87	1,189,797.50
5. Judgments		
6. Reserve for Uncollected Taxes	853,299.00	840,000.00
Total General Appropriations	18,031,108.34	17,532,846.85
Total Number of Employees - Full & Part Time	125	106

Balance of Outstanding Debt	
	General
Bond Principal	6,574,000.00
Bond Interest	670,503.75
Outstanding Balance	7,244,503.75

Notice is hereby given that the budget and tax resolution was approved by the Borough Council of the Borough of Kenilworth, County of Union on July 14, 2021.

A hearing on the budget and tax resolution will be held at the Municipal Building on August 25 ,2021 at 6:30 (PM) at which time and place objections to the Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

Copies of the detailed budget are available in the office of Laura Reinertsen, Borough Clerk, at the Municipal Building, 567 Boulevard, Kenilworth, New Jersey 07033, (908) 276-9090, during the hours of 9:00(A.M.) to 4:30(P.M.).

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **AUGUST 25, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of Work Session of June 23rd , July 14th and the Council Meetings of July 14, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - UC Commissioners 9-11 20th Anniversary Ceremony Invitation
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

Consent Agenda

1.	That all bills be paid when properly audited and funds are available	
2.	Deferment of 2020 School Taxes	
3.	Refund Overpayment of Taxes for 3rd Qtr	
4.	Authorize Payment – Remediation at Recreation Center – Guardian Contracting	$3,800.00
5.	Authorize Payment - 2019/2020 NJDOT Roadway Improvements – S. Brothers	$739,046.11
6.	Authorize Payment – Emergency Repair – Renda Roads	$950.00
7.	UC Leaf Composting Facility MOU Establishing Rate for 2021	
8.	Authorizing Agreement with the Bd of Education for SLEO Services – 2021/2022 School Year	
9.	Appointing 2021/2022 SLEOs – WH AG	
10.	Appointing Redevelopment Attorney	

8. ORDINANCE:

Public Hearing #2021-11 AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 75 "CATS", ESTABLISHING SECTION 16 "FERAL POPULATION MANAGEMENT", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Public Hearing #2021-12 AN ORDINANCE AMENDING CHAPTER 15 "DEPARTMENTAL STRUCTURES" AND CHAPTER 48 "TRAFFIC BUREAU" OF THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Public Hearing #2021-13 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

9. PUBLIC HEARING & ADOPTION OF MUNICIPAL BUDGET
10. PROCLAMATIONS
11. MEETING OPEN TO THE PUBLIC
12. GENERAL BUSINESS
13. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn ____ PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – AUGUST 25, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member Pugliese and seconded by Council Member Laudati.

Consent Agenda:

~~1. That all bills be paid when properly audited and funds are available~~
2. Deferment of 2020 School Taxes
3. Refund Overpayment of Taxes for 3rd Qtr
4. Authorize Payment – Remediation at Recreation Center – Guardian Contracting $3,800.00
5. Authorize Payment - 2019/2020 NJDOT Roadway Improvements – S. Brothers $739,046.11
6. Authorize Payment – Emergency Repair – Renda Roads $950.00
7. UC Leaf Composting Facility MOU Establishing Rate for 2021
8. Authorizing Agreement with the Bd of Education for SLEO Services – 2021/2022 School Year
9. Appointing 2021/2022 SLEOs – WH AG
~~10. Appointing Redevelopment Attorney~~

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on August 25, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 KENILWORTH, N.J. AUGUST 25, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Governing Body of a municipality is permitted to defer school taxes amounting to not more than 50% of the total school tax levy; and

WHEREAS, it is the desire of the Borough Council of the Borough of Kenilworth to defer local district school tax amounting to $10,686,158.50 representing 50% of the 2020-2021 local school district tax levy; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth in the County of Union and State of New Jersey that the 2020-21 local district school tax levy be deferred in the amount of $10,686,158.50.

BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on AUGUST 25, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **AUGUST 25, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS: Duplicate tax payments were made for the 3rd Q quarter of 2021 for the following properties located in Kenilworth, NJ, and;

WHEREAS, this resulted in the overpayment of taxes for the 3rd quarter of 2021, and;

NOW, THERFORE BE IT RESOLVED that the Treasurer, after proper notation on the tax account records by the Collector of Taxes, be and is hereby authorized to issue a warrant as follows.

Refund:

Corelogic Tax Services, Attn: Centralized Refunds, P.O.Box 9202, Coppell, TX 75019

B 97 L 15	296 Lincoln Drive	$ 2,331.92
B 113 L 3	62 So. 18th Street	$ 2,180.22
B 113 L 33	101 So. 19th Street	$ 2,464.83
B 134 L 17	664 Passaic Avenue	$ 1,957.37
B 136 L 32	150 So. 25th Street	$ 2,507.79

PennyMac Loan Services, LLC, Attn: Property Tax Refund Dept, 6101 Condor Drive, Moorpark, CA 93021

B 115 L 13	18 So. 20th Street	$ 1,753.31

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on AUGUST 25, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **AUGUST 25, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

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 1at and Final Payment 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: Asbestos Floor Tile Removal
CONTRACTOR: Guardian Contracting, Inc.
1889 Route 9, Unit 61
Toms River, NJ 08755

Payment #2

TOTAL ORIGINALCONTRACT PRICE	$3,800.00
Change Order Amount	$0.00
Contract Sum to date:	$3,800.00
Total Completed and Stored to Date	$3,800.00
Less previous payment	$0.00
Amount Due	**$3,800.00**

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:
G-02-70-081-019
Kenneth P. Blum

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on August 25, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

August 9, 2021

Ms. Laura Reinertsen, Borough Clerk/Administrator
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

RE: Application for Payment
Asbestos Floor Tile Removal
Recreation Building

Dear Ms. Reinertsen:

Attached is an invoice in the full amount of the contract received from Guardian Contracting for work completed on the refenced project. We have reviewed the invoice and we recommend that payment in the amount of $3,800.00 be considered at the next Council meeting. The status of the contract is as follows:

Contract amount:	$3,800.00
Change orders amount:	$ 0.00
Contract sum to date:	$3,800.00
Total completed and stored to date:	
Less 10% retainage to date:	$ 0.00
Total Earned less retainage:	$ 0.00
Less previous payments:	$ 0.00
Amount due:	$3,800.00
Balance to finish including retainage:	$ 0.00

If you should have any questions, please give us a call.

Very truly yours,

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.

RESOLUTION

No. 5 **KENILWORTH, N.J.** **AUGUST 25, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

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 1st Payment 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: 2019/2020 NJDOT Roadway Improvements
CONTRACTOR: S. Brothers, Inc.
PO Box 317
South River, NJ 08882

Payment # 1

TOTAL ORIGINALCONTRACT PRICE	$850,202.97
Change Order Amount	$0.00
Contract Sum to date:	$850,202.97
Total Completed and Stored to Date	$777,943.27
Less 5% retainage to date	$38,897.16
Less previous payment	$0.00
Amount Due	**$739,046.11**
Balance to Finish	$72,259.70

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:
C-04-55-191-110 $500,000.00
C-04-55-2017/10 $350,202.97
Kenneth P. Blum Jr.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on August 25, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

August 9, 2021

Ms. Laura Reinertsen, Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

Re: Payment No.1
2019/2020 NJDOT Roadway Improvements
Borough of Kenilworth

Dear Ms. Reinertsen,

Enclosed is Application for Payment No. 1, received from S. Brothers, Inc., for work completed through June 30, 2021 for the above referenced project. Harbor Consultants, Inc. has reviewed this request and recommends that payment in the amount of $739,046.11 be approved at the next Council Meeting.

The current state of the contract is as follows:

Contract amount:	$850,202.97
Change orders amount:	$ 0.00
Contract sum to date:	$850,202.97
Total completed and stored to date:	$777,943.27
Less 5% retainage to date:	$ 38,897.16
Less previous payments:	$ 0.00
Amount due this period:	$739,046.11
Balance to finish including retainage:	$ 72,259.70

Attached, please find a copy of the Contractor's payment request, certified payroll and Kenilworth Voucher. If you have any questions, feel free to contact me.

Very Truly Yours,

Harbor Consultants, Inc.

Christian Cueto, P.E., C.M.E.

RESOLUTION

No. 6 KENILWORTH, N.J. AUGUST 25, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

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 for the Emergency Repairs listed below be and is hereby approved.

REPAIR TYPE	LOCATION	AMOUNT
Collapsed Manhole	664 Summit Ave	$950
TOTAL		**$950**

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: Emergency Repair - Collapsed Manhole
CONTRACTOR: Renda Roads
PO Box 89
Whitehouse, NJ 08888

Amount Due **$950.00**

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: 1-01-26-772-022
Kenneth P. Blum
Ken Blum, CFO/Treasurer

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on August 25, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

August 16, 2021

Ms. Laura Reinertsen, Borough Clerk/Administrator
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

Re: Emergency Repairs
Collapsed Manhole
Summit Avenue

Dear Ms. Reinertsen:

Attached is an invoice from Renda Roads, Inc. in the amount of $950.00 for repair of a collapsed manhole discovered during resurfacing of Summit Avenue. The manhole has been repaired to our satisfaction and we recommend payment in the amount of $950.00.

If you should have any questions, please give us a call.

Very truly yours,

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.

RESOLUTION

No. 7 **KENILWORTH, N.J.** **AUGUST 25, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the Union County Department of Public Works & Facilities Management has established the 2021 Rate for the Leaf Composting Facility at the Conservation Center **as follows; and**

$4.00 per yard – Loose **$$6.00 per yard – Compacted**

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

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on AUGUST 25, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 KENILWORTH, N.J. AUGUST 25, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

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 2021/2022 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 Administrator and Police Chief be authorized to sign said Agreement.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on AUGUST 25, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **AUGUST 25, 2021**

Introduced by: David

Seconded by: Ceceri

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Laudati			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on AUGUST 25, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **AUGUST 25, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, the Borough of Kenilworth has entered into an Agreement with the Kenilworth Board of Education to provide Class III Special Law Enforcement Officers (SLEO) within the Kenilworth school system for the 2021/2022 school year; and

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

THEREFORE BE IT RESOLVED, that pursuant to P.L. 2016 Chapter 68-S86 and N.J.S.A. 40A:14-146.14 et. seq, Chief Soos recommends the following individuals to be appointed Class III Special Law Enforcement Officers, effective September 1, 2021 through August 31, 2022 at a rate of $26.52 per hour:

William Hannon, Sr.
46 Dorset Dr.
Kenilworth, NJ 07033

Anthony Giacalone
510 Richfield Ave.
Kenilworth, NJ 07033

BE IT FURTHER RESOLVED, that the aforementioned appointment is subject to the rules as set forth by the Police Training Commission (PTC).

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on AUGUST 25, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **AUGUST 25, 2021**

Introduced by: David

Seconded by: Finestrella

WHEREAS, there exists the need for a Municipal Redevelopment Attorney in the Borough of Kenilworth, County of Union; and

WHEREAS, the contractor has submitted qualifications as part of a "Fair and Open Process" pursuant to the provisions of NJSA 19:44A-20.5 et seq. and the Council finds the contractor most qualified for the legal services with regard to redevelopment offered and sought by the Borough of Kenilworth; and

WHEREAS, NJSA 19:44A-20.5 et seq. allows a municipality through a "Fair and Open Process" to seek and solicit qualifications by advertising for such qualifications and appoint the contractor based on said contractor's qualifications and merit; and

WHEREAS, the local public contracts law NJSA 40A:11-1 requires that the resolution awarding the contract shall state the supporting reasons and be printed in a newspaper of general circulation not more than ten days after passage of the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Kenilworth, County of Union, that the appointment of **Inglesino Webster Wyciskala Taylor, LLC**, of the firm of ***600 Parsippany Rd., Suite #204, Parsippany, NJ 07054***, as Municipal Redevelopment Attorney for the Borough of Kenilworth for the unexpired one-year term said term to expire December 31, 2021 in an amount not to exceed Ten Thousand Dollars and No Cents ($10,000.00) be and the same is hereby confirmed.

BE IT FURTHER RESOLVED that a copy of this resolution be published as required by law within ten days of its passage.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Kenilworth Departments: Administration, Clerk, Finance as well as the Borough Attorney, and **Inglesino Webster Wyciskala Taylor, LLC**, Municipal Redevelopment Attorney

CERTIFICATION OF FUNDS
APPROPRIATION: 1-01-20-712-200
Kenneth F. Blum

Ken Blum, Treasurer

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No X			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on AUGUST 25, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 11 **KENILWORTH, N.J.** **August 25, 2021**

Introduced by: David

Seconded by: Pentz

BE IT HEREBY RESOLVED that the ordinance #2021-11 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 75 "CATS", ESTABLISHING SECTION 16 "FERAL POPULATION MANAGEMENT"

Was introduced and approved on first reading, at the regular meeting of the Borough Council on July 14, 2021 approved for final passage at the regular meeting of the Borough Council of August 25, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz		/	/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No X			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on August 25, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 75 "CATS", ESTABLISHING SECTION 16 "FERAL POPULATION MANAGEMENT", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to establish a program for the managed care of feral cats in the Borough of Kenilworth .

AN ORDINANCE REGARDING THE MANAGED CARE OF FREE-ROAMING CATS

WHEREAS, the Mayor and Council of the Borough of Kenilworth are aware of the problems in the Borough caused by a large feral cat population; and

WHEREAS, feral cats are cats that are significantly or completely unsocialized and not adoptable as companion animals; and

WHEREAS, there are no facilities in the Borough of Kenilworth ("Borough") to address issues created by feral cats; and

WHEREAS, the population of feral cats has been increasing in the Borough; and

WHEREAS, a present goal of Trap-Neuter-Return (TNR) is to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and

WHEREAS, programs for the managed care of feral cat colonies that include trapping, neutering and returning such cats to their habitats have proven to be effective in reducing the number of feral cats and is more humane than trapping and euthanizing; and

WHEREAS, TNR programs are beneficial to communities and the public health because cats in managed colonies are vaccinated against rabies, which has positive public consequences, and are spayed or neutered, thereby controlling the population; and

WHEREAS, the Mayor and Borough Council deem it in the public interest to amend its ordinances in order to meet these stated goals;

THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Kenilworth, County of Union and State of New Jersey that the following section be added to the Ordinances of the Borough of Kenilworth as follows:

DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned means that an owner or caregiver has forsaken a domesticated cat entirely or has neglected or refused to provide care and support to the cat.

Animal Control Officer means any person employed or appointed by the Borough who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and this Code.

Caregiver means any person other than an owner who provides food, water or shelter to, or otherwise cares for a feral cat.

Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for humans.

Ear Marked means a tagged, noticed or tipped left ear as performed by a licensed veterinarian.

Feral Cat colony means a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral cats that congregate with a Colony shall be deemed to be part of it.

Managed Cat colony- spaying and neutering the cats to stabilize the population of the Feral Cat colony.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

Owner means any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

Rescue group is a nonprofit entity, or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

Sponsor is any animal welfare provider who agrees to comply with the requirements of this chapter for sponsors and provides written notice to and is approved by the Borough and the majority of any other approved sponsor(s).

Stray Cat means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by its owner.

Suitable Shelter means shelter that provides protection from rain, sun and other elements that is adequate to protect the health of the cat.

TNR means Trap, Neuter and Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

Zoonotic Disease means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

RESPONSIBILITIES OF OWNERS OF DOMESTICATED CATS.

1. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.

2. The Owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.

3. The Owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.

4. An Owner shall not abandon a domesticated cat.

   It shall be the duty of the Sponsor to:

   a. Review and approve of colony caregivers.

   b. Help to resolve any complaints over the conduct of a colony caregiver or of cats within a colony;

   c. Maintain records provided by colony Caregivers on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the Sponsor's colonies; and

   d. Report annually to the Borough on the following:

      i. number of colonies in the Borough;

      ii. total number of cats in colonies;

      iii. number of cats and kittens spayed and neutered pursuant to the TNR program; and

      iv. number of cats and kittens placed in permanent homes.

   e. Register Feral Cat colonies as provided in Section 8.

   f. Equally responsible with that of the Animal Control Officer for humanely capturing, trapping, neutering, vaccinating, identifying and spaying or neutering feral cats.

5. Feral Cat Caregiver requirements.

   Caregivers are responsible for the following.

   a. registering the Feral Cat colony with the Sponsor.

   b. taking steps that are reasonably likely to result in the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured.

   c. taking steps that are reasonably likely to further the objective of the spay/neuter of at least ninety percent (90%) of the colony population.

   d. providing the Sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered

   e. providing food, water and if feasible shelter for colony cats

   f. observing the colony cats at least twice per week and keeping a record of any illness or unusual behavior noticed in any colony cats

   g. obtaining the approval, in writing, of the owner of any property, to which the caregiver requires access to provide colony care

h. in the event kittens are born to a colony, the caregivers shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement or with the sponsor for subsequent permanent placement

i. reporting annually in writing to the Sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year, the number of kittens born to colony cats and their disposition, and the number of cats and kittens placed in permanent homes as companion cats; and

j. obtaining proper medical attention to any colony cat that appears to require it

k. taking reasonable steps to prevent cats from creating a nuisance to adjacent properties

6. Colony Cat Requirements

   a. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be ear-tipped

   b. An electronic animal identification device (EAID) shall be inserted into the cat by a veterinarian in accordance with professional medical standards. The colony number shall be used for purposes of the EAID

7. Disposition of Colony Cats

   a. An animal control officer or sponsor who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a feral cat colony shall scan any cat trapped or picked up for an EAID. If an EAID is found, the officer shall return the cat to its colony or its owner. If an EAID is not found the officer shall contact the sponsor and the sponsor or any other person named as the owner of the cat

   b. If the owner or sponsor is not able to immediately take custody of the cat, the officer shall return the cat to the appropriate colony

   c. If the cat does not have an EAID then the animal control officer shall contact the sponsor so that the cat can be properly placed in a colony. If the cat is obviously a domestic cat the sponsor shall arrange for care of the cat until the owner is located and may determine the disposition of the cat if those circumstances where the domestic cat's owner can not be located. If the cat does not have an EAID and the owner cannot be located, then the sponsor will nevertheless treat the cat as a stray with a seven (7) day holding period.

8. Registration of Feral Cat colonies.

   a. The sponsor shall register Feral Cat colonies maintained by approved Caregivers. Feral Cat Colonies within the Borough that are not registered by the Sponsor are not entitled

to any benefits or protections set forth in this Ordinance. No colonies may be established except in accordance with this Ordinance. On an annual basis the sponsor shall provide the Borough of Kenilworth with a colony management plan for the Borough containing all registered Feral Cat colonies with information on the number of cats, anticipated rate of attrition and the length of project, efforts to deter predation and to prevent immigration of more cats into each colony. The list of registered Feral Cat colonies and the annual colony management plan shall be filed with the Borough administrator.

ORDINANCE ENFORCEMENT

1. The Borough shall have the following rights:
   a. the right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
   b. the right to seize or remove a cat from a colony that is creating a nuisance as defined above and the Caregiver and Sponsor have been given 30 days to remove and relocate the cat and have failed to do so.
   c. the right to seize or remove a colony of cats when the caregiver regularly fails to comply with the requirements of this Article and the Sponsor has not been able to obtain a replacement or substitute Caregiver within 30 days of the Borough's notice to the sponsor of the Caregiver's failure to comply with this Ordinance.
2. The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint.

   All ordinances or parts of ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 75 "CATS", ESTABLISHING SECTION 16 "FERAL POPULATION MANAGEMENT", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X		X			KAY CECERI			✓			
		X	X			MARK DAVID	✓		✓			
			X			JOSEPH FINISTRELLA			✓			
			X			GERRY LAUDATI			✓			
			X			SCOTT PENTZ		✓	✓			
			X			FRED PUGLIESE			✓			
						MAYOR KARLOVITCH						

Introduced:
July 14, 2021

Final Adoption:
August 19, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Linda Karlovitch

Laura Reinertsen, Borough Clerk

In consideration for being permitted to participate in the Borough of Kenilworth Trap-Neuter-Return ("TNR") program, which, without limitation, shall entail the trapping, handling, neutering, vaccinating, caretaking and transporting of feral and stray cats the "Services"), I understand and hereby agree to the following terms and conditions:

RELEASE

ASSUMPTION OF RISK

I am voluntarily participating in the Borough TNR program with full knowledge of the risks and dangers involved and hereby agree to accept any and all risks of injury, death, or damage to myself and/or my personal property. I understand that I may come into contact with, and otherwise interact with, animals. Further, I understand that the Services entail risk of personal injury and damage to personal property including, without limit:

- Injuries related to trapping, transporting and handling feral and/or stray cats.
- Exposure of animals at home to disease and/or parasites.
- Injuries related to lifting animals, food, litter, or equipment
- Exposure to cleaners, latex gloves, bleach, parasite control products
- Exposure to or incidents relating to the public (outbursts, inappropriate contact).
- Slips/trips/falls on the street during trapping activities or resulting from wet floors or equipment.
- Internal or external parasites (i.e., ticks, fleas, ringworm); and
- Zoonotic illnesses (human illnesses contracted from animals).

INDEMNIFICATION

_____ _____

Attest Attest

RESOLUTION

No. 12 **KENILWORTH, N.J.** **August 25, 2021**

Introduced by: Laudati

Seconded by: David

BE IT HEREBY RESOLVED that the ordinance #2021-12 entitled:

AN ORDINANCE AMENDING CHAPTER 15 "DEPARTMENTAL STRUCTURES" AND CHAPTER 48 "TRAFFIC BUREAU" OF THE CODE OF THE BOROUGH OF KENILWORTH

Was introduced and approved on first reading, at the regular meeting of the Borough Council on July 14, 2021 approved for final passage at the regular meeting of the Borough Council of August 25, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on August 25, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-12

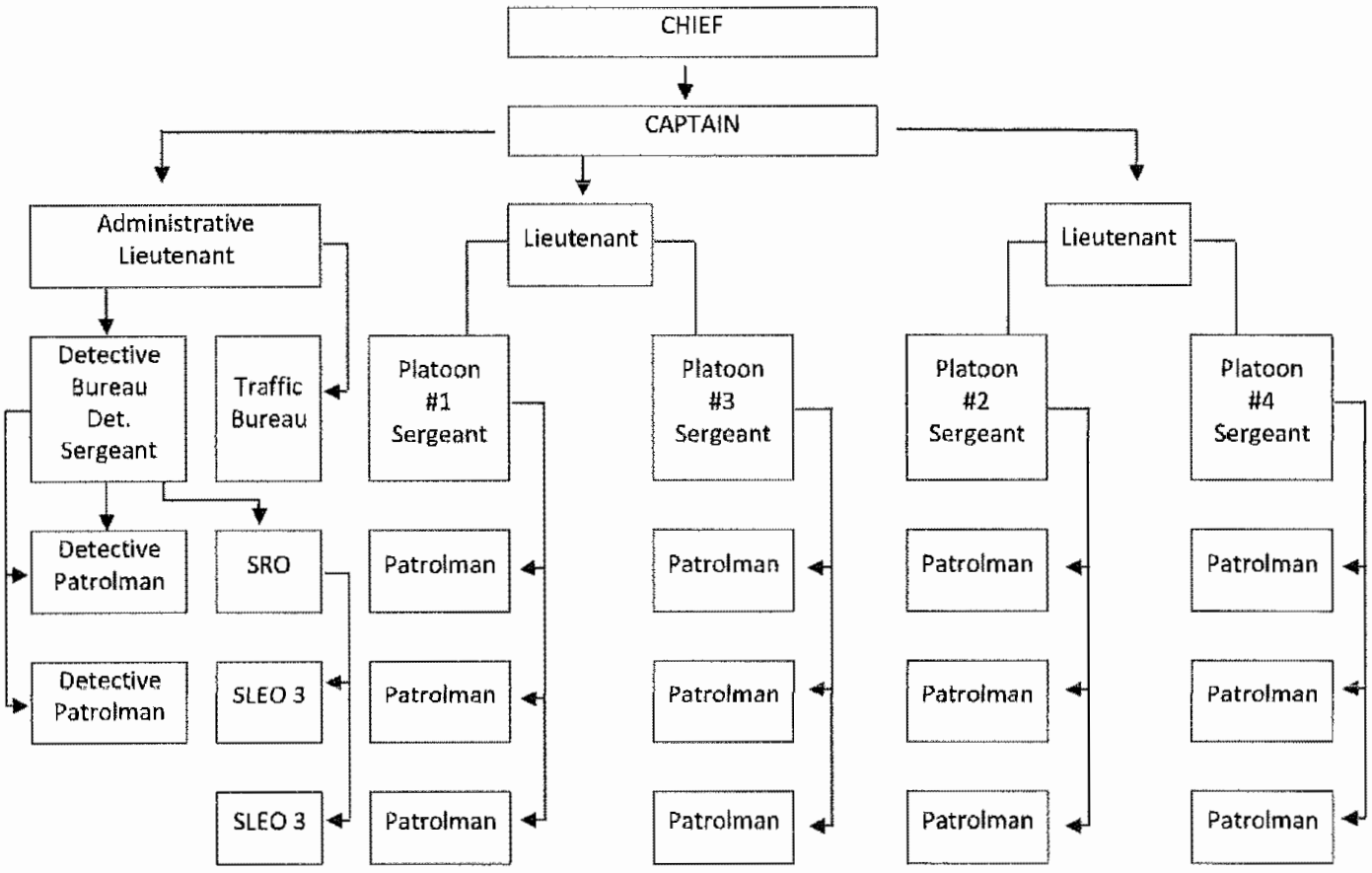
AN ORDINANCE AMENDING CHAPTER 15 "DEPARTMENTAL STRUCTURES" AND CHAPTER 48 "TRAFFIC BUREAU" OF THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The Purpose of this ordinance is to amend Chapter 15 "Departmental Structures" and Chapter 48 "Traffic Bureau" in accordance with current practices and policies of the Kenilworth Police Department.

BE IT HEREBY ORDAINED by the Governing Body of the Borough of Kenilworth, County of Union, New Jersey, that it is hereby amending Chapter 15 to the Code of the Borough of Kenilworth as follows:

DEPARTMENTAL STRUCTURE

Section 15.2 Police Department Table of Organization – As follows:



BE IT FURTHER RESOLVED, that the following amendments be made to **Chapter 48 Traffic Bureau**:

1. The term "superior" be removed from Chapter 48-2 "Membership".
2. Chap 48-3 "Supervisor" shall be deleted in its entirety.
3. The term "Supervisor" shall be replaced with "Traffic Officer" throughout Chapter 48-4 "Duties" and 48-5 "Designation of Members and ~~Supervisor~~ ***Traffic Officer***"

ORDINANCE NO. 2021-12

AN ORDINANCE AMENDING CHAPTER 15 "DEPARTMENTAL STRUCTURES" AND CHAPTER 48 "TRAFFIC BUREAU" OF THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KAY CECERI			✓			
X		X				MARK DAVID		✓	✓			
		X				JOSEPH FINISTRELLA			✓			
		X				GERRY LAUDATI	✓		✓			
	X	X				SCOTT PENTZ			✓			
		X				FRED PUGLIESE			✓			
						MAYOR KARLOVITCH						

Introduced:
July 14, 2021

Final Adoption:
August 25, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 13 **KENILWORTH, N.J.** **August 25, 2021**

Introduced by: PENTZ

Seconded by: LAUDATI

BE IT HEREBY RESOLVED that the ordinance #2021-13 entitled:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Was introduced and approved on first reading, at the regular meeting of the Borough Council on July 14, 2021 approved for final passage at the regular meeting of the Borough Council of August 25, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz	✓		✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✗		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on August 25, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-13
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

CALENDAR YEAR 2021
ORDINANCE TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 1.00% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Kenilworth, County of Union, hereby determines that this difference in the amount of $322,279.03 that is not appropriated as part of the final 2021 budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI			Y			
		X				MARK DAVID			Y			
		X				JOSEPH FINISTRELLA			Y			
X		X				GERRY LAUDATI		Y	Y			
		X				SCOTT PENTZ	Y		Y			
		X				FRED PUGLIESE			Y			
						MAYOR KARLOVITCH						

Introduced:
July 14, 2021

Final Adoption:
August 25, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 14 **KENILWORTH, N.J.** **AUGUST 25, 2021**

Introduced by: Laudati

Seconded by: David

BE IT RESOLVED, that the attached statements of revenues and appropriations shall constitute the Borough of Kenilworth Municipal Budget for the Calendar Year 2021; and

BE IT RESOLVED, that said Budget was approved for introduction by the governing body of the Borough of Kenilworth on Wednesday, July 14, 2021 pursuant to resolution #15; and

BE IT FURTHER RESOLVED, that a summary of said Budget was published in the Local Source (an official publication of the Borough of Kenilworth) on August 5, 2021.

THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Kenilworth does hereby approve the following as the Budget for the year 2021. The total appropriation is $18,031,108.34

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✗		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on August 25, 2021.

Laura Reinertsen, Borough Clerk

2021 Municipal Budget

BOROUGH OF KENILWORTH, COUNTY OF UNION
FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2021

Revenue and Appropriation Summaries

Summary of Revenues - Current Fund	Anticipated	
	2021	2020
1. Surplus	2,000,000.00	1,800,689.06
2. Total Miscellaneous Revenues	2,621,752.56	2,647,519.45
3. Receipts from Delinquent Taxes	250,000.00	250,000.00
4. Local Tax for Municipal Purposes	13,159,355.78	12,834,638.34
Total General Revenues	18,031,108.34	17,532,846.85

Summary of Appropriations - Current Fund	2021 Budget	Final 2020 Budget
1. Operating Expenses: Salaries & Wages	5,901,643.00	5,649,750.00
Other Expenses	8,409,149.47	8,333,767.35
2. Deferred Charges & Other Appropriations	1,572,784.00	1,479,532.00
3. Capital Improvements	60,000.00	40,000.00
4. Debt Service	1,234,232.87	1,189,797.50
5. Judgments		
6. Reserve for Uncollected Taxes	853,299.00	840,000.00
Total General Appropriations	18,031,108.34	17,532,846.85
Total Number of Employees - Full & Part Time	125	106

Balance of Outstanding Debt	
	General
Bond Principal	6,574,000.00
Bond Interest	670,503.75
Outstanding Balance	7,244,503.75

Notice is hereby given that the budget and tax resolution was approved by the Borough Council of the Borough of Kenilworth, County of Union on July 14, 2021.

A hearing on the budget and tax resolution will be held at the Municipal Building on August 25 ,2021 at 6:30 (PM) at which time and place objections to the Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

Copies of the detailed budget are available in the office of Laura Reinertsen, Borough Clerk, at the Municipal Building, 567 Boulevard, Kenilworth, New Jersey 07033, (908) 276-9090, during the hours of 9:00(A.M.) to 4:30(P.M.).

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **SEPTEMBER 8, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of Work Session and the Council Meetings of August 25, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - Prevention Links – Red Ribbon Week Oct. 16 at Nomahegan Park
   - **Department reports for August 2021**: Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda

   1. That all bills be paid when properly audited and funds are available
   2. Municipal Audit – Group Affidavit
   3. 2020 Corrective Action Plan
   4. Authorize Refund – White Good Fee – 512 Clinton Ave $35.00
   5. Award NJDOT 2021 Roadway Improvements $390,211.00
   6. Rescind Ordinance 2021-12 For Further Amendment
   7. Appoint Per Diem Dispatchers – JW AD
   8. Approve Special BINGO License to Kenilworth Senior Citizen Club 2021-2023
8. ORDINANCE:

   Introduction #2021-14 ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE BOROUGH OF KENILWORTH AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHS OF GARWOOD, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CLARK, CRANFORD, SPRINGFIELD AND WOODBRIDGE

   Introduction #2021-15 AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES
9. PROCLAMATIONS ***20th Anniversary of September 11th***
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – SEPTEMBER 8, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member Pugliese and seconded by Council Member Finistrella

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Municipal Audit – Group Affidavit
3. 2020 Corrective Action Plan
4. Authorize Refund – White Good Fee – 512 Clinton Ave $35.00
5. Award NJDOT 2021 Roadway Improvements $390,211.00
6. Rescind Ordinance 2021-12 For Further Amendment
7. Appoint Per Diem Dispatchers – JW AD
8. Approve Special BINGO License to Kenilworth Senior Citizen Club 2021-2023

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese	/		/			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on September 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 KENILWORTH, N.J. SEPTEMBER 8, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

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.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **SEPTEMBER 8, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

STATE OF NEW JERSEY
COUNTY OF UNION

We, members of the governing body of the Borough of Kenilworth, in the County of Union, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Borough Council of the Borough of Kenilworth in the county of Union;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2020:
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) Linda Karlovitch, Mayor (L.S.)

(L.S.) Kay Anne Ceceri (L.S.)

(L.S.) Mark David (L.S.)

(L.S.) Joseph Finistrella (L.S.)

(L.S.) Gerard Laudati (L.S.)

(L.S.) Scott Pentz (L.S.)

(L.S.) Fred Pugliese (L.S.)

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.
IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **SEPTEMBER 8, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, the auditing firm of Suplee, Clooney & Company, P.A. has completed their audit of the Financial Statements and Supplementary Data of the Borough of Kenilworth for the year ended December 31, 2020; and

WHEREAS, they have made recommendations as a result of that audit; and

WHEREAS, based on those recommendations, an Annual Audit Corrective Action Plan needs to be developed.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kenilworth, County of Union, that the 2020 Annual Audit Corrective Action Plan submitted by the Chief Finance Officer is hereby approved; and

BE IT FURTHER RESOLVED, that a certified copy of the 2020 Corrective Action Plan be sent to the Division of Local Government Services.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

CORRECTIVE ACTION PLAN – 2020 AUDIT

Recommendation: That the practice of confirming purchase orders be discontinued.

Analysis: We noted that several purchase orders were processed as confirming orders. This is where goods have been received or services have been rendered prior to the issuance of a purchase order.

Corrective Action: Municipal staff have been trained in the processes of encumbering funds through a purchase order before placing an order with a vender. The CFO will notify departments of this audit comment and their deficiencies. Vendors will be notified that they should not accept Borough requests without an approved purchase order first.

****

Recommendation: That Bank Reconciliation balances be reconciled to the cash balances on the General Ledgers on a timely basis

Analysis: Bank Reconciliation balances were not always reconciled to the cash balances on the General Ledgers on a timely basis.

Corrective Action: Maintaining adequate and consistent staffing levels will allow the finance department to maintain the General Ledger on a timely basis. The borough accounts for receipts through a current account and disburses funds through a clearing account. This method, while acceptable, lends itself to possible interfund and reconciling items. The CFO and Auditors discussed maintaining fund accounts separately for receipts and disbursements. This considerable change will require addition staff time to process payments. Therefore, the CFO and staff have recommended that payroll be processed on a bi-weekly basis rather than weekly to free up time to address the suggested change in accounting for fund accounts. Currently, there are no municipalities in Union County who process payroll weekly. The Finance Office have set up new policies and procedures and all accounts are reconciled on a monthly basis.

****

Recommendation: That the Current, Grant Fund, Trust Fund and General Capital Fund General Ledgers be completely maintained.

Analysis: Several adjustments needed to be made to the General Ledgers to properly reflect account balances.

Corrective Action: The Finance Office is now properly maintaining all General Ledgers.

****

RESOLUTION

No. 4 **KENILWORTH, N.J.** **SEPTEMBER 8, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

BE IT HEREBY RESOLVED:

WHEREAS, a fee had been collected for a white goods (refrigerator) in the amount of $35.00 and;

WHEREAS, the fee was found not to be used;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to draw a warrant in the amount of $35.00 payable to the order of:

Ms. Dana Forfa
512 Clinton Avenue
Kenilworth, NJ 07033

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **SEPTEMBER 8, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

WHEREAS, $415,000.00 funding was received through the New Jersey Department of Transportation Municipal Aid program from the New Jersey Transportation Trust Fund Authority Act; and

WHEREAS, sealed bids were received on June 24, 2021 for **2021 NJDOT Roadway Improvement Program** and **AJM Contractors,** 300 Kuller Rd., Clifton, NJ 07011 having submitted the lowest responsible bid as follows:

			AJM Contractors Inc.	CCM Contracting, Inc.	S Brothers, Inc	DLS Contracting, Inc.
1	Base Bid 1	Sheridan Avenue	**$56,419.00**	$77,941.88	$61,601.88	$92,167.00
2	Alternate Bid 1	Colfax Avenue 1	**$89,467.00**	$95,553.28	$100,058.27	$151,156.00
3	Alternate Bid 2	Colfax Avenue 2	$93,215.00	**$91,466.08**	$101,071.57	$152,461.00
4	Alternate Bid 3	Monroe Avenue	**$71,898.00**	$73,352.09	$84,884.28	$119,537.00
5	Alternate Bid 4	North 7th Street	$189,149.00	$192,463.43	**$159,908.32**	$284,996.00
6	Alternate Bid 5	Newark Avenue	**$63,250.00**	$64,001.63	$77,156.32	$107,991.00
7	Alternate Bid 6	North 10th Street	**$95,116.00**	98032.88*	$106,361.52	$148,503.00
8	Alternate Bid 7	Vernon Avenue	**$64,255.00**	$68,642.13	$79,496.82	$117,091.00
9	Alternate Bid 8	Woodland Avenue	**$58,896.00**	$67,129.43	$77,253.66	$114,846.00
10	Alternate Bid 9	Boright Avenue	**$238,676.00**	$253,773.60	$276,097.54	$331,425.50

* Bid Total Mistake

WHEREAS, the governing body approved the improvements of Sheridan Ave, N. 10th St. and Boright Ave. at the regular work session of the borough council of August 25, 2021.

NOW, THEREFORE, BE IT RESOLVED that **AJM Contractors** be awarded the bid for 2021 NJDOT Roadway Improvement Program in the amount of **$390,211.00** for **Base bid #1 and alternative bids #6 & 9.**

BE IT FURTHER RESOLVED: That pursuant to N.J.A.C. 5:34-5.1 et seq. Local Public Contracts Law, the required Certificate of Availability of Funds has been obtained from the Chief Finance Officer of the Borough of Kenilworth

CERTIFICATION OF FUNDS
APPROPRIATION: G-02-70-080-077

Kenneth P. Blum Jr.
Ken Blum, Treasurer

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

August 27, 2021

Ms. Laura Reinertsen, Borough Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

Re: Recommendation of Award
2021 NJDOT Roadway Improvements
Borough Kenilworth, Union County

Dear Ms. Reinertsen,

On Thursday, June 24, 2021, the Borough of Kenilworth received bids for the above referenced project and the following are the three (3) lowest results:

	Contractor		
	AJM Contractors Inc.	**CCM Contracting, Inc.**	**S. Brothers, Inc.**
Base Bid 1	$56,419.00	$77,941.88	$61,601.88
Alternate Bid 6	$95,116.00	$98,032.88	$106,361.52
Alternate Bid 9	$238,676.00	$253,773.60	$276,097.54
Total	**$390,211.00**	**$429,748.36**	**$444,060.94**

It is recommended that a contract be awarded to the lowest bidder, AJM Contractors Inc., from the City of Clifton in the amount of $390,211.00 for the Base Bid 1 plus Alternate Bids No. 6 & 9.

This recommendation is based on the availability of funds from the Borough Finance Officer.

If you have any questions or comments, feel free to contact me.

Very Truly Yours,

Harbor Consultants, Inc.

Christian Cueto, P.E., C.M.E.

cc: Kenneth P. Blum, Jr., Borough Finance Officer
Eileen Shack, New Jersey Department of Transportation

RESOLUTION

No. 6 **KENILWORTH, N.J.** **SEPTEMBER 8, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the Mayor and Council of the Borough of Kenilworth, in the Union County, New Jersey previously adopted Ordinance 2021-12 **AN ORDINANCE AMENDING CHAPTER 15 "DEPARTMENTAL STRUCTURES" AND CHAPTER 48 "TRAFFIC BUREAU" OF THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY;** and

WHEREAS, there is need to review the ordinance for amendment; and

WHEREAS, the ordinance has not yet been advertised in accordance with N.J.S.A. 40:49-1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey, that ordinance 2021-12 **AN ORDINANCE AMENDING CHAPTER 15 "DEPARTMENTAL STRUCTURES" AND CHAPTER 48 "TRAFFIC BUREAU" OF THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY** is hereby rescinded

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **SEPTEMBER 8, 2021**

Introduced by: _____

Seconded by: _____

CONSENT AGENDA

BE IT HEREBY RESOLVED, that the following individual be employed as a Per Diem dispatcher at a rate of $20.00 per hour, effective **September 6, 2021**.

Jennifer Wilson
347 Oakwood Ave.
Kenilworth, NJ 07033

Anthony DeLuca
22 Columbia 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.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **SEPTEMBER 8, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, pursuant to NJSA 5:8-51.1 Senior Citizen Club exemption permit the issuance of a special license to any senior citizen association or club desiring to hold, operate and conduct games of chance solely for the purpose of amusement and recreation of its members and guests; and

WHEREAS, the special license shall be valid only for those games of chance held, operated and conducted where no player or other person furnishes anything of value for the opportunity to participate; the prizes awarded or to be awarded are nominal

BE IT FURTHER RESOLVED, that the Governing Body authorizes the issuance of a Special BINGO license to the Kenilworth Senior Citizen Club, 526 Boulevard, Kenilworth, NJ 07033, for a period of two (2) years, effective October 1, 2021 through October 1, 2023.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **September 8, 2021**

Introduced by: Laudati

Seconded by: Ceceri

BE IT HEREBY RESOLVED that the ordinance #2021-14 entitled:

ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE BOROUGH OF KENILWORTH AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHS OF GARWOOD, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CLARK, CRANFORD, SPRINGFIELD AND WOODBRIDGE

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 22, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-14

ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE BOROUGH OF KENILWORTH AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHS OF GARWOOD, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CLARK, CRANFORD, SPRINGFIELD AND WOODBRIDGE

Purpose: The purpose of this Ordinance is to terminate the settlement agreement dated September 1, 1994 which was adopted in 1995 by the then nine (9) member municipalities of the Authority. An amended agreement was approved by Borough Ordinance 2021-10 adopted July 14, 2021.

BE IT ORDAINED by the Borough of Kenilworth, County of Union, State of New Jersey ("Borough"), as follows:

Section 1. The Mayor and Clerk of the Borough of Kenilworth are hereby authorized to execute a certain amendment ("Amendment") to the Settlement Agreement, dated September 1, 1994, between the Borough of Kenilworth, and the municipalities of Garwood, Roselle Park, Rahway, Westfield, Clark, Cranford, Springfield, Scotch Plains and Woodbridge and the Rahway Valley Sewerage Authority ("Settlement Agreement"), for the purpose of terminating the Settlement Agreement.

Section 2. A copy of the Amendment is attached as Appendix A and the termination of the Settlement Agreement shall become effective upon adoption of this Ordinance or a comparable ordinance adopted by all eleven (11) of the current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge and the adoption of a resolution by the Authority authorizing execution of the Amendment.

Section 3. This Ordinance shall take effect upon second reading and publication in accordance with New Jersey Law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	✓	✓				KAY CECERI						
		✓				MARK DAVID						
		✓				JOSEPH FINISTRELLA						
✓		✓				GERRY LAUDATI						
		✓				SCOTT PENTZ						
		✓				FRED PUGLIESE						
						MAYOR KARLOVITCH						

Introduced:
September 8, 2021

Final Adoption:
September 22, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-14

ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE BOROUGH OF KENILWORTH AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHS OF GARWOOD, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CLARK, CRANFORD, SPRINGFIELD AND WOODBRIDGE

EXHIBIT A (adopted by ordinance 2021-10)

_____ OF _____
ORDINANCE NO. _____

ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY

Be it ordained by the _____ of the _____ of _____, County of _____, State of New Jersey ("_____"), as follows:

Section 1.

The _____ hereby approves the revised Agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in _____ 1995 by the then nine (9) member municipalities of the Authority.

Section 2.

The revised Agreement approved by this Ordinance is attached as Appendix A ("2021 Agreement") and shall become effective upon approval by comparable ordinances adopted by all eleven (11) current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge ("Member Municipalities").

Section 3.

The 1995 Agreement, upon adoption of comparable ordinances by all of the Member Municipalities, shall be null and void and shall have no effect, having been replaced by the 2021 Agreement.

Section 4. **Severability.**

If any section, clause, paragraph, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. **Inconsistency.**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

RESOLUTION

No. 10 **KENILWORTH, N.J.** **SEPTEMBER 8, 2021**

Introduced by: Finistrella

Seconded by: Pentz

BE IT HEREBY RESOLVED that the ordinance #2021-15 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES, 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 October 13, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella	✓		✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✗		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 8, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-15

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES, WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 91 Police Service Fees to include the subsequent administrative costs associated with.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES be amended to include the following

§ 91-4 N **EMPLOYMENT APPLICATION FEE** (NONREFUNDABLE)

Entry Level Police Officer	Application Fee	$25.00
Certified Police Officer	Application Fee	$25.00

BE IT FURTHER RESOLVED, that the fee for Certified Police Officer applications may be waived as per the determination of the Chief of Police for the position posting period for Certified Police Officer(s).

SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		✓				KAY CECERI						
		✓				MARK DAVID						
✓		✓				JOSEPH FINISTRELLA						
		✓				GERRY LAUDATI						
	✓	✓				SCOTT PENTZ						
		✓				FRED PUGLIESE						
						MAYOR KARLOVITCH						

Introduced:
September 8, 2021

Final Adoption:
October 13, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

Proclamation

Most of us remember where we were when the terrorist events happened on September 11, 2001. September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States. What will you be doing on this year's 20th anniversary? Will you be reliving the horrific images that overpowered that day? Will you be thinking of the survivors, the first responders who risked their lives, and the families of those who lost their lives and how they are coping twenty years later? Thousands of innocent men, women, and children perished when mighty towers collapsed in the heart of New York City and wreckage burned in Pennsylvania and at the Pentagon. They were family and friends, service members and first responders. The tragedy of their loss left pain that will never fade and scars our country will never forget. We will always remember those who were brutally taken from us. And we ask God to comfort the loved ones left behind; their courage and determination have inspired our Nation.

As we mark the 20th anniversary of September 11, we remember what remains the same: our character as a Nation, our faith in one another, and our legacy as a country strengthened by service and selflessness. We remember all that we lost as Americans and recognize all that we have witnessed about the character of America. We were united, and the outpouring of generosity reminded us that, through challenges that have spanned from acts of terrorism to natural disasters, we go forward together as one people. We thank God for the unity and compassion Americans have demonstrated since September 11, 2001. The great strength of America is the heart and soul of the American people. And we will continue to help those who are hurting or are in need.

Today, as we remember the victims, their families, and the heroes who stood up during one of our country's darkest moments, I invite you to reclaim that abiding spirit of compassion through service. From volunteering with a faith-based organization, to collecting food and clothing for those in need, to preparing care packages for our men and women in uniform, there are many ways to bring service into our everyday lives -- and each of us can do something.

Even the simplest act of kindness can be a way to honor those we have lost, and to help build stronger communities. By joining together on this solemn anniversary, let us show that America's sense of common purpose need not be a fleeting moment, but a lasting virtue -- not just on one day, but every day.

THEREFORE, BE IT RESOLVED that I, Mayor Linda Karlovitch on behalf of the Borough Council, offer our deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and honor the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and recognize the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security, the Red Cross, first responders, and their families, who have given so much, including their lives and well- being, to support the cause of freedom and defend the security of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of September 2021.

Linda Karlovitch

Linda Karlovitch, Mayor

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **SEPTEMBER 22, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of Executive Session of August 25, 2021, the Work Session and the Council Meetings of September 8, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda

   1. That all bills be paid when properly audited and funds are available
   2. Authorizing Temporary Waiver of Construction Fees for Hurricane Ida Recovery
   3. Appoint Alternate Crossing Guard – GC
   4. 2021 Non-contractual Salary Increases
   5. 2021 Salary DPW Supervisor Increases
   6. 2021 Salary Increase and Title Amendment – Public Works Administrative Assistant
   7. DPW Probationary Period Completed – MJ
   8. DPW Probationary Period Completed – FC
   9. Authorize Temp. Debris Management Area Site Submittal
   10. Appoint Member to the Library Board
   11. Appoint Construction Office Administrative Assistant
8. ORDINANCE:

   Public Hearing & Adoption #2021-14 ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE BOROUGH OF KENILWORTH AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHS OF GARWOOD, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CLARK, CRANFORD, SPRINGFIELD AND WOODBRIDGE

   Introduction #2021-16 AN ORDINANCE AMENDING ORDINANCE NO. 2019-05 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH

9. PROCLAMATIONS ***Honoring the Retirement of Ellen Johns***
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn ____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – SEPTEMBER 22, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member DAVID and seconded by Council Member FINISTRELLA

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Authorizing Temporary Waiver of Construction Fees for Hurricane Ida Recovery
3. Appoint Alternate Crossing Guard – GC
4. 2021 Non-contractual Salary Increases
5. 2021 Salary DPW Supervisor Increases
6. 2021 Salary Increase and Title Amendment – Public Works Administrative Assistant
7. DPW Probationary Period Completed – MJ
8. DPW Probationary Period Completed – FC
9. Authorize Temp. Debris Management Area Site Submittal
10. Appoint Member to the Library Board
11. ~~Appoint Construction Office Administrative Assistant~~ Pulled from consent. LR

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 KENILWORTH, N.J. SEPTEMBER 22, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

WHEREAS, the entire region felt the devastating effects of the remnant low of Hurricane Ida and its aftermath; and

WHEREAS, the Borough of Kenilworth was not spared during this tragic event and our community suffered widespread significant flooding and other associated damage; and

WHEREAS, the Borough recognizes the need to expeditiously process permits necessary for the safe and secure return of its residents, property owners and businesses to pre-disaster status; and

WHEREAS, the State of New Jersey has declared a State of Emergency; and

WHEREAS, the State of New Jersey under the New Jersey Uniform Construction Code at N.J.A.C. 5:23-4.19(b)5 provides that no fee shall be collected for work consequential to a natural disaster when the local code enforcement agency is waiving its fee;

NOW, THEREFORE BE IT RESOLVED that the Borough of Kenilworth, County of Union, has agreed to waive all construction permit fees within its jurisdiction associated with the issuance of the required permits for work directly associated with the devastating effects of the remnant low of Hurricane Ida through November 30, 2021.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No ___		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

BE IT HEREBY RESOLVED that **GAIL GROSS, 434 BAILEY AVE., UNION** be appointed **an Alternate Crossing Guard**, effective **September 22, 2021** at a rate of $18.58.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

WHEREAS, the Mayor and Council of the Borough of Kenilworth, are desirous of granting annual salary increases to the unrepresented employees; and

WHEREAS, after due deliberation with the Personnel Supervisor the Personnel/Finance Committee has determined that it is appropriate for the Council to approve these increases.

THEREFORE BE IT RESOLVED, that the attached list of non-contractual Borough Employees receive a salary/rate increase of 2% retroactive to January 1, 2021 and any subsequent salary/rate adjustments approved by resolution, as attached; and

BE IT FURTHER RESOLVED, that as of September 1, 2018, full time employees not otherwise covered by a collective bargaining agreement or under the auspices of an autonomous/quasi-autonomous are eligible to receive a $1,000.00 per annum, prorata, deduction from their predetermined annual health care premium contribution and in accordance with New Jersey State Statute, Chapter 2, P.L. 2010 which sets minimum contribution of 1.5% of salary towards the health benefits costs.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the Council of the Borough of Kenilworth wish to ensure a proper audit trail for salary and wage payments;

THEREFORE BE IT RESOLVED, that the following salary and wage based pay rates are authorized for the enumerated position titles as indicated below:

Schedule of Titles	Current Salary	% Increase	Dollar Increase	Salary/Wage	Effective date
Public Works Superintendent	$80,000.00	2%	$1,600.00	$81,600.00	October 1, 2021
Lead Foreman	$68,500.00	2%	$1,370.00	$69,870.00	October 1, 2021
Working Foreman	$73,500.00	2%	$1,470.00	$74,970.00	October 1, 2021

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the Council of the Borough of Kenilworth wish to ensure a proper audit trail for salary and wage payments;

THEREFORE BE IT RESOLVED, that the following salary and wage based pay rates are authorized for the enumerated position titles as indicated below:

TITLE/CLASSIFICATION	CURRENT 2020 SALARY/HOURLY WAGE	PERCENTAGE INCREASE	DOLLAR AMOUNT INCREASE	SALARY/HOURLY WAGE EFFECTIVE 1/1/2021
Public Works - Administrative Assistant* Kerry Senica	$ 44,500	2%	$ 890	$ 45,390

* New Title: Incorporates Public Works Secretary and the previously stipend positions of Recycling Coordinator and Fuel Force Administrator

BE IT FURTHER RESOLVED, that as of September 1, 2018, full time employees not otherwise covered by a collective bargaining agreement or under the auspices of an autonomous/quasi-autonomous are eligible to receive a $1,000.00 per annum, prorata, deduction from their predetermined annual health care premium contribution and in accordance with New Jersey State Statute, Chapter 2, P.L. 2010 which sets minimum contribution of 1.5% of salary towards the health benefits costs.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

Whereas, all persons accepting a regular position with the Department of Public Works are initially placed on probation. The probationary period is an extension of the selection process, and must be successfully completed before an individual becomes a permanent employee.

Whereas, the probationary period of ninety (90) days begins upon commencement of duty and may be extended for an additional thirty (30) day period, at the option of the Superintendent of the Department and with the concurrence of the Union; and

Whereas, Upon successful completion of the probationary period, the employee shall become a regular permanent employee.

Whereas, pursuant to the Teamsters Local #11, Article 26 "Wages", Section 5 et. seq. authorizes the enhancement of compensation at a range determined by the Governing Body; and

Whereas, the Superintendent of the Department of Public Works certifies that **Matthew Jankunas** has completed the probationary period and recommends permanent employment of **Matthew Jankunas** at an hourly rate of _$20.00_ as determined by the level of skills displayed during the probationary period.

Therefore Be It Resolved, that the Borough Council approves the permanent employment of **Matthew Jankunas** at a rate of _$20.00___ , effective September 27, 2021.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

Whereas, all persons accepting a regular position with the Department of Public Works are initially placed on probation. The probationary period is an extension of the selection process and must be successfully completed before an individual becomes a permanent employee.

Whereas, the probationary period of ninety (90) days begins upon commencement of duty and may be extended for an additional thirty (30) day period, at the option of the Superintendent of the Department and with the concurrence of the Union; and

Whereas, Upon successful completion of the probationary period, the employee shall become a regular permanent employee.

Whereas, pursuant to the Teamsters Local #11, Article 26 "Wages", Section 5 et. seq. authorizes the enhancement of compensation at a range determined by the Governing Body; and

Whereas, the Superintendent of the Department of Public Works certifies that **Fernando Cunha, III** has completed the probationary period and recommends permanent employment of **Fernando Cunha, III** at an hourly rate of _$18.00_ as determined by the level of skills displayed during the probationary period.

Therefore Be It Resolved, that the Borough Council approves the permanent employment of **Fernando Cunha, III** at a rate of _$18.00___ , effective September 27, 2021.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **September 22, 2021**

Introduced by: _____

Seconded by: _____ CONSENT AGENDA

TEMPORARY DEBRIS MANAGEMENT AREA (TDMA)

WHEREAS, A Temporary Debris Management Area (TDMA) is a site used to temporarily store debris which has been collected from the right of way after a debris generating event. Use of a TDMA facilitates clearing of roads by providing an area where collected debris can be consolidated, sorted and processed prior to transportation to a solid waste or recycling facility, and

WHEREAS, TDMAs may only be operated with an approval from the Department during a declared state of emergency and President Joseph Biden and FEMA have designated Union County as a major disaster area following the destruction caused by Hurricane Ida from September 1 to 3, 2021; and

WHEREAS, the DEP strongly suggests that you prepare a TDMA Pre-Approval Form for one site first; and

WHEREAS, at the regular work session of the Borough Council of September 8, 2021, the borough council authorized Public Works Superintendent Michael Calixto to prepare a TDMA Plan for submittal to the NJ Department of Environmental Protection, Site Remediation and Waste Management Program, Division of Solid and Hazardous Waste and be appointed the Primary Contact; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kenilworth, that the Borough of Kenilworth does hereby memorialize and support undertaking this endeavor.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS: **LINDA HORNING** has resigned from the Mayor's appointment as a member of the Library Board of Trustees for a 5-year term, ending 12/31/25;

THEREFORE BE IT RESOLVED: That **MARY SANTORELLA** be appointed to the Library Board of Trustees vacancy for the unexpired term through December 31, 2025.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 11 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: CECERI

Seconded by: DAVID

WHEREAS, a vacancy will exist in the position of Administrative Assistant in the Construction Office/Building Department; and

WHEREAS, to continue the efficient operation and management of the Construction Office interviews were conducted for a qualified professional; and

WHEREAS, Iris Ramos currently services the borough as Code Enforcement Officer and has a exhibited a strong work ethic and proven to be proficient in her duties; and

WHEREAS, based on the recommendation of the interview panel the Borough Administrator recommends that Iris Ramos be appointed Construction Office Administrative Assistant; and

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

1. To ensure a proper audit trail for salary and wage payments, **Iris Ramos** be appointed **Construction Office Administrative Assistant/Code Enforcement Officer** at a rate of $70,789.00 per annum, effective October 18, 2021.
2. That as of September 1, 2018, full time employees not otherwise covered by a collective bargaining agreement or under the auspices of an autonomous/quasi-autonomous are eligible to receive a $1,000.00 per annum, prorata, deduction from their predetermined annual health care premium contribution and in accordance with New Jersey State Statute, Chapter 2, P.L. 2010 which sets minimum contribution of 1.5% of salary towards the health benefits costs.
3. This offer of employment is contingent upon successful completion of medical release, criminal and background checks

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

2021 Non-Contractual Raises – 2%

TITLE/CLASSIFICATION	CURRENT 2020 SALARY/HOURLY WAGE	PERCENTAGE INCREASE	DOLLAR AMOUNT INCREASE	SALARY/HOURLY WAGE EFFECTIVE 1/1/2021
Borough Clerk/Administrator	$ 121,730.24	2%	$ 2,434.60	$ 124,164.84
Deputy Borough Clerk	$ 48,889.76	2%	$ 978.24	$ 49,868.00
Finance Accounts Payable Clerk	$ 32,640.00	2%	$ 653.00	$ 33,293.00
Tax Collector	$ 18,870.00	2%	$ 377.00	$ 19,247.00
Assistant Finance Officer	$ 68,549.75	2%	$ 1,371.25	$ 69,921.00
Assistant Treasurer/Payroll Administrator	$ 51,000.00	2%	$ 1,020.00	$ 52,020.00
Tax Assessor	$ 28,050.00	2%	$ 561.00	$ 28,611.00
Court Administrator	$ 65,775.11	2%	$ 1,315.89	$ 67,091.00
Deputy Court Administrator	$ 46,000.00	2%	$ 920.00	$ 46,920.00
Part Time Court Clerical (Per Hour)	$ 18.00	2%	$ 0.36	$ 18.36
Police Secretary	$ 55,412.25	2%	$ 1,108.75	$ 56,521.00
Police Clerk (Per Hour)	$ 15.30	2%	$ 0.31	$ 15.61
Crossing Guards (Per Hour)	$ 18.58	2%	$ 0.37	$ 18.95
Emergency Management Coordinator	$ 4,202.40	2%	$ 83.60	$ 4,286.00
Fire Prevention Clerk (Per Hour)	$ 15.30	2%	$ 0.31	$ 15.61
Fire Prevention Official	$ 45,000.00	2%	$ 900.00	$ 45,900.00
Fire Prevention Inspector	$ 10,000.00	2%	$ 200.00	$ 10,200.00
Public Works Secretary	$ 44,500.00	2%	$ 890.00	$ 45,390.00
Lead Bus Driver (Per Hour)	$ 20.00	2%	$ 0.40	$ 20.40
Bus Driver (Per Hour)	$ 19.00	2%	$ 0.38	$ 19.38
Recreation Administrator	$ 32,791.33	2%	$ 655.67	$ 33,447.00
Construction Secretary/Administrative Asst.	$ 53,714.57	2%	$ 1,074.43	$ 54,789.00
Planning Board Clerk	$ 3,500.00	2%	$ 70.00	$ 3,570.00
Land Use Secretary	$ 3,000.00	2%	$ 60.00	$ 3,060.00
Construction Clerk	$ 37,740.00	2%	$ 755.00	$ 38,495.00
Code Enforcement Officer (Per Hour)	$ 25.00	2%	$ 0.50	$ 25.50

RESOLUTION

No. 12 **KENILWORTH, N.J.** **September 22, 2021**

Introduced by: PUGLIESE

Seconded by: FINISTRELLA

BE IT HEREBY RESOLVED that the ordinance #2021-14 entitled:

ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE BOROUGH OF KENILWORTH AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHS OF GARWOOD, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CLARK, CRANFORD, SPRINGFIELD AND WOODBRIDGE

Was introduced and approved on first reading, at the regular meeting of the Borough Council on September 8, 2021 approved for final passage at the regular meeting of the Borough Council of September 22, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese	✓		✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No 4		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on September 22, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-14

ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE BOROUGH OF KENILWORTH AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHS OF GARWOOD, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CLARK, CRANFORD, SPRINGFIELD AND WOODBRIDGE

Purpose: The purpose of this Ordinance is to terminate the settlement agreement dated September 1, 1994 which was adopted in 1995 by the then nine (9) member municipalities of the Authority. An amended agreement was approved by Borough Ordinance 2021-10 adopted July 14, 2021.

BE IT ORDAINED by the Borough of Kenilworth, County of Union, State of New Jersey ("Borough"), as follows:

Section 1. The Mayor and Clerk of the Borough of Kenilworth are hereby authorized to execute a certain amendment ("Amendment") to the Settlement Agreement, dated September 1, 1994, between the Borough of Kenilworth, and the municipalities of Garwood, Roselle Park, Rahway, Westfield, Clark, Cranford, Springfield, Scotch Plains and Woodbridge and the Rahway Valley Sewerage Authority ("Settlement Agreement"), for the purpose of terminating the Settlement Agreement.

Section 2. A copy of the Amendment is attached as Appendix A and the termination of the Settlement Agreement shall become effective upon adoption of this Ordinance or a comparable ordinance adopted by all eleven (11) of the current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge and the adoption of a resolution by the Authority authorizing execution of the Amendment.

Section 3. This Ordinance shall take effect upon second reading and publication in accordance with New Jersey Law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI			✓			
		X				MARK DAVID			✓			
		X				JOSEPH FINISTRELLA		✓	✓			
X		X				GERRY LAUDATI			✓			
		X				SCOTT PENTZ			✓			
		X				FRED PUGLIESE	✓		✓			
						MAYOR KARLOVITCH						

Introduced:
September 8, 2021

Final Adoption:
September 22, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-14

ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE BOROUGH OF KENILWORTH AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHS OF GARWOOD, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CLARK, CRANFORD, SPRINGFIELD AND WOODBRIDGE

EXHIBIT A (adopted by ordinance 2021-10)

_____ OF _____
ORDINANCE NO. _____

ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY

Be it ordained by the _____ of the _____ of _____, County of _____, State of New Jersey ("_____"), as follows:

Section 1.

The _____ hereby approves the revised Agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in _____ 1995 by the then nine (9) member municipalities of the Authority.

Section 2.

The revised Agreement approved by this Ordinance is attached as Appendix A ("2021 Agreement") and shall become effective upon approval by comparable ordinances adopted by all eleven (11) current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge ("Member Municipalities").

Section 3.

The 1995 Agreement, upon adoption of comparable ordinances by all of the Member Municipalities, shall be null and void and shall have no effect, having been replaced by the 2021 Agreement.

Section 4. **Severability**.

If any section, clause, paragraph, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. **Inconsistency**.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

RESOLUTION

No. 13 **KENILWORTH, N.J.** **SEPTEMBER 22, 2021**

Introduced by: DAVID

Seconded by: FINISTRELLA

BE IT HEREBY RESOLVED that the ordinance #2021-16 entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2019-05 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH

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 October 27, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on *September* 22, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-16
AN ORDINANCE AMENDING ORDINANCE NO. 2019-05 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH

Purpose: To fix and determine the salaries, wages or compensation to be paid to the officers and employees of the municipality, including the members of the governing body and the mayor or other chief executive, who by law are entitled to salaries, wages, or compensation pursuant to NJSA 40A:9-165

BE IT ORDAINED by the Governing Body of the Borough of Kenilworth in the County of Union, New Jersey as follows:

SECTION 1. That Ordinance No. 2019-05 entitled "An Ordinance Providing for Compensation for Borough Employees of the Borough of Kenilworth" is hereby amended to read as follows:

POSITION	MINIMUM	MAXIMUM
Chief of Police	$60,000.00	$190,000.00
Emergency Management Coordinator – P/T	$1,000.00	$8,500.00
Deputy Emergency Management Coordinator – P/T	$500.00	$3,000.00
Secretary/Discovery Coordinator – Police Department	$30,000.00	$65,000.00
Police Dispatcher	$30,000.00	$55,000.00
Chief Finance Officer/ Treasurer	$30,000.00	$105,000.00
Chief Finance Officer/Treasurer - P/T	$30,000.00	$60,000.00
Assistant Finance Officer/Website	$50,000.00	$80,000.00
Deputy Tax Collector	$32,750.00	$36,500.00
Sr. Clerk/Secretary – Tax & Finance	$30,000.00	$55,000.00
Assistant Treasurer/Payroll Administrator	$45,000.00	$65,000.00
Assessor – P/T	$10,000.00	$40,000.00
Borough Clerk/Administrator/Ins Fund Administrator	$65,000.00	$140,000.00
Deputy Borough Clerk	$30,000.00	$65,000.00
Sr. Clerk/Secretary – Borough Clerk's Office	$30,000.00	$65,000.00
Purchasing/Acct. Clerk	$30,000.00	$50,000.00
Municipal Court Administrator	$45,000.00	$75,000.00
Borough Judge	$10,000.00	$35,000.00
Deputy Court Administrator	$35,000.00	$53,000.00
Deputy Court Administrator – P/T	$1,000.00	$20,000.00
Superintendent of Public Works	$35,000.00	$98,000.00
Foreman of Public Works	$60,000.00	$85,000.00
Admin. Assistant/Recycling Coordinator – Public Works	$30,000.00	$55,000.00
Construction Official – P/T	$10,000.00	$65,000.00
Admin. Assistant/Code Enforcement – Building Dept.	$40,000.00	$85,000.00
Clerk/Secretary – Building Dept.	$30,000.00	$50,000.00
Planning Board Clerk	$2,000.00	$6,500.00
Recording Secretary/Planning Board	$3,000.00	$5,000.00
Building Inspector – P/T	$3,000.00	$45,000.00
Reg. Environmental Health Specialist – Bd. of Health	$40,000.00	$60,000.00
Registrar/Clerk – Bd. of Health – P/T	$15,000.00	$30,000.00

POSITION	PER ANNUM

POSITION	PER HOUR
Tax Collector P/T	$50.00
Tax & Finance Clerical – P/T	$10.30
Municipal Court Attendant	$10.00
Municipal Court Clerical – P/T	$10.00
Custodian of Buildings & Grounds – P/T	$10.00
Driver/Sr. Citizen Van – P/T	$18.00
Special Law Enforcement Officer "SLEO", Class III	$25.00
Police Matrons	$10.00
Police Clerk - P/T	$10.00
Police Dispatchers – P/T	$10.00
School Crossing Guards	$10.00
Electrical Inspector (Stipend)	$15.00
Plumbing Inspector (Stipend)	$15.00
Fire Sub-Code Inspector (Stipend)	$15.00
Construction Code Official (Stipend)	$15.00
Playground Supervisor	$8.50
Playground Leader	$8.50
Playground Instructor – Arts & Crafts	$8.50
Construction Clerk – P/T	$10.30
DPW Seasonal Employees – P/T	$10.30
Handyman	$18.00
Part Time Clerk – Fire Prevention Bureau	$10.30

15 years	6
20 years	8
25 years	1

(II) Such additional compensation shall be based upon the annu time officer or employee. No employee who works less th hours her week in any one year shall be eligible compensation. In calculating said additional compensatio effect on December 31st of the preceding calendar year sh purpose.

(III) Any interruption of service, due to a cause beyond the cor employee, such as military service, injury in line of duty considered as service for purpose of determining the co longevity periods. Leaves of absence granted at the requ employee will not be considered in determining length of se

(IV) All periods of employment shall be computed from January office, appointment or employments unless said date was 30th, in which case the calculation shall be computed from J following. Additional compensation of any nature, including considered in computing longevity payment.

(V) In order to compute the periods of said longevity payment for all time served with the Borough of Kenilworth, wh

Linda Karl

INTRODUCTION						COUNCILPERSON		
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	S
		✓				KAY CECERI		
✓		✓				MARK DAVID		
	✓	✓				JOSEPH FINISTRELLA		
		✓				GERRY LAUDATI		
		✓				SCOTT PENTZ		
		✓				FRED PUGLIESE		
						MAYOR KARLOVITCH		

Introduced:
September 22, 2021

Final Adoption:
October 27, 2021

I hereby certify the above ordinance was adopted by the Bor
of Kenilworth, County of Union, State of New Jersey on the afo

Laura Reinert

2021-16 Amend Salary Ord

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **OCTOBER 13, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Work Session & the Council Meeting of Sept 22, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - NJ DOT Local Freight Impact Grant Fund
   - **Department reports for September 2021**: Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda

   1. That all bills be paid when properly audited and funds are available
   2. Authorizing Veteran Exemption and Refund of Overpayment of Taxes B63 L9
   3. Authorizing Veteran Exemption and Refund of Overpayment of Taxes B132 L9
   4. Authorize Refund Overpayment of Taxes B147 L40
   5. Authorize Payment of Time Due for Retiree – EJ
   6. Chap 159 Unanticipated Revenue – Drunk Driving Enforcement Fund
   7. Chap 159 Unanticipated Revenue – Body Armor Fund
   8. Appoint Temp. PT Court Clerical – EL
   9. Probationary Period Complete Appoint Permanent Police Officer – FC
   10. Authorizing Participation LESO Program – Dept. of Defense Equipment
   11. Appoint LESO Program Point(s) of Contact
   12. Authorize SSA with Roselle Park – CMFO & QPA Services
   13. Authorize SSA with Union Twp – Construction Officer/Building Inspector/Zoning Officer Services
8. ORDINANCE:

   Public Hearing & Adoption #2021-15 ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES
9. PROCLAMATIONS ***Breast Cancer Awareness Month – October***
   Family Court Awareness Month - November
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – OCTOBER 13, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member CECERI and seconded by Council Member DAVID.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Authorizing Veteran Exemption and Refund of Overpayment of Taxes B63 L9
3. Authorizing Veteran Exemption and Refund of Overpayment of Taxes B132 L9
4. Authorize Refund Overpayment of Taxes B147 L40
5. Authorize Payment of Time Due for Retiree – EJ
6. Chap 159 Unanticipated Revenue – Drunk Driving Enforcement Fund
7. Chap 159 Unanticipated Revenue – Body Armor Fund
8. Appoint Temp. PT Court Clerical – EL
9. Probationary Period Complete Appoint Permanent Police Officer – FC
10. Authorizing Participation LESO Program – Dept. of Defense Equipment
11. Appoint LESO Program Point(s) of Contact
12. ~~Authorize SSA with Roselle Park – CMFO & QPA Services~~
13. ~~Authorize SSA with Union Twp – Construction Officer/Building Inspector/Zoning Officer Services~~

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. \ **KENILWORTH, N.J.** **OCTOBER 13 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **OCTOBER 13, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the State of New Jersey Department of Military and Veterans Affairs has confirmed that Mr. Andrew Horan, a resident of Kenilworth who resides at 90 Pembrook Dr. (Block 63, Lot 9) was granted a determination of 100% total disability by the United States Department of Veterans Affairs, and

WHEREAS, Mr. Horan has made an application to the Tax Assessor for an exemption from property taxes on the above address based on his disabled veteran's status under N.J.S.A. 54:4-3.30; and

WHEREAS, it is recommended by the tax assessor, Kevin Palumbo, in a letter dated April 7th, 2021 to the tax collector that Mr. Horan be granted full tax exemption from billed property taxes as of April 1, 2021, and this has resulted in an overpayment of 2021 taxes due;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Kenilworth, County of Union, State of New Jersey that Mr. Horan be granted a full tax exemption from taxes billed to 90 Pembrook Drive, Kenilworth, NJ, as of April 1, 2021, and that the bank be refunded the amount of $2,109.33 which represents the overpayment of taxes paid.

Refund: Corelogic Tax Services, Attn: Centralized Refunds, P. O. Box 9202, Coppell, TX 75019

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch				✓		
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **OCTOBER 13, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the State of New Jersey Department of Military and Veterans Affairs has confirmed that Mr. Jose Garcia, a resident of Kenilworth who resides at 170 So. Michigan Ave. (Block 132, Lot 9) was granted a determination of 100% total disability by the United States Department of Veterans Affairs, and

WHEREAS, Mr. Garcia has made an application to the Tax Assessor for an exemption from property taxes on the above address based on his disabled veteran's status under N.J.S.A. 54:4-3.30; and

WHEREAS, it is recommended by the tax assessor, Kevin Palumbo, in a letter dated August 10th, 2021 to the tax collector that Mr. Garcia be granted full tax exemption from billed property taxes as of June 18, 2021, and this has resulted in an overpayment of 2021 taxes due;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Kenilworth, County of Union, State of New Jersey that Mr. Garcia be granted a full tax exemption from taxes billed to 170 So. Michigan Avenue, Kenilworth, NJ, as of June 18th, 2021, and that Mr. Garcia be refunded the amount of $3,452.89 which represents the overpayment of taxes paid.

Refund: Mr. Jose Garcia, 170 So. Michigan Ave., Kenilworth, NJ

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **OCTOBER 13, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS: A reduction in an assessment resulting from Union County Tax Appeal was made in 2021 for the following property in Kenilworth, NJ, and;

WHEREAS, this resulted in the overpayment of taxes for 2021, and;

NOW, THERFORE BE IT RESOLVED that the Treasurer, after proper notation on the tax account records by the Collector of Taxes, be and is hereby authorized to issue a warrant as follows.

Refund:

Elshiekn Enterprises, LLC, 12 Via Vitale, Kenilworth, NJ, 07033
B 147 L 40 600 Cranford Avenue 3,081.53

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 KENILWORTH, N.J. OCTOBER 13, 2021

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, **Ellen Johns** has notified the Borough of Kenilworth of her intention to resign from the Borough Kenilworth Construction Department effective October 1, 2021; and

WHEREAS, the Administrator has certified that Ellen Johns is entitled to buyout pay as per the Kenilworth Personnel Policy, as follows;

Type	# of days	Daily Rate	Total
Terminal Leave	**68**	$256.89	$17,468.52
Personal Day	2	$256.89	$513.78
Sick Day	0	$256.89	$0.00
Accumulated	3	$256.89	$770.67
Vacation Days	13.50	$256.89	$3,468.01
Total Due	**86.5**		**$22,220.98**

WHEREAS, Ellen Johns 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	/		/			
Councilman Mark David		/	/			
Councilman Joseph Finistrella			/			
Councilman Gerry Laudati			/			
Councilman Scott Pentz						/
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **OCTOBER 13, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of $12,246.32 which item is now available as a revenue from the Drunk Driving Enforcement Fund Grant pursuant to the provisions of statute; and,

BE IT FURTHER RESOLVED, that the like sum of $12,246.32 is hereby appropriated under the caption of the Drunk Driving Enforcement Fund Grant; and,

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certified copy of this Resolution with enclosures to the Chief Financial Officer to submit the Resolution electronically to the Director of the Division of Local Government Services.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **OCTOBER 13, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

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

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of $2,157.33 which item is now available as a revenue from the Body Armor Grant pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED, that the like sum of $2,157.33 is hereby appropriated under the caption of the Body Armor Grant, and

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certified copy of this resolution with enclosures to the Chief Financial Officer to submit the resolution electronically to the Director of the Division of Local Government Services.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **OCTOBER 13, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, the Borough Administrator was authorized to hire a temporary part-time Court Clerical employee, not to exceed twenty (20) hours per week; and

WHEREAS, it was determined that additional hours would be in the best interest of the Borough.

THEREFORE BE IT RESOLVED, that **Eda Lanzano** of 238 Woodmont Rd., Union NJ 07083 be hired as part-time Court Clerical employee be authorized to work up to twenty (20) hours per week, effective October 18, 2021 through February 28, 2022 at a rate of $18.00 per hour; this appointment is contingent upon successful completion of criminal background check.

BE IT FURTHER RESOLVED, that this position is entitled to paid sick leave pursuant to the NJ Sick Leave Law NJSA 34:11D-1 but is not eligible for paid holiday or vacation days.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 9 **KENILWORTH, N.J.** **October 13, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, Kenilworth Police Officer Frank Crisafulli was appointed Probationary Police Officer by the Kenilworth governing body effective February 10, 2021; and

WHEREAS, Frank Crisafulli has served in another Police Department successfully within the State of New Jersey for a period of no less than one year and has already been certified as a PTC officer when he transferred to the Kenilworth Police Department and pursuant to Chapter 39-5 of the Borough Code Chief Soos certifies that Frank Crisafulli has satisfactorily completed the probationary period requirement.

NOW THEREFORE BE IT RESOLVED, that Police Officer Frank Crisafulli, having completed his six moth probationary period and upon the recommendation of Police Chief Soos, be appointed a permanent police officer in the Kenilworth Police Department.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 KENILWORTH, N.J. OCTOBER 13 2021

Introduced by: _____

Seconded by: _____

CONSENT AGENDA

RESOLUTION AUTHORIZING THE BOROUGH OF KENILWORTH POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE KENILWORTH POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEA's); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEA's to obtain property they might not otherwise be able to afford in order to enhance community preparedness, *response, and resiliency; and*

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Kenilworth that the Kenilworth Police Department, is hereby authorized for enrollment in the Department of Defense 1033 Program for no more than a one (1) year period, with authorization to participate terminating in the December 31st of the current calendar year; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Kenilworth Police Department is hereby authorized to acquire items of non-controlled property designated "**DEMIL A**," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic signal systems, exercise equipment, moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorized, based on the needs of the Kenilworth Police Department, without restriction; and

BE IT FURTHER RESOLVED, that the Kenilworth Police Department is hereby authorized to acquire "**DEMIL B through Q**" property, if it shall become available in the period of time for which this resolution authorizes in the attached list; and

BE IT FURTHER RESOLVED, that the Kenilworth Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED, that the Kenilworth Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and shall be valid to authorize requests to acquire (1) "**DEMIL A**" property and (2) "**DEMIL B through Q**" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes, with 1033 Program participation and all property request authorization terminating on December 31st of the current calendar year.

DEMIL B- Q ITEM NAME

ARMORED SECURITY VEHICLE
ARMORED SECURITY VEHICLE 2
AUTOMOBI LE. SEDAN
AUTOMOBILE, WAGON
BATON, KINETIC E N E R G Y
BODY SHIELD
BOAT, ZODIAC
BOAT, AVON
BOAT, INFLATABLE
CAPABILITIES SET NON-LETHAL
CAR ARMORED
CAR ARMORED MINE DISPOSAL
CARRIER AMBULANCE
CARRIER CARGO
CARRIRER, COMMAND POST
CARTRIDGE,12 GAGE SHOTGUN
CARTRIDGE, 12 GAGE SHOTGUN, NON-LETHAL
CLUB.SELF-PROTECTI ON
COMMUN, EQUIP, SOMS-B
CUTTER HEAD.HYDRAULIC BREACHING AND EXTRACATION TOOL
DOOR OPENER.HYDRAULIC BREACHING AND EXTRACATION TOOL
FACESHIELD, MILITARY, RIOT C O N T R O L
FACESHIELD, RIOT CONTROL
FACESHIELD, RIOT CONTROL
FORCED ENTRY AND RESCUE EQUIPMENT.AIRCRAFT CRASH
GENERATOR, POWER EQUIPEMT
CARRIER, TRAILER
GOGGLES, PROTECTION, RIOT CONTROL
GUN.PORTABLE RIOT CONTROL
HATBOX, RIOT CROWD
SEARCH AND RESCUE EQUIP
MUNITION, CROWD CONTROL MODULAR.NON-LETHAL
HELMET, POLICE
HELMET, SAFETY

KIT, MECHANICAL BREA
KIT, RIOT PROTECTION
LIGHT ARMORED VEHICLE
MINE CLEARING VEHICLE, MINE RESISTANT VEHICLE
MISCELLANEOUS WEAPONS - LOGSA LSN
MODIFICATION KIT.GUN.WEAPON
NON-BALLISTIC BODY SHIELD
NON-LETHAL WEAPONS CAPABILITIES SET
COMPLETE COMBAT/ASSAULT Tactical WHEELED VEHICLES
PERSONELL CARRIERS
PROTECTIVE SHIELD, T
RAM.BATTERING
RAM.DOOR. MINI
RIOT CONTROL SHIELD
SEARCH AND RESCUE VEHICLE
SECURITY VEHICLE
SHIELD.PERSONAL PROTECTIVE
SHIELD.SELF-PROTECTION
SHOP EQUIPMENT.CONTACT MAINTENANCE
SHOP SET.CONTACT MAINTENANCE, TRUCK MOUNTED (ENGINEER)
SHOP SET, CONTACT MAINTENANCE, TRUCK MOUNTED (ORDNANCE)
SIGHT, THERMAL
SLEDGE HAMMER
TACTICAL VEHICLE
TOOL.BREAKER, HINGE
TRAINING KIT, DEMOLITION
TRUCK, HMMWV, MRAP
TRUCK TRACTOR
TRUCK, AMBULANCE
TRUCK.ARMORED
TRUCK.BOLSTER
TRUCK, BOMB SERVICE
TRUCK.CARGO
TRUCK, CARRYALL
TRUCK.COMMAND RECONNAISSANCE
TRUCK, DUMP
TRUCK.MAINTENANCE
TRUCK.MATERIALS HANDLING-CONTAINER HOISTING
TRUCK.PALLETIZED LOADING
TRUCK.PANEL
TRUCK, STAKE
TRUCK, TANK
TRUCK, UTILITY
TRUCK.VAN
TRUCK.WRECKER
TRUCKS AND TRUCK TRACTORS, DEMIL C

UP ARMORED NTVS
UTILITY VEHICLE, OFF ROAD
WATER RESCUE EQUIP
WATER RESCUE VEHICLE
WATER RESCUE

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 11 **KENILWORTH, N.J.** **OCTOBER 13, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

RESOLUTION AUTHORIZING THE BOROUGH OF KENILWORTH POLICE DEPARTMENT POINT OF CONTACT(S) FOR LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE KENILWORTH POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the Borough of Kenilworth participates in the State Department of Defense excess personal property program which allows approved municipalities to receive excess property at no cost; and

WHEREAS, LESO Operations will be coordinating with the Borough to identify and receive property; and

WHEREAS, the Borough of Kenilworth has agreed to abide by the provisions of the agreement for any property received.

BE IT HEREBY RESOLVED, that the Mayor and Council of the Borough of Kenilworth hereby authorizes the continued participation in the program.

BE IT FURTHER RESOLVED, that the following Kenilworth Police Officers be designated as POC's for the LESO Operations Program:

Michael Devlin is designated the Chief Officer and Point of Contact

Captain Dan Sims	Chief Officer and Point of Contact
Detective Ryan Kernan	Point of Contact
Officer Michael P. Devlin	Point of Contact
Officer Raymond Fuschino	Point of Contact

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 12 **KENILWORTH, N.J.** **October 13, 2021**

Introduced by: DAVID

Seconded by: CECERI

WHEREAS, the "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A:65-35 (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Parties have identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, the Parties now wish to enter into a Shared Services Agreement ("Agreement") for Chief Financial Officer ("CFO") and Qualified Purchasing Agent ("QPA") related services; and

WHEREAS, N.J.S.A. 40A:9-140.10 requires each municipality to have its own CFO, but allows for the use of the same CFO under a shared services agreement with another municipality; and

WHEREAS, Roselle Park has agreed to provide Kenilworth with the services of its CFO and QPA pursuant to the terms and conditions set forth in a Shared Services Agreement between the Parties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth hereby authorizes and directs the Mayor to execute a Shared Services Agreement in a form substantially similar to the Agreement attached hereto and made part hereof with the Borough of Roselle Park for CFO and QPA services.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		/	/			
Councilman Mark David	/		/			
Councilman Joseph Finistrella				/		
Councilman Gerry Laudati			/			
Councilman Scott Pentz						/
Councilman Fred Pugliese				/		
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

SHARED SERVICES AGREEMENT

This SHARED SERVICE AGREEMENT (the "Agreement") is entered into this ____ day of _____ 2021 by and between:

Borough of Roselle Park ("Roselle Park")
110 East Westfield Avenue, Roselle Park, NJ 07204

AND

Borough of Kenilworth ("Kenilworth")
567 Boulevard, Kenilworth, NJ 07033

RECITALS

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. permits municipalities and other local units to enter into Shared Services Agreements with other governmental units by adoption of a Resolution authorizing such shared services; and,

WHEREAS, Roselle Park presently employs a Chief Financial Officer/Treasurer who holds the certification of Certified Municipal Finance Officer (CMFO), and a Purchasing Agent who holds the certification of Qualified Purchasing Agent (QPA); and,

WHEREAS, Kenilworth is in need of certain "Contemplated Services" further defined for the purposes of the foregoing agreement as a Certified Municipal Finance Officer (CMFO) to work as its Chief Financial Officer/Treasurer and perform such duties outlined in N.J.A.C. 5:32-2.1, and a Qualified Purchasing Agent (QPA) to work as its Purchasing Agent and pursue compliance with N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34; and,

WHEREAS, Roselle Park and Kenilworth have determined that it would be mutually beneficial to enter into the foregoing Agreement whereby Roselle Park would act as the "Lead Agency" and provide its aforementioned certified personnel, their expertise, and labor to Kenilworth to assist Kenilworth in their fulfillment of requirements of state statue and the needs of Kenilworth; and,

WHEREAS, the parties to this Agreement desire to enter into the same effective January 1, 2022 through December 31, 2022 which will allow the Roselle Park Certified Municipal Financial Officer and the Roselle Park Qualified Purchasing Agent to provide the Contemplated Services during regular business hours and be available for public meetings when needed; and,

WHEREAS, Roselle Park is prepared to provide the Contemplated Services by this Shared Service Agreement to Kenilworth; and,

WHEREAS, the consideration for these Contemplated Services would be sixty-one thousand two hundred dollars and zero cents ($61,200.00) per year or fifteen-thousand three-hundred fifty dollars and zero cents ($15,300.00) per calendar quarter.

NOW THEREFORE, in consideration to the promises, mutual covenants, understanding and agreements contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by all parties it is agreed by and between the parties as follows:

1. Effective January 1, 2022 through and including December 31, 2022 Roselle Park will perform all Contemplated Services, for Kenilworth as provided herein and restated here as follows:

   A. The Roselle Park Certified Municipal Finance Officer (CMFO) will work as the Kenilworth Chief Financial Officer/Treasurer and perform such duties outlined in N.J.A.C. 5:32-2.1; and,

   B. The Roselle Park Qualified Purchasing Agent (QPA) will work as the Kenilworth Purchasing Agent and pursue compliance with N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34.

2. The Roselle Park Certified Municipal Financial Officer (CMFO) and Qualified Purchasing Agent (QPA) will perform the duties and services outlined in Paragraph 1 (above) for Kenilworth as-needed including, when appropriate, via remote access as necessary to perform the duties.

3. While acting in their certified capacities for Kenilworth the aforementioned Roselle Park personnel will report to Kenilworth's Governing Body, or the Governing Body's designee, in all matters needed to maintain state statute, administrative regulation, continuity of operation, and professionalism, on a routine basis.

4. Roselle Park shall continue to provide all compensation to its personnel affected by the Agreement in the same manner as said employees are currently receiving compensation and benefits, or with such adjustments as approved and authorized within the sole discretion of the Roselle Park Governing Body.

5. Roselle Park shall be paid the total sum of Sixty one thousand two hundred dollars and zero cents ($61,200.00) by Kenilworth for services effective January 1, 2022 until, December 31, 2022 representing payment for services rendered by Roselle Park. Said future payment shall be made in equal installments on a quarterly basis on April 1st, July 1st October 1st and December 1st, 2022.

6. This Agreement may be terminated by Roselle Park or Kenilworth with thirty (30) days written notice to the other party, unless mutually agreed between Roselle Park and Kenilworth that said termination should be effective earlier.

IN WITNESS WHEREOF, Roselle Park and Kenilworth, by and through their duly authorized representatives, have hereunder set their hand and corporate seals executing this Agreement.

BOROUGH OF ROSELLE PARK:

_____
Joseph Signorello III
Mayor

ATTEST (ROSELLE PARK):

_____
Andrew J. Casais, RMC, QPA
Municipal Clerk

Dated: _____

BOROUGH OF KENILWORTH:

_____
Linda Karlovitch
Mayor

ATTEST (KENILWORTH):

_____
Laura Reinertsen, RMC
Municipal Clerk

Dated: _____

RESOLUTION

No. 13 **KENILWORTH, N.J.** **OCTOBER 13, 2021**

Introduced by: LAUDATI

Seconded by: CECERI

WHEREAS, the Uniform Shared Services and Consolidation Act NJSA 40A:65-1 et seq permits municipalities and other local units by adoption of a resolution to enter into an agreement to provide or receive any service in its own jurisdiction; and

WHEREAS, the Borough of Kenilworth and the Township of Springfield Interlocal Services Agreement for Construction Code Official/Building Inspector expires on December 31, 2021; and

WHEREAS, the Township of Union has agreed to provide the Construction Code/Building Inspector Zoning Officer Services for a three-year term beginning January 1, 2022, through December 31, 2024, by resolution #2021-315 (9/28/21); and

WHEREAS, the Township of Union agrees to the compensation of $36,500 per year in equal quarterly installments for services with a 2% increase each additional contractual year; and

WHEREAS, the procedure of the execution of this agreement shall be governed by the Interlocal Service Act (NJSA 40:8A-1, et seq) and NJAC 5:23-4.6, 4.7 (b), 4.8 (a) "Uniform Construction Code".

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Kenilworth that the Mayor and Borough Clerk be authorized to sign said Interlocal Services Agreement subject to approval by the Governing Body of the Township of Springfield.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✗		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on *October 13, 2021.*

Laura Reinertsen, Borough Clerk

CONSTRUCTION CODE OFFICIAL, BUILDING SUB-CODE AND ZONING OFFICER SERVICES
SHARED SERVICES AGREEMENT

This SHARED SERVICE AGREEMENT ("Agreement") is entered into this _____ day of September by and between,

Township of Union "Union" 1976 Morris Avenue, Union, NJ 07083

And

Borough of Kenilworth "Kenilworth" 567 Boulevard, Kenilworth, NJ 07033

RECITALS

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. permits municipalities and other local units by adoption of a Resolution to enter into an Agreement to provide or receive any service that each local unit participating in the Agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, there is the opportunity to retain the services of Union Township to assume the duties of Kenilworth, Construction Code Official, Building Sub-Code and Zoning officer; and

WHEREAS, the procedure of the execution of this Agreement shall be governed by the Interlocal Service Act, (N.J.S.A. 40:8A-1 et seq) and N.J.A.C. 5:23-4.6, 4.7(b), 4.8(a) "Uniform Construction Code" and,

WHEREAS, the governing bodies of Union and Kenilworth have determined that it is in the mutual best interest for each municipality for Union to provide the Construction Code Official, Building Sub-Code and Zoning officer duties set forth below to Kenilworth, and in return, Kenilworth will compensate Union as set forth below

NOW THEREFORE, in consideration to the promises, mutual covenants, understanding and agreements contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are acknowledge by all parties it is agreed by and between the parties as follows:

1. The individual appointed will perform the duties of Construction Code Official, Building Sub-Code and Zoning officer with the authority to enforce all authority provided by municipal ordinance and state statute.

2. The individual shall provide the time and services to meet the Construction Code Official, Building Sub-Code and Zoning officer duties.

3. Township of Union shall be paid the total of $36,500.00 per annum from Kenilworth for services effective Saturday, **January 1, 2022**. Two (2%) percent shall be added to the annual contractual sum effective January 1st of each additional year the contract remains in effect. Said payments shall be made in equal installments on a quarterly basis.

4. This Agreement shall commence upon approval of this Agreement by the parties and be for a term of three (3) years. However, either party may terminate this Agreement for any reason on ninety (90) days written notice to the other party following the adoption of a Resolution by the governing body of the party terminating this Agreement authorizing the termination. In the event that either party defaults in the performance of any of its obligations under this Agreement after receiving written notice of same and failing to cure such default within ninety (90) days of said written notice, the non-defaulting party shall be entitled to terminate this Agreement.

5. Kenilworth shall indemnify and hold harmless Union, its employees, officers, agents from any and all claims of whatever nature or type arising from the provision of services to Kenilworth, so long as the actions upon which the demand or claim, or assertion of liability are founded, were performed in the course of carrying out official duties on behalf of Kenilworth and were not out of the scope of performing official duties or performed in bad faith, and did not constitute actual fraud, actual malice, willful misconduct, intentional wrong doing or a criminal act. Such indemnification shall include payment of reasonable attorney fees and costs in the defense of any claim made by a third person. This

indemnification is not limited to any insurance coverage afforded to Kenilworth of which this Agreement applies

6. The provisions of this Agreement shall (a) constitute the entire agreement between the parties for or with respect to the matters described herein, and (b) be modified, unless provided herein to the contrary, only by written agreement duly executed by both parties.

7. This Agreement shall stipulate the information contained in N.J.S.A. 52:27D-123 and N.J.A.C. 5:23-4.

8. This Agreement may be executed in any number of counterparts each of which shall be executed by the Union and the Kenilworth and all of which shall be regarded for all purposes as one original and shall constitute and be but one and the same.

IN WITNESS WHEREOF, Township of Union and the Borough of Kenilworth, by and through their duly authorized representatives, have hereunder set their hand and corporate seals executing this Agreement.

TOWNSHIP OF UNION	**BOROUGH OF KENILWORTH**
Michele Delisfort Mayor	Linda Karlovitch Mayor
Attest:	**Attest:**
Eileen Birch, RMC Municipal Clerk	Laura Reinertsen, RMC Administrator/Municipal Clerk
Dated:	Dated:

RESOLUTION

No. 14 **KENILWORTH, N.J.** **October 13, 2021**

Introduced by: LAUDATI

Seconded by: DAVID

BE IT HEREBY RESOLVED that the ordinance #2021-15 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES, WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on September 8, 2021 approved for final passage at the regular meeting of the Borough Council of October 13, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz						✓
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 13, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-15

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES, WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Purpose: The purpose of this Ordinance is to amend Chapter 91 Police Service Fees to include the subsequent administrative costs associated with.

BE IT HEREBY ORDAINED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

NOW THEREFORE, Existing Chapter 91 "FEES AND LICENSES", ARTICLE II "POLICE REPORTS AND SERVICES", SECTION 4 FEES be amended to include the following

§ 91-4 N **EMPLOYMENT APPLICATION FEE** (NONREFUNDABLE)

Entry Level Police Officer	Application Fee	$25.00
Certified Police Officer	Application Fee	$25.00

BE IT FURTHER RESOLVED, that the fee for Certified Police Officer applications may be waived as per the determination of the Chief of Police for the position posting period for Certified Police Officer(s).

SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KAY CECERI			✓			
		X				MARK DAVID		✓	✓			
X		X				JOSEPH FINISTRELLA			✓			
		X				GERRY LAUDATI	✓		✓			
	X	X				SCOTT PENTZ						✓
		X				FRED PUGLIESE			✓			
						MAYOR KARLOVITCH						

Introduced:
September 8, 2021

Final Adoption:
October 13, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **OCTOBER 27, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Work Session & Council Meeting of Oct. 13, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - NJ DEP – Banning of Plastic Carry Out Bags (effective 5/4/22)
   - KVFD – Chief Krueger Recommendation of Appointment and Recommendation of Allowance #2
   - Eagle Scout Project – A. Gasper
   - PSE&G – 2022 Construction Schedule – Online Management System
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda

   1. That all bills be paid when properly audited and funds are available
   2. 2021 Best Practices Inventory Certification
   3. Capital Budget Amendment
   4. Chap 159 Bulletproof Vest Partnership
   5. Authorize KVFD Allowance #2
   6. Appoint Firefighter/EMT – JP
   7. Authorize 2022 Street Fair – JC Promotions
   8. Award CDBG YR47 ADA Ramps – AA Berms
8. ORDINANCE:

   Public Hearing & Adoption #2021-16 ORDINANCE AMENDING ORDINANCE NO. 2019-05 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH S

   Introduction #2021-17 AN BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $3,372,500 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS
9. PROCLAMATIONS
10. MEETING OPEN TO THE PUBLIC
11. GENERAL BUSINESS
12. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – OCTOBER 27, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member LAUDATI and seconded by Council Member PENTZ.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. 2021 Best Practices Inventory Certification
3. Capital Budget Amendment
4. Chap 159 Bulletproof Vest Partnership
5. Authorize KVFD Allowance #2
6. Appoint Firefighter/EMT – JP
7. Authorize 2022 Street Fair – JC Promotions
8. Award CDBG YR47 ADA Ramps – AA Berms

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese						✓

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on October 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **OCTOBER 27, 2021**

Introduced by: _____ CONSENT AGENDA

Seconded by: _____

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 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 Chief Financial Officer as outlined in Borough Code Chapter 5-34.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **OCTOBER 27, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, the State's Fiscal Year 2017 Appropriations Act (P.L. 2016, c.10) requires the Division of Local Government Services "Division" to determine whether some portion of a municipality's CMPTRA and ETR aid will be withheld based on the results of a Best Practices Inventory "Inventory" to be completed by each municipality; and,

WHEREAS, the Inventory encourages municipalities to embrace practices that promote financial accountability, sound management and transparency; and

WHEREAS, the Borough Clerk and the Chief Financial Officer must certify the Inventory.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Kenilworth acknowledges the receipt, review and discussion of the Inventory at a regular meeting of the governing body.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **OCTOBER 27, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

WHEREAS, the Borough of Kenilworth desires to amend the 2021 Capital Budget of said municipality by inserting thereon the items therein shown in such budget for:

- Replacement of pumps at the Lafayette Sanitary Sewer Pump Station, Improvements to the fueling station at the Department of Public Works Yard and acquisition of new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, for the use of the DPW consisting of mason dump trucks and an enclosed trailer; and
- Acquisition of new additional or replacement equipment and machinery for the use of the Police Department consisting of emergency lighting and other equipment for SUVs and a finger printing machine; and
- Acquisition of new information technology equipment consisting of computer equipment for the use of various Borough Departments, offices and agencies; and
- Acquisition of new communication and signal systems equipment consisting of a new Emergency Services Radio Communication System; and
- Acquisition of new additional or replacement equipment and machinery for the use of the Fire Department consisting of turnout gear, self-contained breathing apparatus equipment and various firefighting tools and other equipment; and
- Undertaking of sidewalk improvements at various locations; and
- Undertaking of various improvements to public buildings and property; and
- Undertaking of the following sewer improvements: sanitary and storm sewer system improvements at various locations and sanitary sewer system evaluation for future system improvements; and
- Implementation of a digitized records management system; and
- Undertaking of various improvements to the 9th Avenue and Louis Wood Playgrounds; and
- Undertaking of various improvements to parks, fields, and other recreation facilities; and
- Undertaking of the 2021 Capital Road Improvement Program (including roadway reconstruction and resurfacing, and the undertaking of the following, where necessary: repair of the storm drainage system, construction or reconstruction of curbs, sidewalks and driveway aprons and the making of landscaping improvements), as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list.

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

AMENDMENT - CAPITAL BUDGET OF THE
BOROUGH OF KENILWORTH, COUNTY OF UNION, NEW JERSEY

PROJECTS SCHEDULE FOR 2021 - METHOD OF FINANCING

PROJECT	ESTIMATED COSTS	BONDS OR NOTES AUTHORIZED	CAPITAL IMPROVEMENT FUND	GRANTS	CAPITAL SURPLUS
Replacement pumps at the Sanitary Sewer Pump Station, Improvements to the Fueling station and vehicles and Equipment for the Department of Public Works	$220,000.00	$205,000.00	$15,000.00		
Equipment and Machinery and Finger Printing machine for the Police Department	$35,000.00	$30,000.00	$5,000.00		
Acquisition of new information technology Equipment for Borough Departments	$25,000.00	$20,000.00	$5,000.00		
Acquisition of Emergency Services Radio Communication System	$825,000.00	$780,000.00	$45,000.00		
Acquisition of Equipment and machinery For the Fire Department	$50,000.00	$45,000.00	$5,000.00		
Sidewalk Improvements	$245,000.00	$231,000.00	$14,000.00		
Various Improvements to Public Buildings and Grounds	$307,500.00	$288,000.00	$19,500.00		
Sanitary and Storm Sewer Improvements	$205,000.00	$194,000.00	$11,000.00		
Implementation of digitized records management System	$110,000.00	$50,000.00	$5,000.00	$55,000.00	
Various Improvements to the 9th Avenue and Louis Wood Playgrounds	$160,000.00	$152,000.00	$8,000.00		
Various Improvements to Parks, Fields and Other Recreation Facilities	$625,000.00	$592,000.00	$33,000.00		
2021 Capital Road Improvements Program	$565,000.00	$142,000.00	$8,000.00	$415,000.00	
TOTAL	$3,372,500.00	$2,729,000.00	$173,500.00	$470,000.00	

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **OCTOBER 27, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

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

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of $2,247.50 which item is now available as a revenue from the 2021 Bulletproof Vest Partnership Grant pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED, that the like sum of $2,247.50 is hereby appropriated under the caption of the 2021 Bulletproof Vest Partnership Grant, and

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certified copy of this resolution with enclosures to the Chief Financial Officer to submit the resolution electronically to the Director of the Division of Local Government Services.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella						/
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz		/	/			
Councilman Fred Pugliese						/
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **OCTOBER 27, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

BE IT HEREBY RESOLVED: That the attached list of the Kenilworth Volunteer Fire Department/Rescue Squad members be granted an expense allowance in accordance with the report submitted by Fire Chief William Krueger, in the aggregate amount of $59,580.00.

CERTIFICATION OF FUNDS
APPROPRIATION:
1-01-25-749-140
Kenneth P. Blum Jr.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

FDN	NAME	RANK	ADDRESS	TOTAL
4	KRILL, D	FF	[redacted]	$ 465.00
7	GIORDINO, L	DAC	10 DORSET DR. KENILWORTH, NJ 07033	$ 3,500.00
8	ALVAREZ, B	FF	54 S 18TH ST KENILWORTH, NJ 07033	$ 775.00
9	TORO	LT	180 BALTIMORE AVE CRANFORD NJ 07016	$ 1,250.00
10	COX, B	FF	52 N 14TH ST KENILWORTH NJ 07033	$ 465.00
13	HOWARTH, T	FF	815 FILBERT ST ROSELLE PARK NJ 07204	$ 930.00
14	MAURO, J	DC	39 N 13TH ST. KENILWORTH, NJ 07033	$ 3,500.00
15	OTT, R	FF	261 FAITOUTE AVE KENILWORTH, NJ 07033	$ 930.00
16	SODS, B	FF	625 KINGSTON AVE KENILWORTH NJ 07033	$ 465.00
17	MCHALE, J	FF	223 N 15TH ST. KENILWORTH, NJ 07033	$ 1,600.00
20	HANNON JR, J	DC	308 LINCOLN DR. KENILWORTH, NJ 07033	$ 3,500.00
22	STEITZ		1533 RIDGEWAY ST. UNION, NJ 07083	$ 310.00
23	PADULA, J	FF	65 S 20TH ST. KENILWORTH, NJ 07033	$ 930.00
25	HOWARTH, B	CAPT	815 FILBERT ST ROSELLE PARK NJ 07204	$ 1,600.00
28	FUGETT, J	FF	21 N 6TH ST. KENILWORTH, NJ 07033	$ 930.00
29	TIEMANN, R	LT	26 N 6TH ST KENILWORTH, NJ 07033	$ 1,250.00
30	KLUTKOWSKI	FF	317 RETFORD AVE CRANFORD NJ 07016	$ 930.00
31	JEAN	FF	40 REINHOLD TERR. UNION, NJ 07083	$ 465.00
32	PETERS, A	FF	531 MONROE AVE. KENILWORTH, NJ 07033	$ 930.00
36	DELUCA, A	CAPT	36 N 13TH ST. KENILWORTH, NJ 07033	$ 1,600.00
37	O'BRIEN, J	CAPT	550 NEWARK AVE. KENILWORTH, NJ 07033	$ 1,600.00
39	KUKLA, R	FF	34 N. 9TH ST KENILWORTH, NJ 07033	$ 465.00
42	LEVCHUK, R	LT	79 PARK DR. KENILWORTH, NJ 07033	$ 1,250.00
43	LAVECCHIA	LT	563D MORRIS AVE. SPRINGFIELD NJ 07081	$ 1,250.00
44	YOSURACK, J	EMT	141 CROSS ST KENILWORTH, NJ 07033	$ 930.00
46	SCUDERI, M	DC	6 DORSET DR KENILWORTH NJ 07033	$ 3,500.00
47	SPRANGER, D	CAPT	331 COOLIDGE DR KENILWORTH, NJ 07033	$ 1,600.00
48	KRUEGER, W	CHIEF	68 S MICHIGAN AVE. KENILWORTH, NJ 07033	$ 4,000.00
51	HANNON III, J	FF	308 LINCOLN DR. KENILWORTH, NJ 07033	$ 930.00
52	SCHEPER		337 LINCOLN DR KENILWORTH NJ 07033	$ 310.00
53	LOFFA, A	FF	145 S 25TH ST KENILWORTH, NJ 07033	$ 930.00
54	RICHARDSON, P	FF	33 BURCHFIELD AVE. CRANFORD, NJ 07066	$ 930.00
56	KELLY, S	LT	710 EMERSON AVE. ELIZABETH, NJ 07208	$ 930.00
57	GIORDINO, C	FF	10 DORSET DR. KENILWORTH, NJ 07033	$ 930.00
58	OUDKIEWICZ		329 LINCOLN DR KENILWORTH NJ 07033	$ 310.00
60	DAVIES, A	FF	9 EDWARD PL CRANFORD, NJ 07016	$ 930.00
62	WURST		2418 SEYMOUR AVE UNION NJ 07083	$ 310.00
66	ALEXANDER, M	FF	270 DELAWARE AVE UNION NJ 07083	$ 930.00
94	KOPYTA, C	ADM	PO BOX 21 KENILWORTH, NJ 07033	$ 930.00
96	CANTALUPO, J	FF	730 CLINTON AVE. KENILWORTH, NJ 07033	$ 930.00
101	ZAMORA	EMT	224 N 11TH ST. KENILWORTH, NJ 07033	$ 465.00
103	KRUEGER, D	EMT	68 S MICHIGAN AVE. KENILWORTH, NJ 07033	$ 930.00
104	TORO, L	ACLT	180 BALTIMORE AVE CRANFORD NJ 07016	$ 1,250.00
105	LOTFY, A	EMT	724 CLINTON AVE. KENILWORTH, NJ 07033	$ 930.00
107	CORVELEYN	ACTCP	26 N 6TH ST KENILWORTH, NJ 07033	$ 1,600.00
108	ADORNO	EMT	143 CROSS ST. KENILWORTH, NJ 07033	$ 930.00
110	SESSELMAN	EMT	665 PASSAIC AVE. KENILWORTH, NJ 07033	$ 465.00
114	MAURO, D	EMT	39 N 13TH ST. KENILWORTH, NJ 07033	$ 930.00
115	FUQUAY, C	EMT	570 MONROE AVE KENILWORTH, NJ 07033	$ 930.00
140	MAURO, R	EMT	39 N 13TH ST. KENILWORTH, NJ 07033	$ 930.00
				$ 59,890.00

*Less $310 (*J. Schulz*) per Chief Krueger Letter received October 26, 2021 $59,580.00

Kenilworth Volunteer Fire Department

491 Washington Ave.
Kenilworth, NJ 07033

Police, Fire, First Aid
Dial 911

Business Number
(908) 276-3791
Fax: (908) 276-1771

RECEIVED
OCT 26 2021
BOROUGH OF KENILWORTH
KENILWORTH, NJ 07033

Laura Reinertsen – Boro Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

Re: Amendment to Second Half Clothing Allowance

Dear Laura,

We were notified today by Union County Fire Academy that one of our students Jonathan Schulz has failed out due to academic performance and has been removed from the class. Therefore, he should also be removed from the Fire Department. Due to this recent event, please remove $310.00 for Jonathan Schulz from the clothing allowance just submitted. Please contact me at (908) 296-8042 or by email at wkrueger@kenilworthfire.org

Regards,

William Krueger
Fire Chief

Cc: Governing Body
Justyna Zagorska – Tax Office
Ken Blum - CFO

RESOLUTION

No. 6 KENILWORTH, N.J. OCTOBER 27, 2021

Introduced by: _____

Seconded by: CONSENT AGENDA

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

Name	Appointment
Justin Peters	Firefighter / EMT

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

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **OCTOBER 27, 2021**

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

WHEREAS, the Mayor and Council are planning to hold an event on the Boulevard in 2022; and

WHEREAS, JC Promotions, will supply, contract, coordinate approximately 100+ vendors, provide amusements, live entertainment, obtain the appropriate permits through the Board of Health and Kenilworth Fire Department and provide porta sans; and

WHEREAS, JC Promotions will provide the Borough of Kenilworth a certificate of liability insurance, with the Borough of Kenilworth as additional insured; and

WHEREAS, the Governing Body of the Borough of Kenilworth and Kenilworth Police Chief have approved this event which will necessitate the closing of the Boulevard as follows:

Closing of the Boulevard from 24th Street to 14th Street

Sunday, May 15 or 22, 2022 from 7:00 A.M. to 7:00 P.M. for the Kenilworth Street Fair.

THEREFORE, BE IT RESOLVED, that the Mayor and Clerk be authorized to enter into agreement with JC Promotions, Inc. of 117 Prospect Ave., North Arlington, NJ 07031.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Kenilworth request the approval of the Union County Board of Chosen Freeholders for the closing of the Boulevard for the above event.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _✓_			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 8 **KENILWORTH, N.J.** **OCTOBER 27, 2021**

Introduced by: _____

Seconded by: _____

CONSENT AGENDA

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 47; and

WHEREAS, the borough engineer recommends AA Berms, LLC at their base bid of $3,400.00 and the inclusion of Alternate #1, Alternate #2 and Alternate #3 at $23,800.00, as follows; and

CONTRACTOR	BASE BID	ALT. BID 1	ALT. BID 2	ALT. BID 4	Total
AA Berms LLC	$3,400.00	$6,800.00	$6,800.00	$15,000.00	$23,800.00
A Tackton Concrete Corp	$8,500.00	$7,200.00	$7,200.00	$8,500.00	$30,100.00
Seacoast Construction, Inc.	$12,750.00	$18,000.00	$18,000.00	$15,000.00	$63,750.00

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that the Mayor and Council pass a resolution authorizing the award of contracts.

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Kenilworth hereby awards a contract **AA Berms, LLC, PO Box 180, Belleville NJ 07109**, whose total proposal amounted to **$23,800.00**
2. The Mayor and the Borough Clerk are hereby authorized to execute all documents to effectuate the purposes herein above expressed.

CERTIFICATION OF FUNDS
APPROPRIATION:
T-06-56-850-009
Kenneth P. Blum
KEN BLUM, TREASURER

Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz		✓	✓			
Councilman Fred Pugliese						✓
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

October 21, 2021

Ms. Laura Reinertsen, Borough Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

Re: Recommendation of Award
CDBG Year 47 – ADA Curb and Ramp Improvements
Borough Kenilworth, Union County

Dear Ms. Reinertsen,

On Thursday, October 14, 2021, the Borough of Kenilworth received three (3) bids for the above referenced project. The following is the summary of the three lowest bidders:

CONTRACTOR	BASE BID	ALT. BID 1	ALT. BID 2	ALT. BID 3	ALT. BID 4
AA Berms LLC	$3,400.00	$6,800.00	$6,800.00	$3,400.00	$6,800.00
A Tackton Concrete Corp	$8,500.00	$7,200.00	$7,200.00	$8,500.00	$7,200.00
Seacoast Construction, Inc.	$12,750.00	$18,000.00	$18,000.00	$7,500.00	$15,000.00

CONTRACTOR	BASE BID	ALT. BID 1	ALT. BID 2	ALT. BID 4	Total
AA Berms LLC	$3,400.00	$6,800.00	$6,800.00	$15,000.00	$23,800.00
A Tackton Concrete Corp	$8,500.00	$7,200.00	$7,200.00	$8,500.00	$30,100.00
Seacoast Construction, Inc.	$12,750.00	$18,000.00	$18,000.00	$15,000.00	$63,750.00

It is recommended that a contract be awarded to the lowest bidder AA Berms, P.O. Box 180, Belleville, NJ in the amount of $23,800.00 for the Base Bid and Alternate Bids 1, 2 & 4. This recommendation is made subject to the availability of funds by the Borough Finance Officer.

If you have any questions or comments, feel free to contact me.

Very Truly Yours,
Harbor Consultants, Inc.

Christian Cueto, P.E., C.M.E.

cc: Kenneth P. Blum, Jr., Borough Finance Officer

RESOLUTION

No. 9 **KENILWORTH, N.J.** **October 27, 2021**

Introduced by: LAUDATI

Seconded by: DAVID

BE IT HEREBY RESOLVED that the ordinance #2021-16 entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2019-05 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH

Was introduced and approved on first reading, at the regular meeting of the Borough Council on September 22, 2021 approved for final passage at the regular meeting of the Borough Council of October 27, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David		✓	✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✗		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-16
AN ORDINANCE AMENDING ORDINANCE NO. 2019-05 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH

Purpose: To fix and determine the salaries, wages or compensation to be paid to the officers and employees of the municipality, including the members of the governing body and the mayor or other chief executive, who by law are entitled to salaries, wages, or compensation pursuant to NJSA 40A:9-165

BE IT ORDAINED by the Governing Body of the Borough of Kenilworth in the County of Union, New Jersey as follows:

SECTION 1. That Ordinance No. 2019-05 entitled "An Ordinance Providing for Compensation for Borough Employees of the Borough of Kenilworth" is hereby amended to read as follows:

POSITION	MINIMUM	MAXIMUM
Chief of Police	$60,000.00	$190,000.00
Emergency Management Coordinator – P/T	$1,000.00	$8,500.00
Deputy Emergency Management Coordinator – P/T	$500.00	$3,000.00
Secretary/Discovery Coordinator – Police Department	$30,000.00	$65,000.00
Police Dispatcher	$30,000.00	$55,000.00
Chief Finance Officer/ Treasurer	$30,000.00	$105,000.00
Chief Finance Officer/Treasurer - P/T	$30,000.00	$60,000.00
Assistant Finance Officer/Website	$50,000.00	$80,000.00
Tax Collector	$15,000.00	$36,000.00
Sr. Clerk/Secretary – Tax & Finance	$30,000.00	$55,000.00
Assistant Treasurer/Payroll Administrator	$45,000.00	$65,000.00
Assessor – P/T	$10,000.00	$40,000.00
Borough Clerk/Administrator/Ins Fund Administrator	$65,000.00	$140,000.00
Deputy Borough Clerk	$30,000.00	$65,000.00
Sr. Clerk/Secretary – Borough Clerk's Office	$30,000.00	$65,000.00
Purchasing/Acct. Clerk	$30,000.00	$50,000.00
Municipal Court Administrator	$45,000.00	$75,000.00
Borough Judge	$10,000.00	$35,000.00
Deputy Court Administrator	$35,000.00	$53,000.00
Deputy Court Administrator – P/T	$1,000.00	$20,000.00
Superintendent of Public Works	$35,000.00	$98,000.00
Foreman of Public Works	$60,000.00	$85,000.00
Admin. Assistant/Recycling Coordinator – Public Works	$30,000.00	$55,000.00
Construction Official – P/T	$10,000.00	$65,000.00
Admin. Assistant/Code Enforcement – Building Dept.	$40,000.00	$85,000.00
Clerk/Secretary – Building Dept.	$30,000.00	$50,000.00
Planning Board Clerk	$2,000.00	$6,500.00
Recording Secretary/Planning Board	$3,000.00	$5,000.00
Building Inspector – P/T	$3,000.00	$45,000.00
Reg. Environmental Health Specialist – Bd. of Health	$40,000.00	$60,000.00
Registrar/Clerk – Bd. of Health – P/T	$15,000.00	$30,000.00

ORDINANCE NO. 2021-16
AN ORDINANCE AMENDING ORDINANCE NO. 2019-05 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH

POSITION	PER ANNUM	
Plumbing Sub Code Official – P/T	$3,000.00	$17,000.00
Electrical Inspector – P/T	$3,000.00	$17,000.00
Fire Sub Code Official – P/T	$2,000.00	$17,000.00
Zoning Enforcement Officer – P/T	$2,000.00	$15,500.00
Mechanical Inspector – P/T	$3,000.00	$7,000.00
Field Housing Inspector – P/T	$4,000.00	$7,500.00
Oil Burner Inspector	$100.00	$300.00
Recreation Program Administrator	$28,000.00	$35,000.00
Recreation Director – P/T	$1,500.00	$6,000.00
Secretary – Parks & Recreation – P/T	$250.00	$1,800.00
Director of Public Assistance – P/T	$4,000.00	$17,500.00
Senior Program Director – P/T	$4,000.00	$15,000.00
Municipal Alliance Coordinator – P/T	$2,000.00	$7,500.00
Asst. Municipal Alliance Coordinator – P/T	$800.00	$2,200.00
Tax Search Officer	$350.00	$1,500.00
Purchasing Agent – P/T	$10,000.00	$20,000.00
Dog Warden – P/T	$500.00	$1,200.00
Event Coordinator	$750.00	$2,000.00
Benefits & Claims Coordinator	$1,500.00	$3,000.00

POSITION	PER HOUR	
Tax Collector P/T	$50.00	$60.00
Tax & Finance Clerical – P/T	$10.30	$20.00
Municipal Court Attendant	$10.00	$30.00
Municipal Court Clerical – P/T	$15.00	$25.00
Custodian of Buildings & Grounds – P/T	$10.00	$17.50
Driver/Sr. Citizen Van – P/T	$18.00	$25.00
Special Law Enforcement Officer "SLEO", Class III	$25.00	$30.00
Police Matrons	$10.00	$22.00
Police Clerk - P/T	$10.00	$20.00
Police Dispatchers – P/T	$10.00	$25.00
School Crossing Guards	$10.00	$20.00
Electrical Inspector (Stipend)	$15.00	$40.00
Plumbing Inspector (Stipend)	$15.00	$40.00
Fire Sub-Code Inspector (Stipend)	$15.00	$40.00
Construction Code Official (Stipend)	$15.00	$40.00
Playground Supervisor	$8.50	$15.50
Playground Leader	$8.50	$15.50
Playground Instructor – Arts & Crafts	$8.50	$15.50
Construction Clerk – P/T	$10.00	$20.00
DPW Seasonal Employees – P/T	$10.00	$15.00
Handyman	$17.00	$24.00
Part Time Clerk – Fire Prevention Bureau	$10.00	$18.00

FIRE PREVENTION BUREAU		
Fire Official	$40,000.00	$50,000.00
Fire Prevention Inspector	$7,500.00	$25,000.00
Assistant Inspector	$20/unit	$25/unit

SECTION 2. Permanent School Crossing Guards shall receive three (3) personal days to be used during the school year (September through June) pursuant to the Police Department approved protocol for School Crossing Guards.

SECTION 3. (I) In addition to the above salaries for full-time officers and employees hired on or before December 31, 1995, other than members of the Governing Body, a longevity payment shall be paid as hereinafter fixed and determined. Such longevity pay to be considered as additional compensation based upon the length of service of said officers and employees according to the following schedule:

ADDITIONAL COMPENSATION PER ANNUM

YEARS OF SERVICE	(Percentage of Annual Salary)
5 years	2 %
10 years	4 %
15 years	6 %
20 years	8 %
25 years	10 %

(II) Such additional compensation shall be based upon the annual salary of each full time officer or employee. No employee who works less than an average of 35 hours her week in any one year shall be eligible for said additional compensation. In calculating said additional compensation, the base salary in effect on December 31st of the preceding calendar year shall be used for such purpose.

(III) Any interruption of service, due to a cause beyond the control of the officer or employee, such as military service, injury in line of duty or illness, shall be considered as service for purpose of determining the compensation of said longevity periods. Leaves of absence granted at the request of any officer or employee will not be considered in determining length of service.

(IV) All periods of employment shall be computed from January 1st of the year taking office, appointment or employments unless said date was subsequent to June 30th, in which case the calculation shall be computed from January 1st of the year following. Additional compensation of any nature, including overtime will not be considered in computing longevity payment.

(V) In order to compute the periods of said longevity payment, credit will be given for all time served with the Borough of Kenilworth, whether consecutive or

nonconsecutive, and whether on a full or on a part time basis, as hereinabove defined.

(VI) The aforesaid additional compensation of longevity payments shall become effective as of January 1, 1965, and shall be added to the salaries above set forth and paid at the same time basis as hereinabove. Any person hired on or after January 1, 1996 shall not be entitled to longevity pay.

SECTION 4. Permanent full time Clerks are to receive two (2) personal days after one year of employment.

SECTION 5. Permanent full-time employees hired after December 31, 2014 are entitled to a proration of 10 vacation days based on date of hire.

SECTION 6. This Ordinance shall take effect upon final passage and publication according to law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KAY CECERI			✓			
X		X				MARK DAVID		✓	✓			
	X	X				JOSEPH FINISTRELLA						✓
		X				GERRY LAUDATI	✓		✓			
		X				SCOTT PENTZ			✓			
		X				FRED PUGLIESE						✓
						MAYOR KARLOVITCH						

Introduced:
September 22, 2021

Final Adoption:
October 27, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 10 **KENILWORTH, N.J.** **October 27, 2021**

Introduced by: DAVID

Seconded by: CECERI

BE IT HEREBY RESOLVED that the ordinance #2021-17 entitled:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $3,372,500 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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 November 10, 2021 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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella						✓
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese						✓
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on October 27, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-17
BOND ORDINANCE

Purpose: The purpose of this ordinance is to provide financing for the capital budget plan

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $3,372,500 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Kenilworth, in the County of Union, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the various grants and the down payment appropriated, by this ordinance. In addition to the various grants hereinafter appropriated, it is anticipated that a grant from the Union County Kids Recreation Trust Grant Program shall be received by the Borough to finance the cost of the playground improvements authorized in Section 4.J hereof. Said anticipated Kids Recreation grant funds shall be applied as set forth in Section 14 hereof. Said

improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the various grants hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. (i) Replacement of pumps at the Lafayette Sanitary Sewer Pump Station, (ii) improvements to the fueling station at the Department of Public Works ("DPW") Yard and (iii) acquisition of new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, for the use of the DPW consisting of (a) mason dump trucks and (b) an enclosed trailer.

Appropriation and Estimated Cost	$ 220,000
Down Payment Appropriated	$ 15,000
Bonds and Notes Authorized	$ 205,000
Period of Usefulness	5 years

B. Acquisition of new additional or replacement equipment and machinery for the use of the Police Department consisting of (i) emergency lighting and other equipment for SUVs and (ii) a fingerprint machine.

Appropriation and Estimated Cost	$ 35,000
Down Payment Appropriated	$ 5,000
Bonds and Notes Authorized	$ 30,000
Period of Usefulness	5 years

C. Acquisition of new information technology equipment consisting of computer equipment for the use of various Borough departments, offices and agencies.

Appropriation and Estimated Cost	$ 25,000
Down Payment Appropriated	$ 5,000
Bonds and Notes Authorized	$ 20,000
Period of Usefulness	5 years

D. Acquisition of new communication and signal systems equipment consisting of a new Emergency Services Radio Communication System.

Appropriation and Estimated Cost	$ 825,000
Down Payment Appropriated	$ 45,000
Bonds and Notes Authorized	$ 780,000
Period of Usefulness	10 years

E. Acquisition of new additional or replacement equipment and machinery for the use of the Fire Department consisting of (i) turnout gear, (ii) self-contained breathing apparatus equipment and (iii) various firefighting tools and other equipment.

Appropriation and Estimated Cost	$ 50,000
Down Payment Appropriated	$ 5,000
Bonds and Notes Authorized	$ 45,000
Period of Usefulness	5 years

F. Undertaking of sidewalk improvements at various locations.

Appropriation and Estimated Cost	$ 245,000
Down Payment Appropriated	$ 14,000
Bonds and Notes Authorized	$ 231,000
Period of Usefulness	10 years

G. Undertaking of various improvements to public buildings and property. It is hereby determined and stated that the public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	$ 307,500
Down Payment Appropriated	$ 19,500
Bonds and Notes Authorized	$ 288,000
Period of Usefulness	15 years

H. Undertaking of the following sewer improvements: (i) sanitary and storm sewer system improvements at various locations and (ii) sanitary sewer system evaluation for future system improvements.

Appropriation and Estimated Cost	$ 205,000
Down Payment Appropriated	$ 11,000
Bonds and Notes Authorized	$ 194,000
Period of Usefulness	40 years

I. Implementation of a digitized records management system.

Appropriation and Estimated Cost	$ 110,000
County Grant Appropriated	$ 55,000
Down Payment Appropriated	$ 5,000
Bonds and Notes Authorized	$ 50,000
Period of Usefulness	5 years

J. Undertaking of various improvements to the 9th Avenue and Louis Wood Playgrounds.

Appropriation and Estimated Cost	$ 160,000
Down Payment Appropriated	$ 8,000
Bonds and Notes Authorized	$ 152,000
Period of Usefulness	15 years

K. Undertaking of various improvements to parks, fields and other recreation facilities.

Appropriation and Estimated Cost	$ 625,000
Down Payment Appropriated	$ 33,000
Bonds and Notes Authorized	$ 592,000
Period of Usefulness	15 years

L. Undertaking of the 2021 Capital Road Improvement Program (including roadway reconstruction and resurfacing, and the undertaking of the following, where necessary: repair of the storm drainage system, construction or reconstruction of curbs, sidewalks and driveway aprons and the making of landscaping improvements), as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	$ 565,000
State Grant Appropriated	$ 415,000

Down Payment Appropriated	$ 8,000
Bonds and Notes Authorized	$ 142,000
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	$3,372,500
Aggregate Grants Appropriated	$ 470,000
Aggregate Down Payment Appropriated	$ 173,500
Aggregate Amount of Bonds and Notes Authorized	$2,729,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of $505,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The sum of $55,000 received or to be received as a grant from the Union County Infrastructure and Municipal Aid Grant Program is hereby appropriated to the payment of the cost of the implementation of a records management system authorized in Section 4.I hereof.

Section 7. The sum of $415,000 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of the road improvements authorized in Section 4.L hereof.

Section 8. It is hereby determined and stated that moneys exceeding $173,500, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of $173,500 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 9. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding $2,729,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to

said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 10. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding $2,729,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 11. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 12. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 13.38 years computed from the date of said bonds.

Section 13. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been

duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by $2,729,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 14. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the various grants hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 15. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 16. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 17. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and

capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 18. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	✓	✓				KAY CECERI						
✓		✓				MARK DAVID						
					✓	JOSEPH FINISTRELLA						
		✓				GERRY LAUDATI						
		✓				SCOTT PENTZ						
					✓	FRED PUGLIESE						
						MAYOR KARLOVITCH						

Introduced:
October 27, 2021

Final Adoption:
November 10, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of *Kenilworth, County of Union, State of New Jersey on the aforementioned date.*

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **NOVEMBER 10, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. MINUTES: Approve minutes of the Work Session & Council Meeting of Oct. 27, 2021 (emailed to all)
5. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - NJDOT – Municipal Aid 2022 Roadways Award $229,000
   - UC Open Space, Recreation, & Historic Preservation -= Kids Rec & Greening UC Grant Awards
   - VFW – Invitation to the 222 Veterans Day Service
   - **Department reports for October 2021**: Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)
6. REPORT OF COMMITTEES
7. BOROUGH RESOLUTIONS

   Consent Agenda

   1. That all bills be paid when properly audited and funds are available
   2. Authorizing Increase For Fuel Contract – 19Fleet-00973
   3. Cancelation of Year End Grant Balances
   4. Cancelation of Reserve Account Balances
   5. Authorize Payment CDG Yr 47 ADA Door Improvements – ADS Door Improvements $17,945
8. ORDINANCE:

   Public Hearing & Adoption

   #2021-17 AN BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $3,372,500 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS
9. PROCLAMATIONS
10. PRESENTATION Eagle Scout Project – Andrew Gaspar
11. MEETING OPEN TO THE PUBLIC
12. GENERAL BUSINESS
13. ADJOURNMENT

Council reserves the right to go into Closed Session if needed. *Adjourn _____PM*

BOROUGH OF KENILWORTH CONSENT AGENDA – NOVEMBER 10, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member Ladauti and seconded by Council Member Ceceri.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Authorizing Increase For Fuel Contract – 19Fleet-00973
3. Cancelation of Year End Grant Balances
4. Cancelation of Reserve Account Balances
5. Authorize Payment CDG Yr 47 ADA Door Improvements – ADS Door Improvements $17,945

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella			✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on October 27, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **NOVEMBER 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

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 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 Chief Financial Officer as outlined in Borough Code Chapter 5-34.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						
Councilman Mark David						
Councilman Joseph Finistrella						
Councilman Gerry Laudati						
Councilman Scott Pentz						
Councilman Fred Pugliese						
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on November 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 KENILWORTH, N.J. NOVEMBER 10, 2021

Introduced by: CONSENT AGENDA

Seconded by: _____

AUTHORIZING A $15,000.00 INCREASE TO THE OPEN-ENDED GOODS AND SERVICES CONTRACT WITH RACHELS/MICHELE'S OIL CO. FOR GASOLINE PURSUANT TO NEW JERSEY STATE CONTRACT NO. 19-FLEET-00973 REFLECTING A REVISED AMOUNT NOT TO EXCEED $55,000.00

WHEREAS, the Borough of Kenilworth (hereinafter, the "Borough") desires and requires certain goods and/or services including gasoline; and,

WHEREAS, the Borough of Kenilworth, through its public purchasing function, has authorized 2021 purchase orders in the aggregate total of forty-thousand dollars and zero cents ($40,000.00), an amount less than the unit's bidding threshold, to Rachels/Michele's Oil Co. for the aforesaid goods and/or services best meeting the requirements of the Borough as a contracting unit; and,

WHEREAS, the Qualified Purchasing Agent affirmed Rachels/Michele's Oil Co. as a vendor possessing New Jersey State Contract No. 19-FLEET-00973, expiring October 31, 2024, for the provision of goods and/or services including gasoline; and,

WHEREAS, the Borough, through its Department of Public Works, has attested to the need for an increased volume of the goods/services of Rachels/Michele's Oil Co.; and,

WHEREAS, based upon foreseeable use of the goods and/or services provided by Rachels/Michele's Oil Co. the Qualified Purchasing Agent of the Borough recommends that the Governing Body of the Borough increase the maximum value of the open-ended goods and services contract with Rachels/Michele's Oil Co. pursuant to the provisions of the Local Public Contracts Law of the State of New Jersey, *N.J.S.A. 40A:11-1 et seq.*, and the associated regulations.

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Qualified Purchasing Agent, the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey hereby increases the open-ended goods and services contract with Rachels/Michele's Oil Co. of P.O. Boc 105328, Atlanta, Georgia 30348 in the amount of fifteen-thousand dollars and zero cents ($15,000.00) for gasoline pursuant to New Jersey State Contract No. 19-FLEET-00973 (expiring October 31, 2024) reflecting revised amount not to exceed fifty-five thousand dollars and zero cents ($55,000.00); and,

BE IT FURTHER RESOLVED that maximum procurement value authorized by the foregoing Resolution may be increased by passage of a subsequent Resolution without the constitution of a "Change "Order" pursuant to the provisions of *N.J.A.C. 5:30-11.2* subject to the limitations and provisions of *N.J.A.C. 5:30-11.10.*

Approved: _____

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						
Councilman Mark David						
Councilman Joseph Finistrella						
Councilman Gerry Laudati						
Councilman Scott Pentz						
Councilman Fred Pugliese						
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on November 10, 2021.

Laura Reinertsen

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **NOVEMBER 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by:

WHEREAS, the Borough of Kenilworth has grants that are completed or expired; and

WHEREAS, the Borough of Kenilworth has determined that the grant receivable and reserve balances must be canceled;

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

1. That the Chief Financial Officer be and is hereby directed to take all necessary steps to cancel the following CDBG Grant Receivable and Reserve balances.

CDBG GRANT NAME		RECEIVABLE AMOUNT		RESERVE AMOUNT
HANDYMAN	$	1,494.75	$	1,494.75
YEAR 45:				
ADA CURBS AND RAMPS	$	1,000.00	$	1,000.00
SOCIAL SERVICES	$	7,659.85	$	7,659.85
ADA RESTROOM RENOVATIONS	$	1,705.30	$	1,705.30
YEAR 46:				
ADA DOOR UPGRADES	$	55.00	$	55.00
SOCIAL SERVICES	$	1,413.30	$	1,413.30
ADA CURBS AND RAMPS	$	800.00	$	800.00
Total	$	14,128.20	$	14,128.20

2. That the Chief Financial Officer be and is hereby directed to take all necessary steps to cancel the following Federal and State Grant Receivable and Reserve balances.

FEDERAL AND STATE GRANT FUND GRANT NAME		RECEIVABLE AMOUNT		RESERVE AMOUNT
UNION COUNTY KIDS RECREATION GRANT	$	30.75	$	-
UNION COUNTY INFRASTRUCTURE GRANT	$	11,562.44	$	105,347.71
UNION COUNTY HEART GRANT	$	3,000.00	$	3,050.00
UNION COUNTY FREEHOLDER INITIATIVE GRANT	$	23,400.00	$	23,400.00
GREENING UNION COUNTY GRANT	$	6,000.00	$	6,000.00
UNION COUNTY LEVELING THE PLAYING FIELD GRANT	$	-	$	570.00
NJ DOT GRANT	$	885,000.00	$	1,337,644.79
FEMA PUBLIC ASSISTANCE GRANT	$	18,116.00	$	18,116.00
MUNICIPAL ALLIANCE GRANT	$	78.05	$	78.05
FEDERAL BULLET PROOF VEST GRANT	$	2,682.30	$	2,682.30
DRUNK DRIVING ENFORCEMENT FUND GRANT	$	3,333.48	$	-
CARES ACT GRANT	$	13,512.49	$	13,512.49
DRIVE SOBER OR GET PULLED OVER GRANT	$	-	$	2,800.00
UNION COUNTY RECYCLING GRANT	$	-	$	3,000.00
NJCCN HEALTH KIDS INITIATIVE GRANT	$	-	$	2,443.06
HAZARD MITIGATION PROGRAM GRANT	$	-	$	7,516.00
TOTAL	$	966,715.51	$	1,526,160.40

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						
Councilman Mark David						
Councilman Joseph Finistrella						
Councilman Gerry Laudati						
Councilman Scott Pentz						
Councilman Fred Pugliese						
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on November 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 4 **KENILWORTH, N.J.** **NOVEMBER 10, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, the Borough of Kenilworth has Current Reserve Account Balances that are not needed;

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

1. That the Chief Financial Officer be and is hereby directed to take all necessary steps to cancel the following Current Reserve Account Balances and move them to Current Fund Surplus:

RESERVE ACCOUNT NAME		AMOUNT
Reserve for LOSAP Contribution	$	20,000.00
Reserve for Tax Maps	$	4,826.88
Reserve for Purchase of Video Equipment	$	2,304.79
Total	$	27,131.67

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						
Councilman Mark David						
Councilman Joseph Finistrella						
Councilman Gerry Laudati						
Councilman Scott Pentz						
Councilman Fred Pugliese						
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on November 10, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 KENILWORTH, N.J. NOVEMBER 10, 2021

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, the Administrator applied for and was awarded Union County CDBG grant monies for ADA Door Improvements for Borough facilities in the amount of $18,000.00 (non-matching); and

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 1st and Final Payment 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: ADA Door Improvements – Municipal, Recreation & Senior Building
CONTRACTOR: ADS, LLC
86 Porete Avenue, North Arlington, NJ 07031

TOTAL ORIGINALCONTRACT PRICE	$17,945.00
Change Order Amount	$0.00
Contract Sum to date:	$17,945.00
Total Completed and Stored to Date	$17,945.00
Less previous payment	$ 0.00
Amount Due	**$ 17,945.00**

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: T-06-56-850-006
Kenneth P. Blum

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						
Councilman Mark David						
Councilman Joseph Finistrella						
Councilman Gerry Laudati						
Councilman Scott Pentz						
Councilman Fred Pugliese						
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on November 10, 2021.

_____
Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

November 5, 2021

Ms. Laura Reinertsen, Clerk
Borough of Kenilworth
567 Boulevard
Kenilworth, NJ 07033

Re: ADA Door Improvements
Municipal Building, Recreation Building & Senior Building
Borough of Kenilworth, NJ

Dear Ms. Reinertsen:

Enclosed is Application for Payment No. 1 and final payment received from Automatic Door Systems, LLC for work completed on the above referenced project. Harbor Consultants, Inc. has reviewed this application and recommends that payment in the amount of **$17,945.00** be approved at the next Council meeting.

The status of the contract is as follows:

Contract amount:	$17,945.00
Change orders amount:	$ 0.00
Contract sum to date:	$17,945.00
Total completed and stored to date:	$17,945.00
Less previous payments:	$ 0.00
Amount due:	$17,945.00
Balance to finish including retainage:	$ 0.00

If you should have any questions, please give us a call.

Very truly yours,

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.

RESOLUTION

No. 6 KENILWORTH, N.J. November 10, 2021

Introduced by: David

Seconded by: Ceceri

BE IT HEREBY RESOLVED that the ordinance #2021-17 entitled:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSY, TO APPROPRIATE THE SUM OF $3,372, 500 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Was introduced and approved on first reading, at the regular meeting of the Borough Council on October 27, 2021 approved for final passage at the regular meeting of the Borough Council of November 10, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Laudati			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes _			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on November 10, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-17
BOND ORDINANCE

Purpose: The purpose of this ordinance is to provide financing for the capital budget plan

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $3,372,500 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Kenilworth, in the County of Union, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the various grants and the down payment appropriated, by this ordinance. In addition to the various grants hereinafter appropriated, it is anticipated that a grant from the Union County Kids Recreation Trust Grant Program shall be received by the Borough to finance the cost of the playground improvements authorized in Section 4.J hereof. Said anticipated Kids Recreation grant funds shall be applied as set forth in Section 14 hereof. Said

improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the various grants hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. (i) Replacement of pumps at the Lafayette Sanitary Sewer Pump Station, (ii) improvements to the fueling station at the Department of Public Works ("DPW") Yard and (iii) acquisition of new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, for the use of the DPW consisting of (a) mason dump trucks and (b) an enclosed trailer.

Appropriation and Estimated Cost	$ 220,000
Down Payment Appropriated	$ 15,000
Bonds and Notes Authorized	$ 205,000
Period of Usefulness	5 years

B. Acquisition of new additional or replacement equipment and machinery for the use of the Police Department consisting of (i) emergency lighting and other equipment for SUVs and (ii) a fingerprint machine.

Appropriation and Estimated Cost	$ 35,000
Down Payment Appropriated	$ 5,000
Bonds and Notes Authorized	$ 30,000
Period of Usefulness	5 years

C. Acquisition of new information technology equipment consisting of computer equipment for the use of various Borough departments, offices and agencies.

Appropriation and Estimated Cost	$ 25,000
Down Payment Appropriated	$ 5,000
Bonds and Notes Authorized	$ 20,000
Period of Usefulness	5 years

D. Acquisition of new communication and signal systems equipment consisting of a new Emergency Services Radio Communication System.

Appropriation and Estimated Cost	$ 825,000
Down Payment Appropriated	$ 45,000
Bonds and Notes Authorized	$ 780,000
Period of Usefulness	10 years

E. Acquisition of new additional or replacement equipment and machinery for the use of the Fire Department consisting of (i) turnout gear, (ii) self-contained breathing apparatus equipment and (iii) various firefighting tools and other equipment.

Appropriation and Estimated Cost	$ 50,000
Down Payment Appropriated	$ 5,000
Bonds and Notes Authorized	$ 45,000
Period of Usefulness	5 years

F. Undertaking of sidewalk improvements at various locations.

Appropriation and Estimated Cost	$ 245,000
Down Payment Appropriated	$ 14,000
Bonds and Notes Authorized	$ 231,000
Period of Usefulness	10 years

G. Undertaking of various improvements to public buildings and property. It is hereby determined and stated that the public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	$ 307,500
Down Payment Appropriated	$ 19,500
Bonds and Notes Authorized	$ 288,000
Period of Usefulness	15 years

H. Undertaking of the following sewer improvements: (i) sanitary and storm sewer system improvements at various locations and (ii) sanitary sewer system evaluation for future system improvements.

Appropriation and Estimated Cost	$ 205,000
Down Payment Appropriated	$ 11,000
Bonds and Notes Authorized	$ 194,000
Period of Usefulness	40 years

I. Implementation of a digitized records management system.

Appropriation and Estimated Cost	$ 110,000
County Grant Appropriated	$ 55,000
Down Payment Appropriated	$ 5,000
Bonds and Notes Authorized	$ 50,000
Period of Usefulness	5 years

J. Undertaking of various improvements to the 9th Avenue and Louis Wood Playgrounds.

Appropriation and Estimated Cost	$ 160,000
Down Payment Appropriated	$ 8,000
Bonds and Notes Authorized	$ 152,000
Period of Usefulness	15 years

K. Undertaking of various improvements to parks, fields and other recreation facilities.

Appropriation and Estimated Cost	$ 625,000
Down Payment Appropriated	$ 33,000
Bonds and Notes Authorized	$ 592,000
Period of Usefulness	15 years

L. Undertaking of the 2021 Capital Road Improvement Program (including roadway reconstruction and resurfacing, and the undertaking of the following, where necessary: repair of the storm drainage system, construction or reconstruction of curbs, sidewalks and driveway aprons and the making of landscaping improvements), as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	$ 565,000
State Grant Appropriated	$ 415,000

Down Payment Appropriated	$ 8,000
Bonds and Notes Authorized	$ 142,000
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	$3,372,500
Aggregate Grants Appropriated	$ 470,000
Aggregate Down Payment Appropriated	$ 173,500
Aggregate Amount of Bonds and Notes Authorized	$2,729,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of $505,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The sum of $55,000 received or to be received as a grant from the Union County Infrastructure and Municipal Aid Grant Program is hereby appropriated to the payment of the cost of the implementation of a records management system authorized in Section 4.I hereof.

Section 7. The sum of $415,000 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of the road improvements authorized in Section 4.L hereof.

Section 8. It is hereby determined and stated that moneys exceeding $173,500, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of $173,500 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 9. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding $2,729,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to

said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 10. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding $2,729,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 11. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 12. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 13.38 years computed from the date of said bonds.

Section 13. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been

duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by $2,729,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 14. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the various grants hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 15. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 16. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 17. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and

capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 18. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI			✓			
X		X				MARK DAVID			✓			
					X	JOSEPH FINISTRELLA			✓			
		X				GERRY LAUDATI			✓			
		X				SCOTT PENTZ		✓	✓			
					X	FRED PUGLIESE	✓		✓			
						MAYOR KARLOVITCH						

Introduced:
October 27, 2021

Final Adoption:
November 10, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 7 **KENILWORTH, N.J.** **NOVEMBER 10, 2021**

Introduced by: Mark Daveed

Seconded by: Kay Cecere

RESOLUTION DESIGNATING KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC AS REDEVELOPER OF THE PROPERTY KNOWN AS LOT 9, BLOCK 183 IN THE BOROUGH OF KENILWORTH AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

WHEREAS, the governing body of the Borough of Kenilworth (the "Borough Council") is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, **the Borough Council directed the Borough planning board (the "Planning Board") to investigate whether a certain property within the Borough identified in the official tax maps of the Borough as Block 183, Lot 9 and identified in the Borough tax records as 25 North 26th Street (the "Redevelopment Area") constituted an "area in need of redevelopment" as defined in the Redevelopment Law; and**

WHEREAS, upon the Planning Board's recommendation, on February 10, 2021, the Borough Council, adopted a resolution pursuant to and in accordance with the requirements of the Redevelopment Law, designating the Redevelopment Area as an area in need of redevelopment; and

WHEREAS, **the Borough Council on June 9, 2021, adopted Ordinance No. 2011-07 approving and adopting a redevelopment plan for the Redevelopment Area titled "25 North 26th Street Redevelopment Plan" (the "Redevelopment Plan" in accordance with the Redevelopment Law); and**

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Borough is acting as the "redevelopment entity" (as such term is defined at N.J.S.A. 40A:12A-3 of the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, Kenilworth Redevelopers Urban Renewal, LLC is the contract purchaser of the Redevelopment Area; and

WHEREAS, Kenilworth Redevelopers Urban Renewal, LLC has requested that the Borough Council, as the redevelopment entity, enter into a Redevelopment Agreement with Kenilworth Redevelopers Urban Renewal, LLC providing for the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan; and

REDEVELOPMENT AGREEMENT

By and Between

THE BOROUGH OF KENILWORTH

As Redevelopment Entity

and

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

as Redeveloper

Dated: _____, 2021

WHEREAS, the Redeveloper proposes to acquire the Property, and to develop, finance, construct and implement on the Property a four-story, inclusionary multi-family building containing a total of 165 units, 25 of which will be units affordable to very-low, low- and moderate-income households, garage and surface parking spaces, as well as certain other on-site and off-site improvements as more specifically set forth in the MOU, (the "**Project**"); and

WHEREAS, the Borough has determined that the Redeveloper possesses the proper qualifications and experience to implement and complete the Project in accordance with the MOU, Redevelopment Plan, and all other applicable laws, ordinances and regulations; and

WHEREAS, in order to effectuate the MOU, the Redevelopment Plan, the Project and the redevelopment of the Redevelopment Area, the Council has determined to enter into this Redevelopment Agreement with the Redeveloper, which Redevelopment Agreement designates Redeveloper as the "redeveloper" of the Project as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Parties with respect to the Project; and

WHEREAS, the Borough and Redeveloper may, each in its sole discretion, negotiate a long-term tax exemption in accordance with the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.*, and may enter into a Financial Agreement that will set forth the terms and conditions of that long-term property tax exemption.

NOW THEREFORE, in consideration of the promises and mutual covenants herein contained, the Parties hereto do hereby covenant and agree, each with the other, as follows:

ARTICLE 1
DEFINITIONS

1.1 Definitions. As used in this Redevelopment Agreement the following terms shall have the meanings ascribed to such terms below. Terms listed below in the singular form shall include the plural and words listed in the plural shall include the singular. Whenever the context may require, any pronoun that is used in this Redevelopment Agreement shall include the corresponding masculine, feminine and neuter. All references to Sections, Articles or Exhibits shall refer to Sections, Articles or Exhibits in this Redevelopment Agreement unless otherwise specified.

(a) The following terms shall have the meanings ascribed to them in the Recitals to this Redevelopment Agreement:

Agreement
Borough
Council
Parties
Party
Planning Board
Project
Property
Redeveloper
Redevelopment Agreement
Redevelopment Area
Redevelopment Law
Redevelopment Plan

"**Commencement**," "**Commence Construction**," "**Commencement of Construction**," or "**Commencement Date**" means the undertaking of any actual physical construction of any portion of the Project, including demolition, site preparation, environmental remediation, construction of Improvements or construction or upgrading of infrastructure.

"**Completion**," "**Completion of Construction**," "**Complete Construction**," or "**Completion Date**" means the completion of construction of the Project, in accordance with the Redevelopment Plan, this Redevelopment Agreement, and Governmental Approvals, sufficient for issuance of a Certificate of Occupancy and subject only to installation of landscaping, if the delay in completion thereof is necessitated by seasonal concerns.

"Completion Notice" means written notification to the Borough of Completion of Construction of the Project and request by Redeveloper for the issuance by the Borough of a Certificate of Completion for the Project.

"**Control**" (including the correlative meanings of the terms "controlled by" and "under common control with"), as used with respect to the Redeveloper, the power, directly or indirectly, to direct or cause the direction of the management policies of the Redeveloper, whether through the ownership of an interest in the Redeveloper, or by contract or otherwise, however, transfers of ownership interests among Existing Disclosed Members shall not be deemed a change in control of the Redeveloper for purposes of a transfer.

"**County**" means Union County, New Jersey.

"**Declaration of Covenants and Restrictions**" or "**Declaration**" means a written instrument to be executed by the Redeveloper and recorded in the Union County Clerk's Office, substantially in the form annexed hereto as *Exhibit C*, intended to encumber the Property and to run with the land until a Certificate of Completion has been issued for the Project, except as otherwise expressly provided therein, setting forth certain statutory and contractual undertakings of and restrictions applicable to the Redeveloper and its successors and assigns in connection with the ownership, redevelopment or rehabilitation of the Project.

"**Effective Date**" means the date this Redevelopment Agreement is executed by both the Borough and the Redeveloper.

"**Environmental Laws**" means all federal, State, regional, and local laws, statutes, ordinances, regulations, rules, codes, consent decrees, judicial or administrative orders or decrees, directives or judgments relating to pollution, damage to or protection of the environment, environmental conditions, or the use, handling, processing, distribution, generation, treatment, storage, disposal, manufacture or transport of Hazardous Materials, presently in effect or hereafter amended, modified, or adopted including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act ("**CERCLA**") (42 U.S.C. §§ 9601- 9675); the Resource Conservation and Recovery Act of 1976 ("**RCRA**") (42 U.S.C. § 6901 *et seq.*); the Clean Water Act (33 U.S.C. § 1251 *et seq.*); the Hazardous Material Transportation Act, as amended, (49 U.S.C. § 180, *et seq.*); the New Jersey Spill Compensation and Control Act (the "**Spill Act**") (*N.J.S.A.* 58:10-23.11 *et seq.*); the Industrial Site Recovery Act, as amended ("**ISRA**") (*N.J.S.A.* 13:lK-6 *et seq.*); the New Jersey Underground Storage of Hazardous Substances Act (*N.J.S.A.* 58:10A-21 *et seq.*), the New

agencies; sewerage capacity approvals, utilities-related permits and any and all other necessary governmental permits, licenses, consents and approvals.

"**Hazardous Materials**" shall mean any substance which is or contains (i) any "hazardous substance" as now or hereafter defined in §101(14) of CERCLA or any regulations promulgated under CERCLA; (ii) any "hazardous waste" as now or hereafter defined in the RCRA or regulations promulgated under RCRA; (iii) any substance regulated by ISRA or any regulations promulgated under ISRA, the Spill Act, or any regulations promulgated under the Spill Act, the SWMA, or any regulations promulgated under the SWMA; (iv) any substance regulated by the Toxic Substances Control Act (15 U.S.C. §2601, *et seq.*); (v) gasoline, diesel fuel, or other petroleum hydrocarbons; (vi) asbestos and asbestos containing materials, in any form, whether friable or non-friable; (vii) polychlorinated biphenyls; (viii) radon gas; and (ix) any additional substances or materials which are now or hereafter classified or considered to be hazardous or toxic under any Environmental Law, ordinance, rule or regulation, now or hereinafter enacted, or the common law, or any other Applicable Laws relating to the Property.

"Institution" shall mean any savings and loan association, savings bank, commercial bank or trust company (whether acting individually or in any fiduciary capacity), an insurance company, a real estate investment trust, an educational institution or a state, municipal or similar public employee's welfare, pension or retirement system.

"**Improvements**" shall mean all improvements constructed as part of the Project.

Memorandum of Understanding is defined in the Recitals to this Redevelopment Agreement and annexed hereto as *Exhibit A*.

"**MLUL**" means the Municipal Land Use Law, *N.J.S.A.* 40:55D-1 *et seq.*, as amended from time to time.

"**Mortgage**" means any security interest, evidenced by a written instrument, encumbering the Project, the Property, or any portion thereof, or interest therein, that secures the performance of obligations or the payment of debt, including, without limitation, any grant of, pledge of, or security interest in, any collateral, or any grant, directly or indirectly, of any deed of trust, mortgage or similar instrument or any other security whatsoever.

"**Mortgagee**" shall mean the holder of any Mortgage, including a mezzanine lender, and any Affiliate(s) of such holder, including entities affiliated with such holder that own or exercise control over real property.

"**NJDEP**" means the New Jersey Department of Environmental Protection, and any successors in interest.

"**Notice**" is defined in Section 6.8.

"**Permitted Transfers**" is defined in Section 3.5(b).

ARTICLE 2
REPRESENTATIONS AND WARRANTIES

2.1 Designation as Redeveloper. The Borough hereby designates and appoints the Redeveloper as redeveloper of the Project on the Property in accordance with the Redevelopment Law and execution of this Redevelopment Agreement. For so long as this Redevelopment Agreement and the designation hereunder remain in effect, the Redeveloper shall have the exclusive right to redevelop the Property in accordance with the Redevelopment Plan, the Governmental Approvals, the Redevelopment Law and all other Applicable Laws, and the terms and conditions of this Redevelopment Agreement.

2.2 Representations and Warranties of the Borough. The Borough hereby makes the following representations and warranties:

(a) The Property has been duly investigated and designated as an area in need of redevelopment in compliance with the Redevelopment Law and all Applicable Laws and is currently in full force and effect;

(b) The Redevelopment Plan has been duly adopted in compliance with the Redevelopment Law and all Applicable Laws and is currently in full force and effect;

(c) The Borough is a municipal corporation, duly organized and existing under the laws of the State, and as such, has the legal power, right and authority pursuant to the Redevelopment Law to enter into this Redevelopment Agreement and the instruments and documents referenced herein to which the Borough is a party, to consummate the transactions contemplated hereby, to take any steps or actions contemplated hereby, and to perform its obligations hereunder;

(d) The Borough has authorized the execution of this Redevelopment Agreement by resolution, and has duly executed this Redevelopment Agreement;

(e) To the best of the Borough's knowledge, there are no writs, injunctions, orders or decrees of any court or governmental body that would be violated by the Borough entering into or performing its obligations under this Redevelopment Agreement;

(f) This Redevelopment Agreement has been duly executed by the Borough, and is valid and legally binding upon the Borough and enforceable in accordance with its terms on the basis of laws presently in effect and the execution and delivery thereof shall not, with due effect and the execution and delivery thereof shall not, with due notice or the passage of time, constitute a default under or violate the terms of any indenture, agreement or other instrument to which the Borough is a party;

(g) The Borough represents that, to the best of its knowledge and belief, there is no action, proceeding or investigation now pending, known or believed to exist which questions the

Agreement;

(i) The Redeveloper's execution and delivery of this Redevelopment Agreement and its performance hereunder will not constitute a violation of any agreement, mortgage, indenture, instrument or judgment, to which the Redeveloper is a party;

(j) All information and statements included in any information submitted to the Borough and its agents, including but not limited to, Inglesino, Webster, Wyciskala & Taylor, LLC, are true and correct in all respects. The Redeveloper acknowledges that the facts and representations contained in the information submitted by the Redeveloper are a material factor in the decision of the Borough to enter into this Redevelopment Agreement; and

(k) To the best of the Redeveloper's knowledge and belief after diligent inquiry, the Redeveloper is not delinquent with respect to any taxes, payments in lieu of tax, service charge, or similar obligations owed to the Borough for any property situated in the Borough.

ARTICLE 3
COVENANTS AND RESTRICTIONS

3.1 Covenants and Restrictions. The Borough shall record the Declaration of Covenants and Restrictions with the Union County Clerk's Office promptly upon the later of the Effective Date or the acquisition of the Property by Redeveloper, at the cost and expense of the Redeveloper.

3.2 Description of Covenants. The following covenants and restrictions are imposed upon the Redeveloper, its successors and assigns, and are intended to run with the land until a Certificate of Completion has been issued for the Project, except as otherwise provided. They shall be recorded substantially in the form of a Declaration of Covenants and Restrictions annexed hereto as *Exhibit C*.

(a) The Redeveloper shall construct the Project on the Property in accordance with, and subject to the terms of, the MOU, the Redevelopment Plan, this Redevelopment Agreement, and all Applicable Laws and Governmental Approvals;

(b) Except for Permitted Transfers, which shall not require written consent of the Borough, and subject to the terms of Section 3.5(a) hereof, prior to the issuance of a Certificate of Completion for the Project, the Redeveloper shall not effect a Transfer, as that term is defined herein, without the written consent of the Borough, which shall not be unreasonably withheld, conditioned or delayed;

(c) In connection with its use or occupancy of the Project, the Redeveloper shall not effect or execute any covenant, agreement, lease, conveyance or other instrument whereby the Property is restricted upon the basis of age, race, color, creed, religion, ancestry, national origin, sexual orientation, sex or familial status, and the Redeveloper, its successors and assigns, shall comply with all Applicable Laws prohibiting discrimination or segregation by reason of age, race, color, creed, religion, ancestry, national origin, sexual orientation, sex or familial status;

or is an owner of any land or interest therein to or in favor of which such agreements and covenants relate.

3.5 Prohibition Against Transfers of Interests in Redeveloper. (a) The Redeveloper recognizes the importance of this redevelopment Project to the general welfare of the community and that the identity of the Redeveloper and its qualifications are critical to the Borough in entering into this Redevelopment Agreement. The Borough considers that a change in Control in Redeveloper or a transfer of ten percent (10%) or more of the ownership interest in the Redeveloper to a third party, is for practical purposes a Transfer or disposition of the Project. The Redeveloper recognizes that it is because of such qualifications and identity that the Borough is entering into this Redevelopment Agreement with the Redeveloper, and, in so doing, the Borough is relying on the obligations of the Redeveloper and not some other Person for the faithful performance of all undertakings and covenants to be performed by the Redeveloper hereunder.

As a result, except for Permitted Transfers, prior to Completion of the Project, as evidenced by the issuance of a Certificate of Completion, and without the prior written approval of the Borough, which shall not be unreasonably withheld, conditioned or delayed, the Redeveloper agrees for itself and all successors in interest that there shall be no change in Control of the Redeveloper, nor shall there be any transfer of 10% or more of the ownership interest in the Redeveloper to a third party. Nothing herein shall prohibit or prevent transfers of ownership interests among Existing Disclosed Members of the Redeveloper.

(b) Consent to Permitted Transfers. The Borough hereby consents, without the necessity of further approvals, to the following Transfers (each, a "**Permitted Transfer**"):

(i) a Mortgage or related security granted by the Redeveloper to a Mortgagee for the purpose of obtaining the financing necessary to enable the Redeveloper to perform its obligations under this Agreement, including any Mortgage or Mortgages and other liens and encumbrances granted by the Redeveloper to a Mortgagee for the purpose of financing costs associated with the acquisition, development, construction, or marketing of the Project and not any transaction or project unrelated to the Project; provided, however, that the Redeveloper shall give the Borough at least thirty (30) days prior written notice of such Permitted Transfer, including a description of the nature of such Transfer, and the name(s) and address(es) of the Mortgagee;

(ii) transfers of easements or dedications of portions of interests in the Property as may be required for utilities for the Project or otherwise as conditions of Governmental Approvals, including but not limited to any sanitary sewer easement required by the Planning Board Approvals;

(iii) environmental covenants and restrictions imposed by a regulatory agency as a condition of any permit or approval; and

(c) Approval of Transfer. Except for Permitted Transfers, with respect to any Transfer that requires the Borough's consent pursuant to the terms of this Section 3.5, the Borough shall not unreasonably withhold, condition or delay its consent to such Transfer to a Transferee that has the same or greater experience and technical capability to carry out the Project as Redeveloper, and has the same or greater wherewithal to obtain financing for the Project as Redeveloper. The Borough shall

(iii) Redeveloper shall Complete Construction of the Project on or before twenty four (24) months after the Commencement of Construction.

(b) If, subject to the provisions of this Agreement, the Redeveloper fails, or determines that it will fail, to meet any relevant date for the completion of a task set forth in the Project timeline set forth above, for any reason, the Redeveloper shall promptly provide written notice to the Borough stating: (i) the reason for the failure or anticipated failure, (ii) the Redeveloper's proposed method for correcting such failure, (iii) the Redeveloper's proposal for revising the timeline and (iv) the method or methods by which the Redeveloper proposes to achieve subsequent tasks by the relevant dates set forth in the revised Project timeline. Redeveloper's proposed revisions to the Project timeline shall be subject to the Borough's approval, which shall not be unreasonably withheld, conditioned or delayed.

(c) In the event that Redeveloper does not obtain all necessary Governmental Approvals in accordance with the above Project Timeline, or if Redeveloper determines that the Governmental Approvals cannot be obtained in accordance with the above Project Timeline, then Redeveloper shall have the right to terminate this Agreement upon written notice to the Borough. No Governmental Approval shall be deemed to have been obtained (i) until the Appeal Period relating thereto has expired and no appeal has been taken, or (ii) if an appeal is filed within the applicable Appeal Period, until such appeal shall have been finally resolved in a manner sustaining the challenged Governmental Approval.

(d) If the Redeveloper fails to receive a construction loan for the construction of the Project with terms acceptable to the Redeveloper in its sole discretion, then the Redeveloper shall have the right to terminate this Redevelopment Agreement upon written Notice to the Borough. If this Redevelopment Agreement is terminated pursuant to the terms of this Section 4.1(d), then, except as expressly set forth herein to the contrary, this Redevelopment Agreement shall be of no further force and effect and the Parties hereto shall have no further rights, liabilities and/or obligations hereunder.

4.2 Construction of the Project.

(a) Construction Hours. Construction practices and hours shall be in accordance with Borough Ordinances, which are available at the Borough Building Department or through the Borough Clerk.

(b) Maintenance. The Property will be cleaned on a regular basis by Redeveloper; provided, however, that Redeveloper agrees to clean up the Property within twenty-four (24) hours of a specific, reasonable request by the Borough that Redeveloper do so or the close of the following Business Day, whichever is later. Should Redeveloper fail to comply with this obligation, the Borough will undertake street cleaning and charge Redeveloper for the costs of same. The Redeveloper shall repair, at Redeveloper's cost, any damage to the streets or sidewalks caused by Redeveloper during the construction of the Project.

(c) Pedestrian Access and Safety. The Borough acknowledges that for safety reasons, the sidewalks adjacent to the Property may need to be closed from time to time during construction of the Project. Notwithstanding the foregoing, the Redeveloper will provide appropriate signage and crosswalks to ensure the continued flow of pedestrian traffic. The Redeveloper shall supply

of Completion, the Declaration of Covenants and Restrictions for the Project shall be released to the extent set forth herein.

4.4 Project Costs, Financing and Performance and Maintenance Guarantees.

(a) The Redeveloper agrees that the costs and financing for the Project are the sole responsibility of the Redeveloper, pursuant to and as set forth in this Redevelopment Agreement, Financial Agreement and any other agreements between the Parties. The Borough shall not be responsible for any cost whatsoever in respect to same.

(b) The Redeveloper shall be solely responsible for a traffic study acceptable to the Borough Engineer and solely responsible for the cost and implementation of any off-site traffic improvements determined to be necessary, if any, to provide acceptable levels of service for the development. The Traffic study shall take into consideration the surrounding development projects which have been approved and/or are under consideration.

(c) The Redeveloper shall be solely responsible for any new electric, telephone, television, cable, gas, and other utility service lines needed to service the buildings and such lines shall be installed underground, to the extent such underground service is commercially reasonable, available, and permitted by the applicable utilities companies, and in all events shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.

(d) The Redeveloper shall be responsible for the mapping, design, permitting and construction of the potential relocation of an existing storm sewer which may bisect the Property. The Borough shall cooperate with the Redeveloper and agree to realign the Borough easement along the relocated route of the storm sewer subject to the Borough Engineer's review and approval.

(e) The Redeveloper shall be responsible for the construction of all on-site and off-site improvements determined to be required by the engineering studies and investigations, subject to review and approval by the Board Engineer. The Redeveloper shall identify any existing Borough owned utility lines which are located on the Property and, if determined to be necessary by the Borough Engineer, reconstruct and/or realign any existing Borough owned utility lines at the Redeveloper's sole cost to the satisfaction of the Borough Engineer. Any existing or proposed utility lines that are owned or maintained by the Borough shall be provided with a utility easement to be dedicated to the Borough.

(f) Redeveloper shall post performance and maintenance guarantees and review escrows in accordance with the provisions of N.J.S.A. 40:55D-53 *et seq.* of the MLUL and all Applicable Laws (collectively, the "Bond"), in the following manner:

(i) Prior to the Commencement of Construction, a performance bond or irrevocable letter of credit (or such other form of guarantee allowed in accordance with the MLUL) for those Improvements for which a performance guarantee may be required pursuant to the MLUL and as may be required pursuant to the approved site plan and Planning Board resolution, in an amount to be determined by the Borough Engineer pursuant to the MLUL.

4.7 Affordable Housing Requirements. As per the MOU that is attached hereto as *Exhibit A*, and the Redevelopment Plan that is attached hereto as *Exhibit B*, the Redeveloper agrees to develop, construct, or otherwise build the Project on the Property in accordance with the Fair Housing Act ("FHA"), applicable Council on Affordable Housing ("COAH") Round Two Substantive Affordable Housing Regulations (N.J.A.C. 5:93-1.1, et seq.) and Uniform Housing Affordability Controls ("UHAC") regulations (N.J.A.C. 5:80-26.1, et seq.) as follows:

(a) Affordable Housing Set-Aside: The Redeveloper shall have the obligation to deed restrict fifteen percent (15%) of the residential units in the inclusionary development as very low-, low- and moderate-income affordable family rental units, which will be a total of twenty-five (25) affordable units.

(b) Deed Restriction: The Redeveloper shall execute and record a Deed Restriction for the affordable units before the first Certificate of Occupancy is issued for the inclusionary development. The Deed Restriction will be recorded in the Union County Clerk's office.

(c) Deed Restriction Period: The Redeveloper shall have an obligation to deed restrict the affordable family rental units in the inclusionary development as very low, low or moderate income affordable family rental units for a period of at least thirty (30) years from the date of the initial occupancy of each affordable unit (the "Deed-Restriction Period") until the Borough of Kenilworth takes action to either extend or release the controls on affordability, so that the Borough may count each affordable unit against its obligation to provide affordable family rental housing. The Borough and the Redeveloper agree that the affordability controls shall not expire until such time at least thirty (30) years from the date of initial occupancy, that the Borough takes action to either extend or release the controls on affordability, and if the Borough chooses to release the affordability controls, said controls shall continue in effect until the date on which the individual affordable rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80 percent of the applicable median income. See N.J.A.C. 5:80-26.11(b). If, at any time after the release of the affordability controls by the Borough, a rental household's income is found to exceed 80 percent of the regional median income, the rental rate restriction shall expire and the later of either the next scheduled lease renewal or sixty (60) days. The term family rental in this Redevelopment Agreement means rental units that are not age restricted.

(d) Income Distribution Requirements: Thirteen percent (13%), or four (4) of the total number of the affordable rental units must be very low-income units, thirty-seven percent (37%), or nine (9) units must be low-income units, and the remaining fifty percent (50%), or twelve (12) units, must be moderate-income units.

(e) Bedroom Mix: Pursuant to N.J.A.C. 5:80-26.3(b), (1) the number of efficiency and one-bedroom units can be no greater than 20 percent of the total very-low, low- and moderate-income units, (2) at least 30 percent of all of the very-low, low- and moderate-income shall be two-bedroom units, and (3) at least 20 percent of all of the very-low, low- and moderate-income units shall be three-bedroom units. The bedroom distribution of the affordable rental units in the Project shall be as follows:

i. One-bedrooms: Five (5) units.
ii. Two-bedrooms: Fifteen (15) units.

ARTICLE 5
EVENTS OF DEFAULT; TERMINATION

5.1 Events of Default. Any one or more of the following shall constitute an "**Event of Default**" hereunder, subject to Force Majeure Event extension and tolling as provided elsewhere in this Redevelopment Agreement:

(a) If at any time the Redeveloper shall: (i) generally not pay its debts as such debts become due, within the meaning of such phrase under Title 11 of the United States Code (or any successor to such statute), or admit in writing that it is unable to pay its debts as such debts become due; or (ii) make an assignment for the benefit of creditors; or (iii) file a voluntary petition under Title 11 of the United States Code, as the same may be amended, or any successor to such statute; or (iv) file any petition or answer seeking, consenting to or acquiescing in any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future federal bankruptcy code or any other present or future applicable federal or State or other statute or law; or (v) seek or consent to or acquiesce in the appointment of any custodian, trustee, receiver, sequestrator, liquidator or other similar official of the Redeveloper or of all or any substantial part of its property or of the Project or any interest of the Redeveloper therein; or (vi) take any corporate action in furtherance of any action described in this subsection or (vii) if at any time any proceeding against the Redeveloper seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future applicable federal or state or other statute or law shall not be dismissed within ninety (90) days after the commencement thereof, or if, within ninety (90) days after the appointment without the consent of the Redeveloper of any custodian, trustee, receiver, sequestrator, liquidator or any other similar official of the Redeveloper, or of all or any substantial part of its properties or of the Project or any interest of the Redeveloper therein, such appointment shall not have been vacated or stayed on appeal or otherwise, or if any such appointment shall not have been vacated within forty-five (45) days after the expiration of any such stay.

(b) The Redeveloper's failure to pay or delinquency in the payment of real property taxes, payments in lieu of taxes, if applicable, or assessments, which failure or delinquency is not cured within thirty (30) days after Notice by the Borough. No Notice by the Borough shall be required. Redeveloper's failure to make any other payment due to the Borough hereunder, which is not cured within thirty (30) days after Notice by the Borough.

(c) Cancellation or termination by reason of any act or omission of the Redeveloper of any insurance policy, performance or completion bond, letter of credit, guaranty or other surety required hereunder to be provided by the Redeveloper for the benefit of the Borough, which failure or delinquency is not cured within thirty (30) days after Notice by the Borough.

(d) Any Transfer (except for Permitted Transfers), without the written approval of the Borough.

(e) If the Redeveloper fails to Commence Construction within the time frame specified in this Redevelopment Agreement (as same may be modified pursuant to the terms hereof and subject to Force Majeure Events).

(f) Subject to Force Majeure Events, if the Redeveloper abandons the Project or

5.4 Force Majeure Extension. For the purposes of this Redevelopment Agreement, neither the Borough nor the Redeveloper shall be considered in breach or in default with respect to its obligations hereunder because of a delay in performance arising from a Force Majeure Event. It is the purpose and intent of this provision that in the event of the occurrence of any such delay, the time or times for performance of the obligations of the Borough or the Redeveloper shall be extended for the period of the delay; provided, however, that such delay is actually caused by or results from the Force Majeure Event. The time for completion of any specified obligation hereunder shall be tolled for a period of time up to but not exceeding the period of delay resulting from the occurrence of a Force Majeure Event. During any Force Majeure Event that affects only a portion of a Project, the Redeveloper shall, to the maximum extent feasible, continue to perform its obligations for the balance of the Project unaffected by the Force Majeure Event. The existence or occurrence of a Force Majeure Event shall not prevent the Borough or the Redeveloper from declaring a default or the occurrence of an Event of Default by the other Party if the event that is the basis of the Event of Default is not a result of the Force Majeure Event. To invoke the tolling provisions hereunder, the party invoking the provisions hereof must give written Notice to the other party of the occurrence of a Force Majeure as soon as practicable but in no event more than ten (10) Business Days (or such longer period as is reasonably necessary) after the occurrence thereof.

5.5 No Waiver. Except as otherwise expressly provided in this Redevelopment Agreement, any failure or delay by either Party hereunder in asserting any of its rights or remedies as to any default by the other Party, shall not operate as a waiver of such default, or of any such rights or remedies, or to deprive the Borough or the Redeveloper, as the case may be, of its right to institute and maintain any actions or proceedings in accordance with this Redevelopment Agreement, which it may deem necessary to protect, assert or enforce any such rights or remedies.

5.6 Remedies Cumulative. No remedy conferred by any of the provisions of this Redevelopment Agreement is intended to be exclusive of any other remedy and each and every remedy shall be cumulative and shall be in addition to every other remedy given hereunder.

5.7 Termination Rights Related to Litigation. If third-party litigation is commenced challenging the validity of (i) the designation of the Redevelopment Area, (ii) the Redevelopment Plan, or (iii) execution of this Redevelopment Agreement by the Borough, the commencement of such litigation shall be a Force Majeure Event effective as of the date of the filing of the summons and complaint if the Redeveloper invokes the Force Majeure provisions this Redevelopment Agreement; provided, however, that (a) the Redeveloper may terminate this Agreement pursuant to Section 4.1(c) hereof; and (b) if such litigation is finally determined in favor of the plaintiff with no further opportunity for appeal, then either Party may terminate this Redevelopment Agreement by written Notice to the other. Upon such termination, except as expressly provided herein, this Agreement shall be of no further force and effect and neither Party hereto shall have any rights, liabilities and/or obligations hereunder. Notwithstanding the foregoing, Redeveloper shall be, and shall remain, fully responsible for payment of any Borough Costs incurred up until the time of termination.

ARTICLE 6
MISCELLANEOUS

operation, or maintenance of the Project; provided, however, that no indemnification shall be required pursuant to this Section 6.7 in the event that the indemnification otherwise due pursuant to this Section 6.7 is attributable to the gross negligence or willful misconduct of the Borough, its governing body, or any agency of the Borough or any of their respective officers, employees, agents, attorneys, consultants, representatives and employees. This Section shall survive termination of this Redevelopment Agreement.

6.9 Notices. A notice, demand or other communication required to be given under this Redevelopment Agreement by any Party to the other (a "**Notice**") shall be in writing and shall be sufficiently given or delivered if dispatched by United States Registered or Certified Mail, postage prepaid and return receipt requested, or delivered by overnight courier or delivered personally (with receipt acknowledged), or by facsimile transmission (with a hard copy and a transmission confirmation sent by a recognized overnight national carrier service for next business day delivery) to the Parties at their respective addresses set forth herein, or at such other address or addresses with respect to the Parties or their counsel as any Party may, from time to time, designate in writing and forward to the others as provided in this Section.

As to the Borough:

Borough of Kenilworth
567 Boulevard
Kenilworth, New Jersey 07033
ATTN: Mayor Linda Karlovitch

With a copy to:

Borough of Kenilworth
567 Boulevard
Kenilworth, New Jersey 07033
ATTN: Laura Reinertsen, RMC, CMR, AHP

And to:

Elnardo J. Webster, II, Esq.
Inglesino, Webster, Wyciskala & Taylor, LLC
600 Parsippany Road, Suite 204
Parsippany, New Jersey 07054
(Redevelopment Attorney)

As to the Redeveloper:

Kenilworth Redevelopers Urban Renewal, LLC
c/o Porzio Bromberg & Newman
100 Southgate Parkway, P.O. Box 1997
Morristown, New Jersey 07962

With a copy to:

reasonably requested. No more than three (3) Estoppel Certificates per year may be requested by each Party.

ARTICLE 7
FINANCING

7.1 Mortgage Financing.

(a) During the term of this Agreement, the Redeveloper shall not engage in any financing or any other transaction creating any Mortgage on the Project other than with respect to the cost of acquiring the Property and developing the Project (including designing, permitting and constructing the Project).

(b) In the event that the Redeveloper is unable to obtain financing for the Project, on terms and conditions acceptable to the Redeveloper in its sole discretion, or if the Redeveloper determines that financing for the Project cannot be obtained on terms and conditions acceptable to the Redeveloper in its sole discretion, the Redeveloper shall have the right to terminate this Redevelopment Agreement upon written Notice to the Borough.

(c) If this Redevelopment Agreement is terminated pursuant to the terms of this Section 7.1, then, except as expressly set forth herein to the contrary and upon full payment of all Borough Costs accruing until the date of such termination, this Redevelopment Agreement (including, without limitation, all the covenants contained herein) shall be of no further force and effect and the Parties hereto shall have no further rights, liabilities and/or obligations hereunder.

(d) If the Mortgagee reasonably requires any change(s) or modification(s) to the terms of this Redevelopment Agreement, the Borough shall reasonably cooperate with the Mortgagee and the Redeveloper in reviewing such proposed change(s) or modification(s) and shall consider them in good faith; provided, however, that any such proposed change or modification shall not materially and adversely alter or modify the rights and obligations of the Redeveloper or the Borough, as provided in this Redevelopment Agreement.

(e) To the extent reasonably requested by the Redeveloper, the Borough shall execute such other agreements and/or documents (to the extent same are in form and content reasonably acceptable to the Borough) as may be requested or required by any Mortgagee (or any equity participant of the Redeveloper); provided, however, that any such agreement or document shall not materially and adversely alter any of the rights, liabilities or obligations of the Redeveloper or the Borough under this Redevelopment Agreement.

7.2 Notice of Default to the Mortgagee and Right to Cure. Whenever the Borough shall deliver any Notice or demand to the Redeveloper with respect to any breach or default by the Redeveloper under this Redevelopment Agreement, the Borough shall at the same time deliver to each Mortgagee a copy of such Notice or demand; provided that the Redeveloper has delivered to the Borough a written Notice of the name and address of such Mortgagee. Each such Mortgagee (insofar as the rights of the Borough are concerned) has the right at its option within sixty (60) days after the receipt of such Notice to cure or remedy, or to commence to cure or remedy, any such

ARTICLE 8
ESCROW ACCOUNT

8.1 Escrow Account to Cover Borough Costs. (a) Concurrent with the execution of this Redevelopment Agreement, the Redeveloper has entered into an Escrow Agreement with the Borough and established with the Borough an escrow account (the "**Escrow Account**") having an initial balance of TWENTY-FIVE THOUSAND and 00/100 ($25,000.00) DOLLARS to cover the Borough Costs (the "**Escrow Deposit**"). Attached to this Agreement as *Exhibit E* is the Escrow Agreement entered into by and between the Redeveloper and the Borough, which sets forth the procedures to be utilized in establishing, funding and replenishing the Escrow Account and in making disbursements therefrom.

THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS.

(Attach Authorizing Resolution)

Exhibit B

25 North 26th Street Redevelopment Plan

Exhibit D

Existing Members

DISCLOSURE OF OWNERSHIP

Name	**Address**	**% of Owner**

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

BOROUGH OF KENILWORTH

AND

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

REGARDING

DEVELOPMENT OF A RESIDENTIAL, RENTAL INCLUSIONARY DEVELOPMENT PROJECT
IN
THE BOROUGH OF KENILWORTH
COUNTY OF UNION, STATE OF NEW JERSEY

WHEREAS, Kenilworth Redevelopers Urban Renewal, LLC (hereinafter "Developer") seeks to construct a residential family rental development consisting of a minimum and maximum of one hundred sixty five (165) units with a fifteen percent (15%) set aside for very low, low and moderate income housing to assist the Borough with its affordable housing obligations, on a property identified as Block 183, Lot 9, commonly known as 15 North 26th Street (the "Property"), and containing 3.79 acres based on a Property Survey provided by the Developer, which is attached hereto as **Exhibit A**; and

WHEREAS, after ongoing discussions and negotiations between the Borough and Developer, the parties have agreed upon the general terms of a residential family rental development of the Property, with an inclusionary affordable housing component; and

WHEREAS, the Borough and Developer wish to enter into this Memorandum of Understanding (hereinafter "MOU") to memorialize the agreed upon terms of the inclusionary, residential rental development of the Property, with additional and more specific terms and conditions of said development to be further negotiated and agreed to in additional agreements, including a formal redevelopment agreement; and

WHEREAS, the Borough and Developer may also enter into a financial agreement subject to further and separate negotiations between the Developer and the Borough;

NOW, THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, the Borough and Developer hereby set forth in this MOU that the following general terms shall apply to the future development of the Property:

1. Developer agrees to develop, construct, or otherwise build an inclusionary, residential family rental development at the Property subject to the following conditions:

whether any architectural height extensions may be necessary to screen mechanical units on the roof of the building.

e. Amenities – 8,054 square feet of interior amenity space and 29,900 square feet of exterior amenity space (terrace). The interior amenities shall include a club room, exercise and health area, business office area, community room, storage, and similar non-residential uses designed to support the apartment uses subject to Planning Board review and approval at the time of the site plan application. Exterior amenities shall include an outdoor elevated terrace deck of no less than 29,900 square feet for common use by all residents, which shall have an entry way from indoor amenities to limit the number of residences facing onto the terrace. Typical design of the terrace shall include covered gathering areas, benches and other seating, hardscape, landscaping, and other common area design features. The terrace area shall be utilized for outdoor features such as an enclosed dog run, barbeque pit, fireplace, or other typical outdoor common area features as approved by the Planning Board at the time of the site plan application. Residences with windows located at the same elevation as the terrace shall be buffered or shielded to the best extent practicable.

f. Parking & Circulation – Parking shall be provided on site pursuant to the Residential Site Improvement Standards ("RSIS") of the State of New Jersey. Circulation shall be provided around the entire perimeter of the building for fire safety and access to the satisfaction of the Borough Fire Officials.

g. Buffers - Developer agrees to provide fifty (50) foot buffers on all sides of the Property, except the side adjacent to the golf course (eastern property line).

h. Architectural Design – Attached hereto as part of **Exhibit B** are floor plans for all four floors, along with building elevations for front and side elevations, depicting the proposed building heights and building materials, which were prepared after taking into consideration the design flood elevation, and a cross-section across the Property. Similar building materials and architectural design shall be used on all building elevations. Vinyl siding and EFIS are prohibited. The multi-family apartment building shall be constructed to the construction standards as required under National Fire Protection Association (NFPA) 13 Fire Protection Codes.

i. Traffic Study - Traffic and vehicular circulation along North 26th Street to the Boulevard, Michigan Avenue and surrounding roadways is a major concern of the Borough. As part of the preparation of the Redevelopment Plan, Developer shall prepare a traffic study acceptable to the Borough Engineer and be solely responsible for off-site traffic improvements determined to be necessary, if any, to provide acceptable levels of service for the development. The Traffic Study shall take into consideration surrounding development projects which have been approved and/or are under consideration.

project shall not affect the Borough's ability to receive affordable housing credits for said units.

2. Simultaneous with the preparation of the Plan, the Borough shall review and approve the final concept plan, building setbacks, lot and impervious coverages, building elevations, architectural floor plans, design standards, building materials, streetscape improvements, amenities and like zoning and development information. All such terms shall be included in the Plan and adopted by the Borough pursuant to the Redevelopment Law, subject to the Property satisfying the criteria as an area in need of redevelopment and the parties entering into a redevelopment agreement as more fully set forth in Paragraph 7 herein.

3. The parties understand and agree that this MOU sets forth the general agreed upon terms for the development of the inclusionary residential rental development of the Property. Nothing herein shall bind or otherwise restrict the parties from negotiating and agreeing to additional and more specific terms of development. Final approval of the proposed residential development is subject to the Borough and Developer coming to an agreement on the final terms of the development, including those set forth in Paragraph 2 herein.

4. Upon the entry of this MOU, Developer agrees to enter into an escrow agreement with the Borough for the deposit of monies in escrow with the Borough to be utilized to tender payment of reasonable fees for professional services, including legal, engineering and planning services, being provided in conjunction with the review of the residential development of the Property, along with redevelopment process under the Redevelopment Law.

5. The Developer shall be responsible for the preparation of all planning and engineering studies and investigations necessary to support the Project. The Developer shall be responsible for the construction of all on-site and off-site improvements determined to be required by the engineering studies and investigations, subject to review and approval by the Borough Engineer. The Developer shall identify any existing Borough owned utility lines which are located on the property and, if determined to be necessary by the Borough Engineer, reconstruct and/or realign any existing Borough owned utility lines at the Developer's sole cost to the satisfaction of the Borough Engineer. Any existing or proposed utility lines that are owned or maintained by the Borough shall be provided with a utility easement to be dedicated to the Borough.

6. The Borough and Developer hereby agree to act in good faith in the negotiation of the final terms of the development, along with the preparation of a more formal Redevelopment Agreement, which sets forth all of the agreed upon terms of the inclusionary, residential, rental development at the Property. The parties further agree to proceed diligently and in good faith through the redevelopment process and the development of the site in compliance with the agreed upon timeline to be attached to the Redevelopment Agreement.

7. Upon final approval of the Plan, and simultaneously to negotiating and entering into a more formal Redevelopment Agreement, the parties may also negotiate and execute a Financial Agreement concerning the Property and Project, the specific terms of which shall be further negotiated between the parties. The Developer may prepare and file an application with the Borough pursuant to the New Jersey Long Term Tax Exemption Law ("LTTE") for a 30-year

IN WITNESS WHEREOF, the Borough and Developer have executed this MOU as of the dates set forth below.

BOROUGH OF KENILWORTH

By: _____
Linda Karlovitch, Mayor

Attest:

By: _____
Laura Reinertsen, Borough Clerk

Dated: 2/27, 2020

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

By: _____
Name:
Title: Managing Member

By: _____
Name:
Title:

Dated: _____, 2020

Exhibit B

i. Cover Page (A002)
ii. Garage Plan (A101)
iii. Residential Plan (A102)
iv. Elevation (A201)
v. Elevation (A202)
vi. Aerial Perspective (A203)

RECORD AND RETURN TO:

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (the "**Declaration**") made this ___ day of _____, 2021 by **KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC**, a qualified urban renewal entity formed under the laws of the State of New Jersey, with an address c/o Porzio Bromberg & Newman, 100 Southgate Parkway, PO Box 1997, Morristown, New Jersey 07962 (the "**Declarant**").

W I T N E S S E T H :

WHEREAS, the Declarant is the developer of certain real property located at 25 North 26th Street in the Borough of Kenilworth (the "**Borough**"), New Jersey and identified on the Borough tax map as Block 183, Lot 9 (hereinafter, the "**Property**"); and

WHEREAS, the Property is located within an "area in need of redevelopment" designated in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**") known as the 25 North 26th Street Redevelopment Area (the "**Redevelopment Area**") and is governed by the 25 North 26th Street Redevelopment Plan (the "**Redevelopment Plan**"); and

WHEREAS, the Declarant filed an application with the Borough seeking to be designated as the redeveloper for the Property; and

WHEREAS, the Declarant is proposing to acquire the Property, and to develop, finance, construct and implement on the Property a four-story, inclusionary multi-family building containing a total of 165 units, 25 of which will be units affordable to very-low, low- and moderate-income households, garage and surface parking spaces, as well as certain other on-site and off-site improvements; and

WHEREAS, in furtherance of the Redevelopment Plan, the Borough and Declarant have entered into a Redevelopment Agreement dated November 10, 2021, as amended (the "**Redevelopment Agreement**") concerning the redevelopment of the Property; and

WHEREAS, N.J.S.A. 40A:12A-9(a) of the Redevelopment Law requires that all agreements, leases, deeds and other instruments between a municipality and a redeveloper shall contain a covenant running with the land requiring, among other things, that " . . . the owner shall construct only the uses established in the current redevelopment plan . . . "; and

Approvals, Applicable Laws and this Agreement.

(c) in order to effectuate the purposes of this Agreement, make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions with any other persons, firms or entities and in general do all things which may be requisite or proper for the construction and development of the Project on the Property in accordance with the Redevelopment Agreement, the Redevelopment Plan, Governmental Approvals and Applicable Laws, provided however, that the Declarant shall not be deemed to be in breach of this covenant if the Redeveloper diligently contests, in good faith and by appropriate proceedings, such compliance with any of the aforesaid Applicable Laws.

(d) use diligent efforts to (i) obtain all Governmental Approvals requisite to the construction and development of the Project on the Property including evidence satisfactory to the Borough that the Declarant's use of the Project on the Property is in compliance with this Agreement, the Redevelopment Plan and all Applicable Laws, and (ii) ensure Completion of Construction of the Project within the time periods specified in the Construction Schedule.

(e) use diligent efforts to obtain all Governmental Approvals authorizing the occupancy and uses of the Project for the purposes contemplated herein.

(f) except as otherwise permitted hereunder in the case of a Force Majeure Event not suspend or discontinue the performance of its obligations under this Redevelopment Agreement (other than in the manner provided for herein) for any reason, including, without limiting the generality of the foregoing, any acts or circumstances that may constitute failure of consideration, commercial frustration of purpose, or any damage to or destruction of the Project on the Property.

(g) diligently undertake the construction and development of each individual component of the Project on the Property throughout the Construction Period and use commercially reasonable efforts to complete each component of the Project on the Property on or before the applicable Completion Date.

(h) not encumber, hypothecate or otherwise use the Project or the Property, or any part thereof, as collateral for an unrelated transaction.

(i) during construction of the Project, keep debris and/or waste materials containerized and/or stored and disposed of within normal industry standards.

(j) cause the Project to be developed, designed, financed and constructed at its sole cost and expense, except as otherwise set forth in this Agreement.

(k) immediately notify the Borough of any material change in its financial condition from the information provided to the Borough by the Declarant, or any other material change in the Declarant's financial capability to design, develop, finance, construct and operate the Project on the Property in furtherance of the Borough's consideration in executing this Agreement with the Declarant if such change will materially impair the Declarant's ability to perform its obligations pursuant to the terms of this Agreement.

By its signature below, Declarant accepts and agrees to perform its obligations as set forth in this Declaration.

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

By: _____
Name:
Title: Authorized Signatory

STATE OF NEW JERSEY)
) SS:
COUNTY OF _____)

BE IT REMEMBERED, that on _____ ___, 2021, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared _____, who, being by me duly sworn on his/her oath, deposes and makes proof to my satisfaction, that s/he is Authorized Signatory of **Kenilworth Redevelopers Urban Renewal, LLC,** the entity named in the within Instrument and that s/he signed, sealed and delivered the attached document as and for his/her act and deed and as the authorized act and deed of **Kenilworth Redevelopers Urban Renewal, LLC.**

Sworn and subscribed to before me
this ____ day of _____, 2021

_____
Notary Public of the State of NJ
My Commission Expires _____

ESCROW AGREEMENT

THIS ESCROW AGREEMENT (the "Escrow Agreement") is made as of the ___ day of September, 2021 by and between **KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC** a limited liability company under the laws of the State of New Jersey, with an address c/o Porzio Bromberg & Newman, 100 Southgate Parkway, PO Box 1997, Morristown, New Jersey 07962 (the "Redeveloper") and **THE BOROUGH OF KENILWORTH,** a municipal corporation of the State of New Jersey with an address at Borough Hall, 567 Boulevard, Kenilworth, New Jersey 07033 (the "Borough") (collectively, the "Parties").

WITNESSETH:

WHEREAS, the Redeveloper is the owner/contract purchaser of certain real property located at 25 North 26th Street in the Borough of Kenilworth, New Jersey and identified on the Borough tax map as Block 183 Lot 9 (the "Property"); and

WHEREAS, the Property is located within an "area in need of redevelopment" designated in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") known as the Redevelopment Area ("Redevelopment Area"), which is governed by the 25 North 26th Street Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, the Parties executed a Memorandum of Understanding dated March 4, 2020, for the potential redevelopment of the Property with a project consisting of the construction of a four story, inclusionary multi-family building containing a total of 165 units, 25 of which will be affordable units, garage and surface parking spaces, as well as certain other on-site and off-site improvements, in accordance with the Redevelopment Plan (the "Project"); and

WHEREAS, the Redeveloper has agreed to provide funding to the Borough for all reasonable fees, expenses, and costs incurred by the Borough with respect to its role as redevelopment entity relating to this Project, including but not limited to the costs associated with the negotiation of a redevelopment agreement with the Redeveloper (as defined more specifically below, the "Borough Costs"); and

WHEREAS, the Redeveloper has agreed to fund, simultaneously with the signing of this Escrow Agreement, an escrow account as described within this Escrow Agreement which the Borough may use to pay such Borough Costs, with an initial deposit in the amount of twenty five thousand dollars ($25,000.00), and to provide further funding in the manner described herein; and

WHEREAS, the Parties wish to enter into this Escrow Agreement to govern the terms and conditions of the use of this escrow account.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, and intending to be legally bound hereby, the Parties hereto agree as follows:

outstanding Borough Costs, and then any remaining funds (if any) shall be promptly returned by the Borough to the Redeveloper.

3. **Accounting and Additional Deposits.** The Borough shall provide the Redeveloper with any documentation that the Redeveloper requests regarding charges paid by the Borough through the Borough Costs Escrow. If the Borough Costs Escrow is depleted so that there is only ten thousand ($10,000.00) dollars or less remaining in the escrow and there are still Borough Costs to be paid, the Borough shall provide written notice to the Redeveloper requiring the Redeveloper to replenish the Borough Costs Escrow with an additional fifteen thousand ($15,000.00) dollars or in such other amount as determined by the Borough and, within fourteen (14) Days of its receipt of such written notice, the Redeveloper shall replenish the Borough Costs Escrow in that amount.

4. **Deposit and Administration of Borough Costs Escrow.** The Borough Costs Escrow and all additions thereto shall be held by the Borough in a banking institution or savings and loan association in the State of New Jersey insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State of New Jersey, in a segregated, non-interest bearing account referenced to this Escrow Agreement.

5. **Payments from the Borough Costs Escrow.**

(a) The Borough shall use such funds to pay reimbursable Borough Costs.

(b) All professional staff, retained professionals and outside consultants shall bill their time in one-tenth (1/10) hour increments. For such professionals the charge shall be at the actual rate charged to the Borough by the professional for the reimbursable work, with no mark-up.

(c) Each payment for professional services charged to the Borough Costs Escrow shall be pursuant to a voucher from the professional identifying the personnel performing the reimbursable service, each date the services were performed, the hours spent in one-tenth (1/10) hour increments, the hourly rate, and specifying properly reimbursable expenses. All professionals shall submit the required vouchers or statements to the Borough on a monthly basis in accordance with the schedule and procedures established by the Borough.

6. **Close Out Procedures.** Upon the first to occur of the expiration or termination of the Redeveloper's designation as the redeveloper for this Property, the termination of the Redevelopment Agreement, or the issuance of a Certificate of Completion for the Project, the Redeveloper shall send written notice by certified mail to the Borough requesting that the remaining balance of the Borough Costs Escrow be refunded or otherwise applied in accordance with the provisions herein. After receipt of such notice, and within thirty (30) Days of Borough's receipt of all outstanding invoices for Borough Costs, if any, the Borough shall pay all outstanding Borough Costs and shall render a written final

11. **Successors and Assigns.** This Escrow Agreement shall be binding upon, and inure to the benefit of, the parties hereto and upon each party's successors and assigns.

12. **Entire Agreement; No Modification Unless in Writing.** This Escrow Agreement contains the entire agreement of the Parties relative to the subject matter hereof. Any amendment hereto or modification or variation hereof shall be ineffective unless in writing signed by each of the Parties hereto. Any prior escrow agreements between the Parties relating to this Property are hereby rescinded and are superseded by this Escrow Agreement.

13. **Effective Date.** This Escrow Agreement shall become effective upon its execution by representatives of all of the Parties.

RESOLUTION

No. 8 **KENILWORTH, N.J.** **NOVEMBER 10, 2021**

Introduced by: David

Seconded by: Ceceri

BE IT HEREBY RESOLVED that the ordinance #2021-18 entitled:

AN ORDINANCE APPROVING THE APPLICATION AND AUTHORIZING A FINANCIAL AGREEMENT FOR A LONG TERM TAX EXEMPTION BY AND BETWEEN THE BOROUGH OF KENILWORTH AND KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

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 December 8, 2021 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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Laudati			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on November 10, 2021.

Laura Reinertsen

Laura Reinertsen, Borough Clerk

BOROUGH OF KENILWORTH
ORDINANCE NO. 2021-18

AN ORDINANCE APPROVING THE APPLICATION AND AUTHORIZING A FINANCIAL AGREEMENT FOR A LONG TERM TAX EXEMPTION BY AND BETWEEN THE BOROUGH OF KENILWORTH AND KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

WHEREAS, the governing body of the Borough of Kenilworth (the "Borough Council") is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, the Borough Council directed the Borough planning board (the "Planning Board") to investigate whether a certain property within the Borough identified in the official tax maps of the Borough as Block 183, Lot 9 and identified in the Borough tax records as 25 North 26th Street (the "Redevelopment Area") constituted an "area in need of redevelopment" as defined in the Redevelopment Law; and

WHEREAS, upon the Planning Board's recommendation, on February 10, 2021, the Borough Council, adopted a resolution pursuant to and in accordance with the requirements of the Redevelopment Law, designating the Redevelopment Area as an area in need of redevelopment; and

WHEREAS, the Borough Council on June 9, 2021, adopted Ordinance No. 2011-07 approving and adopting a redevelopment plan for the Redevelopment Area titled "25 North 26th Street Redevelopment Plan" (the "Redevelopment Plan" in accordance with the Redevelopment Law); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Borough is acting as the "redevelopment entity" (as such term is defined at N.J.S.A. 40A:12A-3 of the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, Kenilworth Redevelopers Urban Renewal, LLC (the "Redeveloper") is the contract purchaser of the Redevelopment Area; and

WHEREAS, on November 10, 2021, pursuant to the Redevelopment Law, the Governing Body adopted Resolution _____, (a) among other things, designating Kenilworth Redevelopers Urban Renewal, LLC as the exclusive redeveloper for Block 183, Lot 9 and (b) authorizing the execution of a certain "Redevelopment Agreement"; and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper proposes to acquire the Redevelopment Area, and to develop, finance, and construct a four-story, inclusionary multi-family building containing a total of 165 units, 25 of which will be units affordable to very-

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI						
X		X				MARK DAVID						
			X			JOSEPH FINISTRELLA						
		X				GERRY LAUDATI						
			X			SCOTT PENTZ						
			X			FRED PUGLIESE						
		X				MAYOR KARLOVITCH						

Introduced:

November 10, 2021

Final Adoption:

December 8, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the afore mentioned date.

Laura Reinertsen

Laura Reinertsen, Borough Clerk

FINANCIAL AGREEMENT

BY AND BETWEEN

THE BOROUGH OF KENILWORTH,
as the Borough

and

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC
as the Entity

Long Term Tax Exemption Law
N.J.S.A. 40A:20-1 *et seq*.

Re: 25 North 26th Street

WHEREAS, despite the Entity's current and future substantial investment of "at-risk" equity and traditional borrowed funds for acquisition, development and construction of the Project, such amounts of equity and traditional borrowed funds are insufficient to pay for all of the costs associated with the acquisition, development and construction of the Project; and

WHEREAS, Borough is agreeable to granting a long term tax exemption to the Entity for the Project in accordance with N.J.S.A. 40A:20-1, et seq. ("Exemption Law"); and

WHEREAS, the provisions of the Exemption Law, and such other statutes as may be sources of relevant authority, if any, authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by the Entity to Borough as set forth in such laws; and

WHEREAS, on October 20, 2021, the Entity filed an Application for a Financial Agreement with the Borough, a copy of which is attached hereto as **Exhibit B** (the "Application"), seeking approval of this Financial Agreement providing for exemption from municipal taxation for the Project as aforesaid, for a period set forth in Section 3.1(b) hereof, and for payment, in lieu of taxes, of an annual service charge; and

WHEREAS, on _____, the Borough Council adopted an ordinance entitled "AN ORDINANCE TO APPROVE A LONG-TERM TAX EXEMPTION AND FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF KENILWORTH AND KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC" approving the Application, this Financial Agreement and the Project, a copy of which ordinance is attached hereto as **Exhibit C** (the "Ordinance"); and

WHEREAS, the Borough has made the following findings:

A. Benefits of Project v. Costs.

1. The development and construction of the Project, as set forth in the Redevelopment Agreement and Redevelopment Plan will be beneficial to the overall community; will achieve the goals and objectives of the Redevelopment Plan; will help revitalize the Redevelopment Area; will improve the quality of life for the community; will serve as a catalyst for further private investment in areas surrounding the Redevelopment Area; will facilitate the productive reuse of land currently in a blighted, stagnant, unproductive and fallow condition; will enhance the economic development of the Borough by alleviating existing blight conditions of the Redevelopment Area; and will further Redevelopment Plan objectives and contribute to the economic growth of the Borough in general and specifically the Redevelopment Area.

2. That the Project will result in the creation of approximately 165 construction jobs and 4 permanent jobs.

3. That the aforesaid benefits of the Project exceed the cost, if any, associated with granting the tax exemption provided by this Agreement.

B. Importance of Long Term Tax Exemption.

The Borough Council's approval of the long term tax exemption set forth herein is essential to the success of this Project because:

financing, the Allowable Profit Rate shall be the greater of 12% or the percentage per annum arrived at by adding 1 1/4% per annum to the interest rate per annum which the Borough determines to be the prevailing rate on mortgage financing on comparable improvements in Union County, all in accordance with N.J.S.A. 40A:20-3(b).

Annual Service Charge - The greater of (i) the amount computed in accordance with Section 4.2(b) and (ii) the Minimum Annual Service Charge.

Annual Service Charge Payment Dates - Annually, each February 1, May 1, August 1, and November 1 after the Annual Service Charge Start Date.

Annual Service Charge Start Date -The first day of the month immediately following the month in which the first Certificate of Occupancy is eligible to be issued for the Project.

Applicable Law - All federal, State and local laws, ordinances, approvals, rules, regulations, resolutions and requirements applicable hereto including, but not limited to, the Redevelopment Law, the Exemption Law, as applicable, relevant construction codes including construction codes governing access for people with disabilities, and such zoning, sanitary and safety ordinances, laws and such rules and regulations thereunder.

Application - Shall have the meaning set forth in the recitals of this Agreement.

Auditor's Report - A complete, certified, audited financial statement outlining the financial status of the Entity as it relates to the Project and reporting the Annual Gross Revenue, Net Profit and Total Project Cost as defined herein, the contents of which have been prepared in a manner consistent with the current standards of the Financial Accounting Standards Board and which fully details all financial items required to determine that the Entity is complying with the Exemption Law and this Agreement and which has been certified as to its conformance with the current standards of the Financial Accounting Standards Board by a certified public accountant, who is licensed to practice that profession in the State.

Borough - Shall have the meaning set forth in the preamble of this Agreement.

Borough Council - Shall have the meaning set forth in the recitals of this Agreement.

Certificate of Occupancy - The document, whether temporary or permanent, issued by the Borough pursuant to N.J.S.A. 52:27D-133, authorizing occupancy of a building, in whole or in part.

Control - As used with respect to any person or entity, shall mean possession, directly or indirectly, of the power to direct or cause the direction of the management and operation of such person or entity, whether through the ownership of voting securities or by contract or other written agreement.

County- Union County, New Jersey.

County Share - The first five percent (5%) of the Annual Service Charge, which shall be payable by the Borough to the County in accordance with the provisions of N.J.S.A. 40A:20-12.

Cure Period- Shall be as defined in Section 9.3.

DCA - The New Jersey State Department of Community Affairs, to which the Entity shall report in accordance with the Exemption Law.

Default - Shall be as defined in Section 9.1.

provisions of N.J.S.A. 40A:20-3(c). Included in expenses shall be an amount sufficient to amortize the Total Project Cost over the life of the Project, which period the Parties agree is thirty (30) years, pursuant to the Exemption Law.

Ordinance - Shall have the meaning set forth in the recitals of this Agreement. Parties or Party - Shall have the meaning set forth in the preamble of this Agreement.

PILOT Administrative Fee – An annual payment in the amount of two percent (2%) of the Annual Service Charge to be paid on February 1 of each year.

Project - Shall have the meaning set forth in the recitals of this Agreement.

Property - Shall have the meaning set forth in the recitals of this Agreement.

Redevelopment Agreement - Shall have the meaning set forth in the recitals of this Agreement.

Redevelopment Area - Shall have the meaning set forth in the recitals of this Agreement.

Redevelopment Law - Shall have the meaning set forth in the recitals of this Agreement.

Redevelopment Plan - Shall have the meaning set forth in the recitals of this Agreement.

State -The State of New Jersey.

Substantial Completion - The completion of the Project, to such degree that it is considered to be ready for its intended use, which presumptively shall mean the date on which the last Certificate of Occupancy is issued for the Project.

Tax Sale Law - N.J.S.A. 54:5-1 et seq.

Termination -Any act or omission which by operation of the terms of this Agreement shall cause the Entity to relinquish its long-term tax exemption in accordance with N.J.S.A. 40A:20-9(g). Upon termination or expiration, all affected property shall be assessed and subject to taxation as are other taxable properties in the Borough. After termination or expiration, restrictions and limits on the Entity shall terminate upon the Entity's rendering a final accounting to and with the Borough pursuant to N.J.S.A. 40A:20-12.

Total Project Cost - Shall be as defined in the Exemption Law.

Unit - An individual dwelling unit.

1.3 Interpretation and Construction

In this Agreement, unless the context otherwise requires:

(a) The terms "hereby", "hereof", "hereto", "herein", "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

The Entity covenants and represents pursuant to N.J.S.A. 40A:20-9 that it shall (i) cause the Project to be constructed, (ii) directly or indirectly, convey and/or lease out the individual residential units of the Project, and (iii) make all payments required under this Agreement, including but not limited to all Administrative Expenses. The Improvements shall be those authorized by the Redevelopment Agreement, implemented in accordance with all required permits and approvals.

ARTICLE3
DURATION OF AGREEMENT

3.1 Term

(a) This Agreement shall become effective on the Effective Date.

(b) The Parties understand and agree that this Agreement, including the obligation to pay the Annual Service Charge required under Article 4 and the tax exemption granted and referred to in Section 4.1, shall remain in effect until the earlier of (A) 35 years from the date of execution hereof or (B) 30 years from the Annual Service Charge Start Date. At the expiration of the term hereof or upon Termination, the tax exemption for the Project shall expire and the Project shall thereafter be assessed and taxed according to the general law applicable to other non-exempt property in the Borough. After expiration of the term hereof, all restrictions and limitations upon the Entity shall terminate upon the Entity's rendering and the Borough's acceptance of its final accounting, pursuant to N.J.S.A. 40A:20-12. Upon any Termination of the tax exemption described in Section 4.1, the date of such Termination shall be deemed to be the last day of the fiscal year of the Entity in which the Termination has occurred.

ARTICLE 4
EXEMPTION AND ANNUAL SERVICE CHARGE

4.1 Tax Exemption

(a) Pursuant to the Ordinance, the Project to be constructed and maintained by the Entity in the Redevelopment Area shall be exempt from taxation as provided for herein and in the Exemption Law. In accordance with N.J.S.A. 40A:20-12, the tax exemption shall constitute a single continuing exemption from local property taxation for the duration of this Agreement. The tax exemption granted pursuant to the Ordinance and this Agreement relates only to the Project constructed on the Property.

(b) If the Land is not exempt or is not permitted to be exempt pursuant to N.J.S.A. 40A:20-12, the Entity is required to pay both the Annual Service Charge and the Land Tax Payments. The Entity is obligated to make timely Land Tax Payments in order to be entitled to a Land Tax credit against the Annual Service Charge for the subsequent year, in the amount described below. The Entity and the Borough agree that the Land Tax Payment will never be less than the Land Taxes that were assessed on the Land in the last full year the Property was subject to Land Taxes. If the Land is not exempt or is not permitted to be exempt, the Entity shall be entitled to credit for the amount, without interest, of the Land Tax Payments made in the last four (4) preceding quarterly installments against (and up to, but not to exceed) the municipal portion of the Annual Service Charge, with the Entity expressly waiving its rights to any additional credit for Land Tax Payments made. In any year that the Entity fails to make any Land Tax Payments, if and when due and owing, such delinquency shall render the Entity ineligible for any Land Tax Payment credits against the municipal and/or school portions, as applicable, of the Annual Service Charge for that year. In addition, the Borough shall have, among this remedy and other remedies, the right

amount due hereunder, including without limitation, the Annual Service Charge, shall be a continuous, municipal lien on the Redevelopment Area and the Project, and that any subsequent Annual Service Charge, including any interest, penalties or costs of collection thereof, that shall thereafter become due or accrue, shall be added and relate back to and be part of the initial municipal lien on the Redevelopment Area and the Project, (B) the Ordinance, this Agreement and any amounts due hereunder, including without limitation, the Annual Service Charge, shall constitute an automatic, enforceable and perfected statutory municipal lien for all purposes on the Redevelopment Area and the Project, including specifically and without limitation, the federal bankruptcy code, regardless of whether the amount of the Annual Service Charge has been determined, and (C) any applicable process, procedure or action of any court, government body or other relevant authority, including without limitation any confirmation hearing, to determine the amount of the Annual Service Charge due shall not affect the commencement or validity of the municipal lien.

ARTICLES
ANNUAL REPORTS

5.1 Accounting System

The Entity agrees to maintain a system of accounting and internal controls established and administered in accordance with Generally Accepted Accounting Principles ("GAAP") or in accordance with cash basis accounting principles and as otherwise prescribed by Applicable Law.

5.2 Periodic Reports

(a) Total Project Cost Audit: Within ninety (90) days after the Substantial Completion of the Project, the Entity shall submit to the Borough an audit of Total Project Costs, certified as to actual construction costs and site remediation and clean-up of hazardous substances, if any, by an independent and qualified architect, utilizing the form attached hereto as **Exhibit E.** Other extraordinary costs, as contemplated by **Exhibit D,** shall be certified in conformance with GAAP, by a certified public accountant licensed to practice that profession in the State of New Jersey.

(b) Auditor's Report: Within ninety (90) days after the close of each fiscal or calendar year, depending on the Entity's accounting basis during the period that this Agreement shall continue in effect, the Entity shall submit to the Borough, and the New Jersey Division of Local Government Services within the DCA, its Auditor's Report for the preceding fiscal or calendar year in accordance with N.J.S.A. 40A:20-9(d). The Auditor's Report shall include, but not be limited to, the terms and interest rate on any mortgage(s) associated with the purchase or construction of the Project, and such details as may relate to the financial affairs of the Entity and to its operation and performance hereunder, pursuant to the Exemption Law and this Agreement.

(c) Disclosure Statement: Within thirty (30) days of each anniversary date of the Effective Date, the Entity shall submit to the Borough a Disclosure Statement listing all persons and other entities having an ownership interest in the Entity ("Interest Holders"), and the extent of the ownership interest held by each.

(d) Termination of Obligations: The Entity's obligations under this Section 5.2 shall terminate at the end of the tax exemption period set forth in Section 3.1, or upon earlier termination, if any, of this Agreement. Upon termination or expiration, all affected property shall be assessed and subject to taxation as are other taxable properties in the Borough. After termination or

The date of the termination of this Agreement, expiration of this Agreement or the sale of the Project to a non-urban renewal entity shall be considered to be the close of the final fiscal year of the Entity. Within ninety (90) days after such date, the Entity shall pay to the Borough the amount of the reserves, if any, maintained by it pursuant to this Section 6.3 and the excess Net Profit, if any. Upon termination or expiration, all affected property shall be assessed and subject to taxation as are other taxable properties in the Borough. After termination or expiration, restrictions and limits on the Entity shall terminate upon the Entity's rendering a final accounting to and with the Entity pursuant to N.J.S.A. 40A:20-12.

ARTICLE7
ASSIGNMENT AND/OR ASSUMPTION

7.1 Approval

(a) Except with the Borough's written consent, as set forth in Section 7.l(b) of this Agreement, the Entity may not sell, convey, grant, bargain, assign, or otherwise transfer its fee title interest in the Project, or any part thereof, or any direct or indirect interest in the Entity, or permit the Project, or any part thereof, to be sold, conveyed, granted, bargained, assigned, or otherwise transferred, except for the transfer of ownership interest among Existing Members of the Entity or a transfer of ownership interest in the Entity to a related entity or Affiliate, to which transfers the Borough hereby consents, as set forth in Section 2.2 herein, subject to the conditions set forth therein, and provided that no Default of Entity, or Event of Default by Entity under the Redevelopment Agreement, exists and that no state of facts exists that, if uncured, would give rise to a Default by Entity, or Event of Default by Entity under the Redevelopment Agreement. In the event of such a conveyance and assignment, the Borough and the Entity shall enter into an Assignment and Assumption Agreement, in form and substance acceptable to the Borough in its sole discretion, and all other necessary and appropriate documents to effect same, as applicable.

(b) It is understood and agreed that the Borough, on written application by the Entity, shall not unreasonably withhold its written consent to a sale of the Project, and the transfer of the Financial Agreement as authorized by the Exemption Law, or any interest therein, and the assignment of all of the Entity's right, title and interest in and to this Agreement, to an entity eligible to operate under the Exemption Law, owning no other "project," as this term is defined in the Exemption Law, provided the Entity is not in Default regarding any performance required of it hereunder, full compliance with the Exemption Law has occurred and the Entity's obligations under its Agreement with the Borough are fully assumed by the transferee.

(c) If the Entity transfers the Project to a transferee pursuant to Section 7.l(b), then upon such transfer the Entity shall pay an administrative fee to the Borough equal to two percent (2%) of the corresponding year's Annual Service Charge for the processing of such request for the continuation of the long term tax exemption to the benefit of the transferee and any of its transferees. This administrative fee shall not be required in connection with a transfer pursuant to Section 7.l(a). Within ninety (90) Days after the date of any such transfer, the Entity shall pay to the Borough any fees due to the Borough pursuant to this Financial Agreement, as well as any excess Net Profit payable to the Borough pursuant to this Financial Agreement and the Exemption Law.

(d) It is expressly understood and agreed that the Entity has the right, subordinate to the lien of the Annual Service Charge and to the rights of the Borough, to encumber the fee title

the Entity shall terminate the tax exemption described herein and its obligation to make Annual Service Charge payments, which shall continue in effect for the respective durations set forth in Section 3.1 hereof, subject to Article 10 hereof. Upon any Default in payment of any installment of the Annual Service Charge, the Borough shall have the right to proceed to In Rem Tax Foreclosure consistent with the provisions and procedures of the Tax Sale Law.

9.3 Remedies Upon Default

(a) In the event of a breach of this Agreement by any of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, then the parties shall submit the dispute to the American Arbitration Association in the State to be determined in accordance with its rules and regulations in such a fashion to accomplish the purpose of said laws. Costs for said arbitration shall be paid by the non-prevailing party. In the event of a Default on the part of the Entity to pay any installment of the Annual Service Charge required by Article 4 above, the Borough, in addition to their other remedies, reserve the right to proceed against the Entity's land and premises, in the manner provided by Applicable Law, including the Tax Sale Law, and any act supplementary or amendatory thereof; provided, however, that in. no event shall there be any acceleration of any future Annual Service Charge. The Borough shall pursue the collection of delinquent payments of Annual Service Charge with the same diligence it employs in the collection of the Borough's general *ad valorem* real estate taxes, including the commencement of an In Rem Tax Foreclosure. Whenever the word "Taxes" appears, or is applied, directly or implied, to mean taxes or municipal liens on land, such statutory provisions shall be read, as far as it is pertinent to this Agreement, as if the Annual Service Charge were taxes or municipal liens on land. In either case, however, the Entity does not waive any defense it may have to contest the rights of the Borough to proceed in the above-mentioned manner, subject to the aforementioned proscription on acceleration in this Section and in Section 4.7(c) hereof.

(b) All of the remedies provided in this Agreement to the Borough, and all rights and remedies granted to them by law and equity shall be cumulative and concurrent and no determination of the invalidity of any provision of this Agreement shall deprive the Borough of any of their remedies or actions against the Entity because of Entity's failure to pay Land Taxes, the Annual Service Charges and/or any applicable water and sewer charges and interest payments. This right shall only apply to arrearages that are due and owing. at the time, and the bringing of any action for Land Taxes (but only if the Land is not permitted to be exempt pursuant to the Exemption Law), Annual Service Charges or other charges, or for breach of covenant or the resort of any other remedy herein provided for the recovery of Land Taxes, Annual Service Charge or other charges shall not be construed as a waiver of the right to proceed with an In Rem Tax Foreclosure action consistent with the terms and provisions of this Agreement.

ARTICLE 10
TERMINATION

10.1 Voluntary Termination by the Entity

The Entity may, after the expiration of one (1) year from the Substantial Completion of the Project, notify the Borough in writing that, as of a date certain designated in such Notice, it relinquishes its status as an Urban Renewal Entity. As of such date, continuation of this tax exemption the Annual Service Charge hereunder, and the profit and dividend restriction shall terminate, and Section 10.2 shall control. A final accounting pursuant to N.J.S.A. 40A:20-12 shall be a requirement oftermination.

The Entity agrees that the timely payment of the Land Taxes, the Annual Service Charge and all Administrative Expenses to the Borough, as well as continued compliance with Applicable Law, are material conditions of this Financial Agreement. The failure to make any of the aforesaid payments in timely fashion shall constitute both a breach of this Financial Agreement and a tax payment delinquency under Applicable Law.

12.2 Severability

If any term, covenant or condition of this Agreement or the Application shall be judicially declared to be invalid or unenforceable, the remainder of this Agreement or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by Applicable Law.

12.3 Indemnification

If the Borough becomes named as a party defendant in any action brought against the Entity by reason of any breach, default, or violation of any provision of this Financial Agreement and/or the Exemption Law, but not including any taxpayer actions brought against the Borough or the Entity, the Entity shall defend, indemnify and hold the Borough harmless to the extent that the Entity is found to be liable in the action, except for any negligence or misconduct by the Borough or any of its officers, officials, employees, consultants or agents, and the Entity agrees to defend the suit and indemnify the Borough as set forth herein at its own expense.

12.4 Construction

This Agreement shall be construed and enforced in accordance with the laws of the State, except for those provisions governing choice of law, and without regard to or aid of any presumption or other rule requiring construction against the party drawing or causing this Agreement to be drawn since counsel for both the Entity and the Borough have combined in their review and approval of same.

12.5 Oral Representations

There have been no oral representations made by either of the parties hereto which are not contained in this Agreement. This Financial Agreement including all Exhibits, the Ordinance authorizing this Agreement, and the Financial Agreement Application including all Exhibits, shall constitute the entire Agreement between the parties, and there shall be no modifications thereto other than by a written instrument approved and executed by and delivered to each.

12.6 Annual Service Charge Paid to County

Pursuant to N.J.S.A. 40A:20-12, the County Share shall be paid to the County.

12.7 Recording

Either this entire Agreement, or a memorandum of this Agreement in form and substance approved in writing by the Borough, will be recorded with the County Clerk by the Entity, at no cost to the Borough.

12.8 Notice to County.

In accordance with P.L.2015, c.247, within the later often (10) days following adoption of the ordinance approving this Agreement or the execution of this Agreement by the Entity, the

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written

ATTEST:

_____

BOROUGH OF KENILWORTH

By: .....
Mayor Linda Karlovitch

WITNESS:

_____

ENTITY:

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC
a New Jersey limited liability company

By: .....
Kevin Codey, Managing Member

EXHIBITB

Executed Financial Agreement Application with All Exhibits

[Attached]

EXHIBITC

Ordinance of the Borough Authorizing Execution of this Financial Agreement

EXHIBITD

Financial Plan Including Entity's Estimate of Total Project Cost

[See PILOT Application]

EXHIBITE

Form of Certification of Final Construction Cost of Project

I, _____, do hereby certify the following:

1. I am the ___ of_____, the engineer for the 25 North 26th Street Redevelopment Project.

2. To the extent that our firm has been involved in the design and construction of the 25 North 26th Street Redevelopment Project, and based upon those records and contracts that have been supplied to us by_____, we certify that the total construction cost for the above referenced project is $45,000,000.00.

I hereby certify that the foregoing statements made by me are true to the best of my knowledge and belief. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Date:..... _____

EXHIBIT F

Certificate of Formation of the Entity

EXHIBIT 14

PROJECT FINANCING PLAN

Below is an explanation of the expected method by which the project will be financed, indicated the amount of equity to be contributed and its source, all the public loans and/or grands that are to be used and all private sources of capital.

TOTAL BUDGET:	**$45,219,434**
ANTICPATED LENDER FINANCING:	**$31,653,604**
CASH/LAND EQUITY:	**$13,565,830**

FILED

SEP 28 2021

STATE TREASURER

CERTIFICATE OF FORMATION

OF

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

0600474805

TO: The State Treasurer
State of New Jersey

The undersigned, being of the age of 18 years or over, for the purpose of forming a limited liability company pursuant to the provisions of §42:2C-18 of the New Jersey Revised Uniform Limited Liability Company Act, does hereby execute the following Certificate of Formation:

FIRST: The name of the limited liability company is: Kenilworth Redevelopers Urban Renewal, LLC (the "LLC").

SECOND: The address of the registered office of the LLC is c/o Porzio Bromberg & Newman, 100 Southgate Parkway, PO Box 1997, Morristown, NJ 07962 and the name of the limited liability company's registered agent at such address is Yaakov Klugmann.

THIRD: The purpose for which the LLC is formed shall be to operate under P.L. 1991, c.431 (C.40A:20-1 et. seq.) and to initiate and conduct projects for the redevelopment of a redevelopment area pursuant to a redevelopment plan, or projects necessary, useful, or convenient for the relocation of residents displaced or to be displaced by the redevelopment of all or part of one or more redevelopment areas, or low and moderate income housing projects, and, when authorized by financial agreement with the municipality, to acquire, plan, develop, construct, alter, maintain and/or operate housing, senior citizen housing, business, industrial, commercial administrative, community, health, recreational, educational or welfare projects, or any combination of two or more of these types of improvements in a single project, under such conditions as to use, ownership, management and control as regulated pursuant to P.L. 1991, c.431 (C.40A:20-1 et seq.).

FOURTH: So long as the LLC is obligated under a financial agreement with the Borough of Kenilworth made pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.), the LLC shall engage in no business other than the ownership, operation and management of the project.

FIFTH: The LLC has been organized to serve a public purpose and its operations shall be directed toward: (1) the redevelopment of redevelopment areas, the facilitation of the relocation of residents displaced or to be displaced by redevelopment, or the conduct of low and moderate income housing projects; and (2) the acquisition, management and operation of a project, redevelopment relocation housing project, or low and moderate income housing project under P.L.1991, c.431 (C.40A:20-1 et seq.). The LLC shall be subject to regulation by the Borough of Kenilworth, and to a limitation or prohibition, as appropriate, on profits or dividends for so long as it remains the owner of a project subject to P.L.1991, c.431 (C.40A:20-1 et seq.).

IN WITNESS WHEREOF, the undersigned has signed this Certificate of Formation on the 8th day of July, 2021.

Name: Yaakov Klugmann
Title: Authorized Representative

ORDINANCE APPROVING THE APPLICATION AND AUTHORIZING A FINANCIAL AGREEMENT FOR A LONG TERM TAX EXEMPTION BY AND BETWEEN THE BOROUGH OF KENILWORTH AND KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

WHEREAS, the governing body of the Borough of Kenilworth (the "Borough Council") is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, the Borough Council directed the Borough planning board (the "Planning Board") to investigate whether a certain property within the Borough identified in the official tax maps of the Borough as Block 183, Lot 9 and identified in the Borough tax records as 25 North 26th Street (the "Redevelopment Area") constituted an "area in need of redevelopment" as defined in the Redevelopment Law; and

WHEREAS, upon the Planning Board's recommendation, on February 10, 2021, the Borough Council, adopted a resolution pursuant to and in accordance with the requirements of the Redevelopment Law, designating the Redevelopment Area as an area in need of redevelopment; and

WHEREAS, the Borough Council on June 9, 2021, adopted Ordinance No. 2011-07 approving and adopting a redevelopment plan for the Redevelopment Area titled "25 North 26th Street Redevelopment Plan" (the "Redevelopment Plan" in accordance with the Redevelopment Law); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Borough is acting as the "redevelopment entity" (as such term is defined at N.J.S.A. 40A:12A-3 of the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, Kenilworth Redevelopers Urban Renewal, LLC (the "Redeveloper") is the contract purchaser of the Redevelopment Area; and

WHEREAS, on November 10, 2021, pursuant to the Redevelopment Law, the Governing Body adopted Resolution _____, (a) among other things, designating Kenilworth Redevelopers Urban Renewal, LLC as the exclusive redeveloper for Block 183, Lot 9 and (b) authorizing the execution of a certain "Redevelopment Agreement"; and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper proposes to acquire the Redevelopment Area, and to develop, finance, and construct a four-story, inclusionary multi-family building containing a total of 165 units, 25 of which will be units affordable to very-low, low- and moderate-income households, garage and surface parking spaces, as well as certain other on-site and off-site improvements (the "Project"); and

WHEREAS, the Redeveloper is a limited-dividend, urban renewal entity created under the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "LTTE Law"), to

Borough of Kenilworth

Application for

Long Term Tax Abatement

6607607

II. Developer Identification:

A. Name of Applicant:

Kenilworth Redevelopers Urban Renewal, LLC

B. Principal Address:

c/o Porzio Bromberg & Newman, 100 Southgate Parkway, PO Box 1997
Morristown, NJ 07962

C. Type of Entity (check one)

___Corporation _X_ LLC ___LLP ___Partnership ___Other (please specify)

D. Contact Information

1.) Name of Primary Contact: Joseph A. Paparo, Esq.

2.) Contact Numbers:

a. Phone: 973-889-4042

b. Fax: 973-538-5146

c. Email: japaparo@pbnlaw.com

E. Name and Address of Statutory Agent:
Please list the name and address of the entity upon whom a legal process can be served:

Joseph A. Paparo Esq.
100 Southgate Parkway
P.O. Box 1997
Morristown, NJ 07962

F. Federal Tax Identification Number: 87-3165925

G. Disclosure of Ownership:

New Jersey law (N.J.S.A. 52:25-24.2) requires that all corporations and partnerships seeking a public contract submit a list of the names and addresses of all principals who own more than 10% of any class of stock, or 10% or more of the total stock (if a corporation), or 10% or more of the partnership. In addition, if the Developer has, as one or more of its owners, a corporation or partnership, the ownership of those entities must be similarly disclosed, and that process shall continue down the entire chain of ownership until the names and addresses of every unincorporated stockholder and/or individual partner is disclosed.

Please provide the necessary information utilizing the form provided with Exhibit 1 of this application.

III. Project Description:

A. Applicant's Ownership Interest in the Project:

_X_ Conventional (Fee Simple) ____Condominium

B. Project Type (Please check all that apply):

_X_ Residential; ____ Retail; ___Office; ___ Manufacturing; ___ Distribution Facility; ___Hotel;

Other (Specify): _____

If the project involves more than one type of usage, indicate the percentage that each usage bears to the overall project measured using square feet of gross area: N/A

___ % Residential; ___% Retail; ___% Office; ___% Manufacturing; ___% Distribution Facility;

___% Hotel; ___% Other (specify here _____)

C. Marketing Expectation:

___For Sale _X_ For Lease ____Both

D. Project Location:

1. Provide all of the street addresses by which the project site is currently known:

Address #1: 25 North 26th Street, Kenilworth NJ 07033

Address #1:

Address #1:

2. Provide all tax lots that comprise the project site. Designate lots as they appear on the official maps of the Tax Assessor as of the date of this application (i.e. prior to any subdivision associated with the project):

Block: 183 Lot: 9

Block: Lot:

Block: Lot:

Block: Lot:

3. Metes and Bounds Description:

Please attach the metes and bounds description of the project site as Exhibit 5 of this application.

H. Narrative Description of Project: Please see exhibit 8

I. Current Conditions:

1. Provide a brief description of any improvements that are in place currently on the project site and indicate which if any are expected to be reused as part of the project. Attach extra pages as needed.

The property is currently 100% paved with cracked asphalt and no structures on the property. The property currently is a junkyard (storage yard for abandoned cars and trucks).

2. Provide a list with the current tax assessment and the current real property tax levy for each lot included within the project site. Attach extra pages as needed.

Block	Lot	Current Tax Assessment	Current Real Property Tax Levy
183	9	$1,137,000.00	$58,259.88

3. Provide a list showing the current status of all municipal fees and charges which are currently levied against each lot located within the project site, including, without limitation water charges, sewer charges, permit or license fees, fines and/or penalties.

Block	Lot	Current Status of Municipal Fees and Charges (specify type)
183	9	Property Taxes are $58,259.88. No improvements are on the property

J. Site Plan Approval:

Provide a copy of the site plan approved by the Planning Board for the Project. Also provide a copy of the resolution of the Planning Board providing final site plan approval for the project. Attach the site plan as Exhibit 9 of this application and the resolution as Exhibit 10 of this application.

K. Project Cost Estimates

1. Provide a detailed cost breakdown for the project, including both hard and soft costs. The estimate should be certified by a licensed architect or engineer. Attach the completed estimate for the entire Project as Exhibit 11 of this application.

2. For each type of unit to be included within the Project, provide an estimate of the total unit cost for that unit. This may be provided at a summary level, not at the level set forth for the estimate required by section K.1 above. The estimate should also be certified by a licensed architect or engineer. Attach the completed unit estimates as Exhibit 12 of this application.

IV. Abatement Information:

A. Annual Service Charge to be based on: (check one)

_X_ Annual Gross Revenue (Non-condominium) ___Project Cost

___Imputed debt service (Condominium)

B. Term Requested:

_30_ Years

C. Proposed Rates and Phases:

Starting Year	Ending Year	Rate	Phase-out (alternative method)
1	30	10%	

D. Form of Financial Agreement:

Attach the proposed form of the financial agreement as Exhibit 19 of the application. The correct form for your project type should be attached to this application. Please note that the final financial agreement provides that a sealed certification by the project architect as to the final project cost must be submitted so that it can be added to the agreement within 60 days after the issuance of the Certificate of Occupancy for the project.

Signatures

By my signature below, I hereby submit this application on behalf of the Developer. I certify that all of the information is true and accurate to the best of my knowledge and belief. I am aware that if any of the information provided is willfully false, that I am, subject to prosecution.

For the Developer:
Kenilworth Redevelopers Urban Renewal, LLC

By: _____ 10/20/21
Name: Kevin Lody **Date**
Title: Member

Please notarize here or provide attestation and seal of corporate secretary

10/20/21

JOSEPH A. PAPARO
An Attorney at Law of New Jersey

EXHIBIT 1

DISCLOSURE OF OWNERSHIP

	Name	Home Address	% of Owners
1.	Yaakov Klugmann	4 Hill Top Court	91%
2.	Kevin Codey	24 Holmehill Lane	7%
3.	Charles Zimmer	502 Spring Valley Road	2%
4.			
5.			

IN WITNESS WHEREOF, the undersigned has caused this Certificate to be executed this 20th day of October 2021.

Affiant
(Authorized Agent of Corporation)

Kevin Codey, member
Print name and title of Affiant

Sworn and Subscribed before me this 20th day of October, 2021

(Notary Public)

JOSEPH A. PAPARO
An Attorney at Law of New Jersey

2302-05704\#603814v1
6607607

FILED

SEP 28 2021

STATE TREASURER

CERTIFICATE OF FORMATION

OF

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

0600474805

TO: The State Treasurer
State of New Jersey

The undersigned, being of the age of 18 years or over, for the purpose of forming a limited liability company pursuant to the provisions of §42:2C-18 of the New Jersey Revised Uniform Limited Liability Company Act, does hereby execute the following Certificate of Formation:

FIRST: The name of the limited liability company is: Kenilworth Redevelopers Urban Renewal, LLC (the "LLC").

SECOND: The address of the registered office of the LLC is c/o Porzio Bromberg & Newman, 100 Southgate Parkway, PO Box 1997, Morristown, NJ 07962 and the name of the limited liability company's registered agent at such address is Yaakov Klugmann.

THIRD: The purpose for which the LLC is formed shall be to operate under P.L. 1991, c.431 (C.40A:20-1 et. seq.) and to initiate and conduct projects for the redevelopment of a redevelopment area pursuant to a redevelopment plan, or projects necessary, useful, or convenient for the relocation of residents displaced or to be displaced by the redevelopment of all or part of one or more redevelopment areas, or low and moderate income housing projects, and, when authorized by financial agreement with the municipality, to acquire, plan, develop, construct, alter, maintain and/or operate housing, senior citizen housing, business, industrial, commercial administrative, community, health, recreational, educational or welfare projects, or any combination of two or more of these types of improvements in a single project, under such conditions as to use, ownership, management and control as regulated pursuant to P.L. 1991, c.431 (C.40A:20-1 et seq.).

FOURTH: So long as the LLC is obligated under a financial agreement with the Borough of Kenilworth made pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.), the LLC shall engage in no business other than the ownership, operation and management of the project.

FIFTH: The LLC has been organized to serve a public purpose and its operations shall be directed toward: (1) the redevelopment of redevelopment areas, the facilitation of the relocation of residents displaced or to be displaced by redevelopment, or the conduct of low and moderate income housing projects; and (2) the acquisition, management and operation of a project, redevelopment relocation housing project, or low and moderate income housing project under P.L.1991, c.431 (C.40A:20-1 et seq.). The LLC shall be subject to regulation by the Borough of Kenilworth, and to a limitation or prohibition, as appropriate, on profits or dividends for so long as it remains the owner of a project subject to P.L.1991, c.431 (C.40A:20-1 et seq.).

IN WITNESS WHEREOF, the undersigned has signed this Certificate of Formation on the 8th day of July, 2021.

Name: Yaakov Klugmann
Title: Authorized Representative

6475646

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
LOCAL PLANNING SERVICES
101 SOUTH BROAD STREET
PO BOX 813
TRENTON, NJ 08625-0813
(609) 292-3000 • FAX (609) 633-6056

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

FILED
SEP 28 2021
STATE TREASURER

DEPARTMENT OF COMMUNITY AFFAIRS

TO: State Treasurer
RE: KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC
File # 3126
An Urban Renewal Entity

This is to certify that the REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY OF AN URBAN RENEWAL ENTITY has been examined and approved by the Department of Community Affairs, pursuant to the power vested in it under the "Long Term Tax Exemption Law," P.L. 1991, c.431.

Done this 2nd day of September 2021 at Trenton, New Jersey.

DEPARTMENT OF COMMUNITY AFFAIRS

By: _____
Sean Thompson, Director
Local Planning Services

RESOLUTION/AUTHORIZATION

OF

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

a New Jersey Limited Liability Company

The undersigned, as the managing member of **KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC**, a limited liability company of the State of New Jersey (the "Company"), held a meeting on October 19, 2021 and at that time the following Resolutions were unanimously adopted:

RESOLVED that the Company is the contract purchaser of the real property located at 25 North 26th Street, Block 183 Lot 9, Borough of Kenilworth, County of Union and State of New Jersey (the "Property"); and

RESOLVED FURTHER that the Company, in connection with the development of the Property, apply to the Borough of Kenilworth for a Long Term Tax Exemption (the "LTTE Application") effecting the Property and contemplated development; and

RESOLVED FURTHER that the Company execute any and all documents relating to the LTTE Application as may be required by the Borough of Kenilworth and further, submit the LTTE Application to the Borough.

I FURTHER CERTIFY THAT:

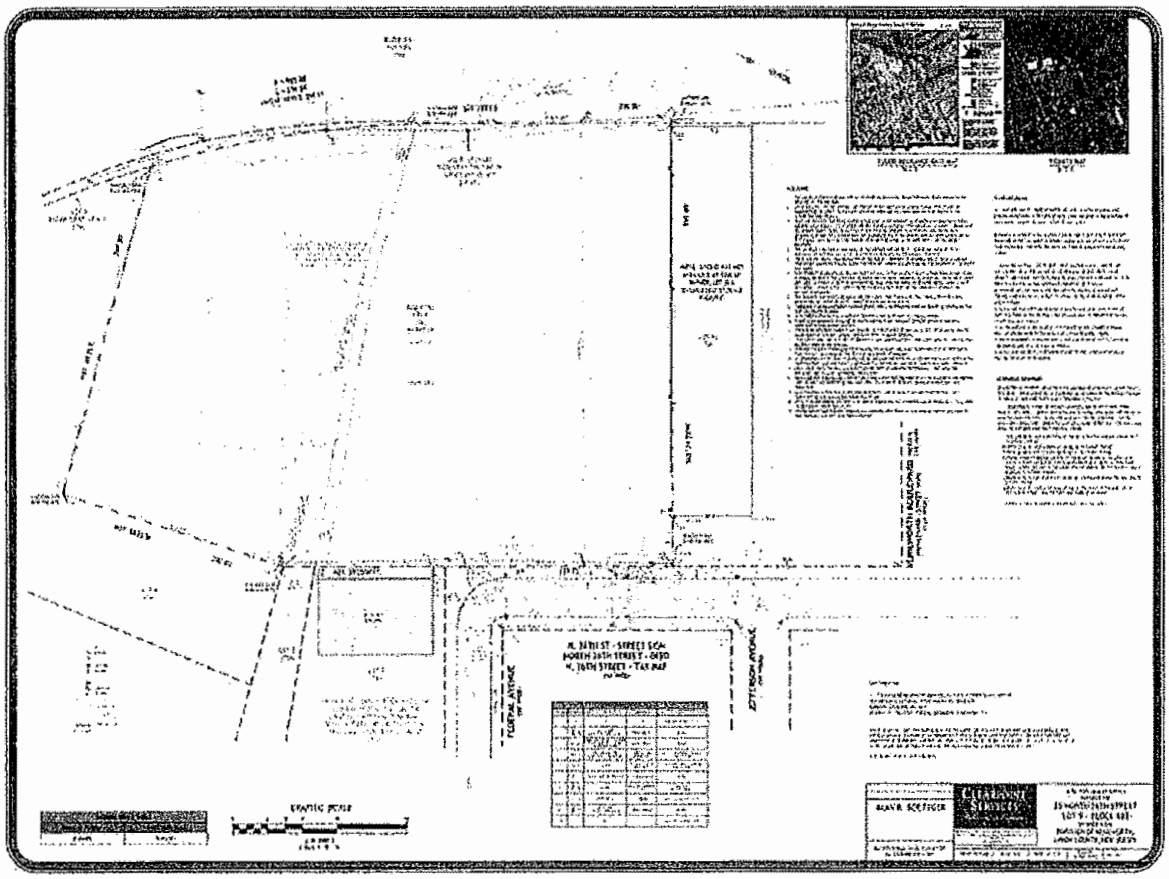
a. The authority granted herein is not contrary to the provisions of the Company's Certificate of Formation or Operating Agreement but rather, is provided solely to expedite and facilitate the submission of the LTTE Application to the Borough;

IN WITNESS WHEREOF, I have hereunto signed my name as the managing member of the Company this 19th day of October, 2021.

Kevin Codey, Managing Member

EXHIBIT 6

SURVEY



Prepared by:

Harvey Fruchter

DEED

This Deed is made on 21 day of October 2009.

BETWEEN
Joseph Neri,

whose address is7 Summit Road, Cranford, New Jersey 07016

referred to as the Grantor,

AND
JN25NO26TH B183L9, LLC

whose post office address is about to be 720 Boulevard, Kenilworth, New Jersey

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **one dollar ($1.00).** The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of **Union**
Block No. 183 Lot No. 9

Property. The property consists of the land and all the buildings and structures on the land in the Township of **Union**, County of **Union** and the State of New Jersey. The legal description is:

BEGINNING at a point in the easterly line of North 26th Street, said point being three hundred (300.00') feet measured northerly along said line of North 26th Street from its intersection with the northerly line of Kenilworth Boulevard; thence

1) Along the easterly line of 26th Street and the easterly line of Lots 1 and 2 Block 183 on the tax map of the Borough of Kenilworth, Union County, New Jersey, North twenty four degrees twenty two minutes West (N 24°22' W) a distance of three hundred thirty nine and seventy five hundredths (339.75') feet to a point being the northeast corner of Lot 2; thence

2) Through Lot 9 forming a new line North seven degrees thirty eight minutes West (N 7° 38'W), thence a distance of two hundred (200.00') feet to a point on the dividing line of Lots 4 and 9; thence

3) Along said line North eighty two degrees twenty two minutes east (N 82° 22' E) a distance of two hundred sixty nine and ninety seven hundredths (269.97') feet to a point on the westerly line of lands now or formerly of Rahway Valley Railroad; thence

Received & Recorded
Union County, NJ
11/10/2009 13:42
Joanne Rajoppi
County Clerk
Operator RAPUANO

Deed-1
Inst# 209907
Pgs-4
Consider. 1.00
RT Fee .00

085789-0408

RTF-1 (Rev. 7/08)
MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER
(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2008) (N.J.S.A. 46:15-5 et seq.)
BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY
} SS.
COUNTY Union County Municipal Code 2008

FOR RECORDER'S USE ONLY
Consideration $ 1.00
RTF paid by seller $
Date By

MUNICIPALITY OF PROPERTY LOCATION Kenilworth

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE *(See instructions #3 and #4 on reverse side)*

Deponent, Joseph Nori (Name), being duly sworn according to law upon his/her oath, deposes and says that he/she is the Grantor (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.) in a deed dated October 2009 transferring real property identified as Block number 183 Lot number 9 located at 25 No. 28th Street, Kenilworth (Street Address, Town) and annexed thereto.

(2) CONSIDERATION $ 1.00 *(See instructions #1 and #5 on reverse side)*

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS:
(See instructions #5A and #7 on reverse side)
Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

$_____ ÷ _____% = $_____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE *(See instruction #8 on reverse side)*
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

Under $1,000.00

(5) PARTIAL EXEMPTION FROM FEE *(See instruction #9 on reverse side)*
NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

A. SENIOR CITIZEN Grantor(s) ☐ 62 years of age or over. * *(See instruction #9 on reverse side for A or B)*
B. BLIND PERSON Grantor(s) ☐ legally blind or; *
DISABLED PERSON Grantor(s) ☐ permanently and totally disabled ☐ Receiving disability payments ☐ Not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:
☐ Owned and occupied by grantor(s) at time of sale.
☐ One or two-family residential premises.
☐ Resident of State of New Jersey.
☐ Owners as joint tenants must all qualify.

*IN THE CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEEDS TO QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING *(See instruction #9 on reverse side)*
☐ Affordable according to H.U.D. standards.
☐ Meets income requirements of region.
☐ Reserved for occupancy.
☐ Subject to resale controls.

(6) NEW CONSTRUCTION *(See instructions #2, #10 and #12 on reverse side)*
☐ Entirely new improvement.
☐ Not previously used for any purpose.
☐ Not previously occupied.
☐ "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed.

(7) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2008.

Subscribed and sworn to before me this 4 day of October, 20 09

HARVEY FRUCHTER, ESQ.
ATTORNEY AT LAW

Joseph Nori
Signature of Deponent

Joseph Nori
Grantor Name

7 Summit Road, Cranford, NJ
Deponent Address

7 Summit Road, Cranford
Grantor Address at Time of Sale

XXX-XXX- 1 3 2
Last 3 digits in Grantor's Social Security Number

Fruchter & Associates, LLC
Name/Company of Settlement Officer

Clerk/Register USE ONLY
Instrument Number 2009 Book 5784 Page 0410
Deed Number
Deed Date 10/6/09 Date Recorded 11/16/09

Clerk/Register to forward one copy of each Affidavit of Consideration for Use by Seller when Section 3A is completed.

STATE OF NEW JERSEY - DIVISION OF TAXATION
PO BOX 251
TRENTON, NJ 08695-0251
ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at: www.state.nj.us/treasury/taxation/rpt/locattax.shtml.

0857789-0410

AGREEMENT OF SALE AND PURCHASE OF REAL ESTATE

THIS AGREEMENT OF SALE AND PURCHASE OF REAL ESTATE is made this 15th day of January , 2019 (the "Effective Date") by and among, **JN25NO26TH B183L9, LLC**, having a mailing address at c/o L&J Body & Fender Works, 720 Boulevard, Kenilworth, NJ 07033(the "Seller") and K2 Plaza, LLC c/o Zimmer Companies, LLC, with a mailing address of P.O. Box 83, New Vernon, NJ 07976, hereinafter referred to either as the "PURCHASER" or "BUYER".

1. Agreement. For the consideration hereinafter set forth, but subject to the terms, provisions, covenants, and conditions herein contained, Seller agrees to sell and to convey, and Purchaser agrees to purchase and to pay for the real property commonly known as 25 N. 26th Street, Kenilworth, NJ (the "Property") all the Seller's rights, responsibilities and duties relating to the land as further described in the deed dated December 28, 1999 between Ally, Inc to Joseph Neri in DB4919 beginning at page 194 and shown on the Tax Map of the Borough of Kenilworth as Block 183, Lot 9 and being about 3.79 +/- acres which were conveyed to the Seller when Joseph Neri transferred the property to JN25NO26TH B183L9, LLC.

CONFIDENTIAL

2. Purchase Price.

2.1 The purchase price to be paid by Purchaser to Seller for Seller's interest in the Property is [redacted] Dollars (the "Purchase Price") plus or minus commonly applied adjustments as noted hereinafter in this agreement.

2.1.1 Contemporaneously with the execution and delivery of this Agreement, Purchaser shall deliver a good check in the amount of [redacted] Dollars (the "Deposit") to be deposited and held in escrow by [redacted] (the "Escrow Agent") within Seller's attorney's IOLTA trust. The funds are to be held in escrow until the closing or otherwise by Ordered by the Court. Under no circumstances shall the escrow be released without consent of all parties or by Court Order.

an effort to expedite the due diligence and approval periods, the Buyer shall have the right to use the Seller's surveyor and professionals, excluding Seller's attorney for the diligent inquiry.

The following assurances are the ones to be addressed at Purchaser's sole expense during the diligence period. Purchaser's obligations hereunder are contingent upon Purchaser having obtained at its own cost and expense assurances that all of the following have been satisfied:

(a) That adequate potable water, both as to quality and quantity, is available to the Premises to serve the Contemplated Use; and

(b) That the New Jersey Department of Environmental Protection and the local Board of Health officer have approved a waste water disposal system, which disposes of effluent by means of sanitary sewer, being adequate to serve and satisfy the requirements of the Contemplated Use hereunder; and

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(c) That storm sewer facilities are to the Premises and are available to service the Contemplated Use; and

(d) That no building or development moratorium or other similar legal disability or impediment by any governmental body, or public or private utility exists or is contemplated which might prevent or impair the development of the Contemplated Use. If there is a moratorium, or otherwise, as stated above, there will be a tolling of time until same is vacated and Purchaser is able to proceed forward; however, in no event shall the tolling of time exceed six (6) months; and

(e) That electrical power, gas, telephone and other utilities are available to the Premises in sufficient quantity and capacity to service the Contemplated Use. If any utility service or improvements are not contiguous to the Premises, all necessary easements and/or right-of-ways must be secured in recordable form; and

(f) Within [redacted] of entering this agreement and after the property has been designated for redevelopment , Purchaser shall promptly file all necessary governmental

Within the due diligence period, Buyer by written notice delivered in writing to the Seller and Seller's attorney, Buyer may cancel this Agreement for any reason in its sole discretion and receive a full refund of the Deposit minus any damage or liability claim or cost to restore the property after any testing.

Purchaser's obligation to close is expressly conditioned upon receipt by the Purchaser of the not appealable Land Use approval (herein the "Approval") prior to the expiration of the Development Approval Contingency Period. The Approvals shall be deemed no longer appealable at such time as the time for filing any such an appeal shall have, as a matter of law, expired, provided that Purchaser shall have obtained the Preliminary Approvals. The processing of the Approvals shall be made in the name of the Purchaser, at Purchaser's sole cost and expense, with the consent of the Seller. Additionally, to the extent necessary, Seller shall cooperate with Purchaser, at no cost or expense to Seller, in connection with Purchaser's efforts to obtain the Approvals.

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In the event the Approvals are denied, or the Approvals are issued subject to conditions which are financially unacceptable to the Purchaser in Purchaser's sole discretion, or any of the other Agencies or governmental entities with jurisdiction over the Project either denies or fails to approve any of the required Approvals, the Purchaser, at Purchaser's sole expense, shall have right, but not the obligation, to challenge such actions by the timely initiation of an Action In Lieu of Prerogative Writ in the Superior Court of New Jersey, or such other court with jurisdiction, and to appeal an adverse ruling of the same, in the sole and exclusive discretion of the Purchaser. In such event, the Development Approval Contingency Period shall be extended for the period required to resolve such litigation, and for such additional period as may be required for a remand to the local board or governmental agency for final unappeasable decision on the Approvals; provided, however, that at any time during the course of such proceedings Purchaser shall have the right to terminate this Agreement and one half of the deposit shall be returned minus any damage to the property.

3.3 Closing The closing shall occur on or before [redacted] but may be extended if Buyer is diligently proceeding with the approval process [redacted] Buyer may

or contemplated condemnation or eminent domain proceeding relating to the Property, (ii) no person or entity has any right of first refusal, right of first offer, contract or other option to acquire the Property or any part thereof or interest therein, (iii) Seller has not received any other written notice from any governmental authorities that the Property is in violation of any laws, ordinances, statutes, codes, rules, regulations, agreements, judgments, orders and decrees governing hazardous materials, (iv) there are no leases, tenancies, licenses or other occupancy agreements to which Seller is a party or by which Purchaser may be bound for any portion of the Property following Closing and (v) no hazardous materials have been discharged, generated, treated, disposed of or stored on, incorporated in, or removed or transported from the Property by Seller.

4. Title. The Seller shall convey marketable fee simple title to the Property, free and clear of all liens, claims whatsoever, including tenancies of any kind, but subject to (a) zoning and subdivision laws and regulations, (b) real estate taxes that are a lien, but are not yet due and payable and (c) easements, restrictions and encroachments that are of record. The Seller shall not be required to bring any action or proceeding or otherwise incur any expense, to render the title to the premises marketable except that Seller shall pay any mortgage or monetary lien from the net proceeds at closing. The Purchaser may, nevertheless, accept such title as the Seller may be able to convey, without reduction of the purchase price or any credit or allowance against the same and without any other liability on the part of the Seller where the parties are able to agree upon the same. If Seller is unable to convey title in accordance with the terms of this contract, except for Seller's willful default, the sole liability of Seller will be to refund to Purchaser the amount paid on account of the purchase price and upon such refund and payment being made this contract shall be considered canceled.

CONFIDENTIAL

At Closing, Seller shall deliver such instruments and documents required by this Agreement, or reasonably required by Purchaser, or its title company, which are acceptable to Seller's attorney.

5. Closing Location. The Closing shall be held at the offices of Purchaser's New Jersey attorney or other place of the Purchaser's choosing within the State of New Jersey. The Seller reserves the right to close by overnight messenger.

11. Risk of Loss. The risk of loss or damage to the property unless caused by Purchaser or purchaser's agents or contractors, shall remain with the Seller.

12. Adjustments and Discharge of Liens. The public water, real estate taxes, sewer charges, and all other items normally adjusted at the closing of the sale of real properties, except any fuel costs, shall be apportioned and allowed as of the day of Closing. Buyer shall be responsible for the transfer and if any mansion tax due which shall be payable at the time of closing.

13. Notices. Any notices so required under this contract of sale shall be deemed effective if sent by overnight delivery to the parties' respective attorneys in addition to the party.

14. Bulk Sales. The State of New Jersey, pursuant to N.J.S.A. 54:50-38, requires notice to the Division of Taxation of the pending sale of properties. Seller shall provide Buyer's attorney with a completed form C-9600 and shall provide any additional information or documentation required by the Division of Taxation including form TTD. The transaction cannot close until the Division of Taxation provides a tax escrow letter, a tax escrow waiver, or a notice of tax due. In the event an escrow is required, the Buyer's attorney shall deduct the required escrow from the sale proceeds and distribute as per instructions from the Division of Taxation.

CONFIDENTIAL

15. Physical Condition of the Property, Seller's Representations & Warranties: Notwithstanding anything to the contrary stated in this Agreement, the Purchaser acknowledges that the Seller represents that Seller has through its managing member obtained title to the Property from Joseph Neri who obtained it from Ally, Inc on or about December 28, 1999 and that the Seller has never constructed a building on the Property, and that Seller has no definitive knowledge of the prior history of the Property, its condition, or its fitness for any particular use other then what appears to be public record. The land and any buildings subject of the Property are being transferred in the same condition as they now appear. The Property is being sold **"AS-IS" and "WHERE-IS"** with no representations, warranties or guarantees by Seller as to any condition and matter, including but not limited to representations, warranties or guarantees regarding the fitness of any improvements on the Property for any particular use or the

Agreement is rendered null and void, Purchaser shall remove any signage it has placed on the subject Premises at its own expense. Notwithstanding anything to the contrary in this Paragraph 16, Purchaser will hold the Seller harmless as to any damages or liability caused by the placement or removal of any such sign placed upon the Premises.

17. Notices. All notices under this Agreement must be in writing and may be made by certified mail of messenger service to the other party and their attorney noted herein to the following address:

To Seller:

NJ25NO26TH B183L9, LLC

c/o Joseph Neri, Managing Member
720 Boulevard
Kenilworth, New Jersey 07033

AND.

To Purchaser:

K2 Plaza LLC c/o
Zimmer Companies, LLC
c/o Charles E. Zimmer
PO Box 85
New Vernon, NJ 07976

AND

[redacted]CONFIDENTIAL

18. Complete Agreement. This Agreement is the entire and only agreement between the Purchaser and Seller. This Agreement cancels and replaces any previous agreements between the Purchaser and Seller. This Agreement may be changed only in writing signed by both Purchaser and Seller. **ANY REPRESENTATIONS OR AGREEMENTS NOT CONTAINED OR REFERENCED IN THIS AGREEMENT ARE OF NO EFFECT.** No presumption shall be deemed to exist with respect to or against the party who may have drafted this Agreement or caused this Agreement to be drafted.

19. Counterparts and/or Facsimile/E-Mail Signatures. This Agreement may be executed in any number of counterparts, including counterparts transmitted by telecopy, facsimile or email, any one of which may constitute an original of this Agreement. When counterparts or facsimile copies have been executed by all parties, they shall have the same effect as if the signatures to each counterpart or copy were upon the same document and copies of such documents shall be deemed valid as originals. The

STATE OF NEW JERSEY :

: ss:

COUNTY OF UNION :

On the 15th day of January, 2019, before me personally came Charles E. Zimmer, Jr., to me known to be the person who executed the foregoing 15 page instrument, and who, being by me duly sworn, did depose and say that he is the managing member of the LLC that is purchasing the property and that he executed the foregoing instrument in the name of said company, and that he has authority to sign the same, and acknowledged that he executed the same as the act and deed of said limited liability company.

[redacted]

Notary [redacted]

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires [redacted]

CONFIDENTIAL

STATE OF NEW JERSEY :

: ss:

COUNTY OF UNION :

On the 15th day of January , 2019, before me personally came Joseph Neri, to me known to be the person who executed the foregoing 14 page instrument, and who, being by me duly sworn, did depose and say that he is the authorized party of **JN25NO26THB183L9, LLC**, a limited liability company; and that he executed the foregoing instrument in the name of said limited liability company, and that he/she had authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said LLC.

[redacted]

CONFIDENTIAL

2. **Amendments.**

A. Section 3.3 of the Agreement is hereby deleted and replaced with the following:

"The closing cannot be made certain at this time, but in no event may the closing be beyond [redacted] therefore, the Buyer and Seller agree that the closing shall occur within thirty (30) days from satisfaction of all contingencies of this Agreement including, but not limited to, the Development Approval contingency and the extinguishment of the Easement as defined herein and more fully described below.

The Property is subject to certain restrictions and obligations relating to the environmental condition of the Property contained in that certain Deed dated December 28, 1999 between Ally, Inc., to Joseph Neri, recorded with the Union County Register in Deed Book 4919 beginning at Page 194 ("Deed Notice").

B. Article 3 of the Agreement is hereby modified as follows (in the event of any inconsistencies between Article 3 and this Amendment the terms of this Amendment shall govern and control):

(i) The parties acknowledge that before the Purchaser can make an application to the Borough Planning Board for any development approvals, the Redevelopment Law first requires the Borough to adopt by ordinance a redevelopment plan ("Plan") for the Property which permits multi-family housing ("Contemplated Use" or "Project");

(ii) Purchaser shall have [redacted] from adoption of the Plan ("Development Approval Contingency Period") to obtain preliminary and final site plan approval for the Contemplated Use, together with all such other necessary governmental approvals required for the Contemplated Use including, but not limited to, any approvals, permits (excluding building permits), licenses, or consents from any municipal, state, county, or federal governmental or quasi-governmental authority, pursuant to any and all environmental, zoning, redevelopment, and/or other land use statute, laws, rules or regulations, which may be required for Purchaser to construct the Project along with the designation of Purchaser as "redeveloper" for the Project and execution of a redevelopment agreement and a financial agreement between Purchaser and the Borough all in form and substance acceptable to Purchaser in Purchaser's sole discretion, (collectively referred to as the "Approvals"). So long as Purchaser is diligently pursuing the Approvals, Purchaser shall be entitled to [redacted] extensions of the Development Approval Contingency Period. Commencing on the first of the month immediately following the Effective Date, and continuing on the first of each month thereafter until the earlier of (i) termination of this Agreement or (ii)

The Property is subject to that certain sewer easement agreement dated January 2, 1960 and recorded on January 8, 1960 in Union County Book 2467, Page 113 ("Easement"). [redacted] Purchaser's obligation to close title on the Property is contingent upon the extinguishment of the Easement. The Seller will cooperate with Purchaser and Purchaser's title company and work collectively ~~at Purchaser's expense~~ to extinguish the Easement. The parties shall cause the Easement to be extinguished [redacted] during the Development Approval [redacted] If the parties fail to extinguish the Easement as required hereunder, Purchaser may terminate the Agreement and upon said termination, the Seller shall cause the Deposit to be promptly refunded to Purchaser (exclusive of the monthly payments).

3. **Miscellaneous.**

(a) The Agreement, as amended by this Amendment, is hereby ratified and affirmed and remains in full force and effect. To the extent any of the provisions of this Amendment are inconsistent with any of the provisions of the Agreement, the provisions of this Amendment shall govern.

(b) Each of Seller and Purchaser covenants, represents and warrants to the other that the individual(s) executing this Amendment on such party's behalf is authorized to do so.

(c) This Amendment shall be governed by the laws of the State of New Jersey.

(d) This Amendment may be executed in counterparts, all of which together shall constitute one agreement binding on all of the parties hereto, notwithstanding that all such parties are not signatories to the original or the same counterpart. Each counterpart may be delivered by facsimile or electronic mail transmission and a faxed or electronically mailed counterpart of this Amendment containing either the original and/or copy of any signature of any party hereto shall have the same force and effect as an original counterpart signature.

SECOND AMENDMENT TO AGREEMENT OF SALE AND PURCHASE OF REAL ESTATE

THIS SECOND AMENDMENT TO AGREEMENT OF SALE AND PURCHASE OF REAL ESTATE (this "Amendment") is entered into effective as of October ,2020 ("Effective Date"), by and between JN25N026THB183L9, LLC, having a mailing address at c/o L&J Body & Fender Works, 720 Boulevard, Kenilworth, NJ 07033 ("Seller"), and K2 Plaza, LLC, having a mailing address of c/o Zimmer Companies, LLC, P.O. Box 85, New Vernon, NJ 07976 ("Purchaser").

RECITALS

A. Seller and Purchaser have entered into that certain Purchase and Sale Agreement dated as of January 15, 2019, (the "Agreement") for property also identified as Block 183 Lot 9 within the Borough of Kenilworth (the "Property").

B. Seller and Purchaser entered into a FIRST AMENDMENT to the agreement that for the Purchase and Sale dated as of December 1, 2019 for the Property.

C. The parties acknowledge that COVID-19 has delayed the applications and processing for the redevelopment with the Borough of Kenilworth.

D. In light of the foregoing recitals, Seller and Purchaser desire to amend the Agreement for the second time to allow additional time for the project to proceed pursuant to the procedures under the Redevelopment Laws as previously noted in the First Amendment

E. In consideration of the Seller extending the time for the Purchaser to have the option to purchase the aforesaid property, Purchaser shall pay to Seller, simultaneous with the full execution of this Amendment by the parties, the sum of [redacted] in satisfaction of the monthly installments [redacted] and thereafter [redacted] per month [redacted] on or before the tenth (10th) of each month commencing [redacted] If said monthly payment is not received by the of the fifth business day after the 10th of the month, then all the payments made to date by the Purchaser that would have been credited to the sale shall be forfeited and no longer credited against the purchase price at the time of sale. If the payment is not received by the last business day of the month, then the Purchaser shall be in Default and the Seller may terminate the contract of sale and retain all the funds paid as liquidated damages.

F. In further consideration of the Seller extending the time for the Purchaser to have the option to purchase the aforesaid property, [redacted] of the deposit shall be immediately released to the Seller, and credited against the purchase price at closing if the Purchaser is not in default. when the Borough's adoption and effectuation of the Redevelopment Plan with all applicable appeal periods having expired. An additional [redacted] of the deposit shall be immediately released to the Seller,

(b) Each of Seller and Purchaser covenants, represents and warrants to the other that the individual(s) executing this Amendment on such party's behalf is authorized to do so.

(c) This Amendment shall be governed by the laws of the State of New Jersey with exclusive jurisdiction of the courts within the County of Union.

(d) The term "Purchaser" and "Buyer" as used herein shall be utilized as if they are the same term and are interchangeable.

(e) This Amendment may be executed in counterparts, all of which together shall constitute one agreement binding on all of the parties hereto, notwithstanding that all such parties are not signatories to the original or the same counterpart. Each counterpart may be delivered by electronic mail transmission of this Amendment containing either the original and/or copy of any signature of any party hereto shall have the same force and effect as an original counterpart signature.

IN WITNESS WHEREOF on this ____ day of October, 2020 the parties hereto have executed this Amendment effective as of the date first above written.

SELLER:
JN25N026THB183L, LLC

By:
Name: Joseph Neri
Title: Managing Member

PURCHASER:
K2 PLAZA, LLC

By:
Name: Charles E. Zimmer, Jr.
Title: Managing Member

23 OCT 20

EXHIBIT 9

SITE PLAN APPROVAL BY PLANNING BOARD

The application for site plan approval is anticipated to be submitted November 2021. Attached is a draft site plan to be submitted and is fully conforming to the Redevelopment Plan.

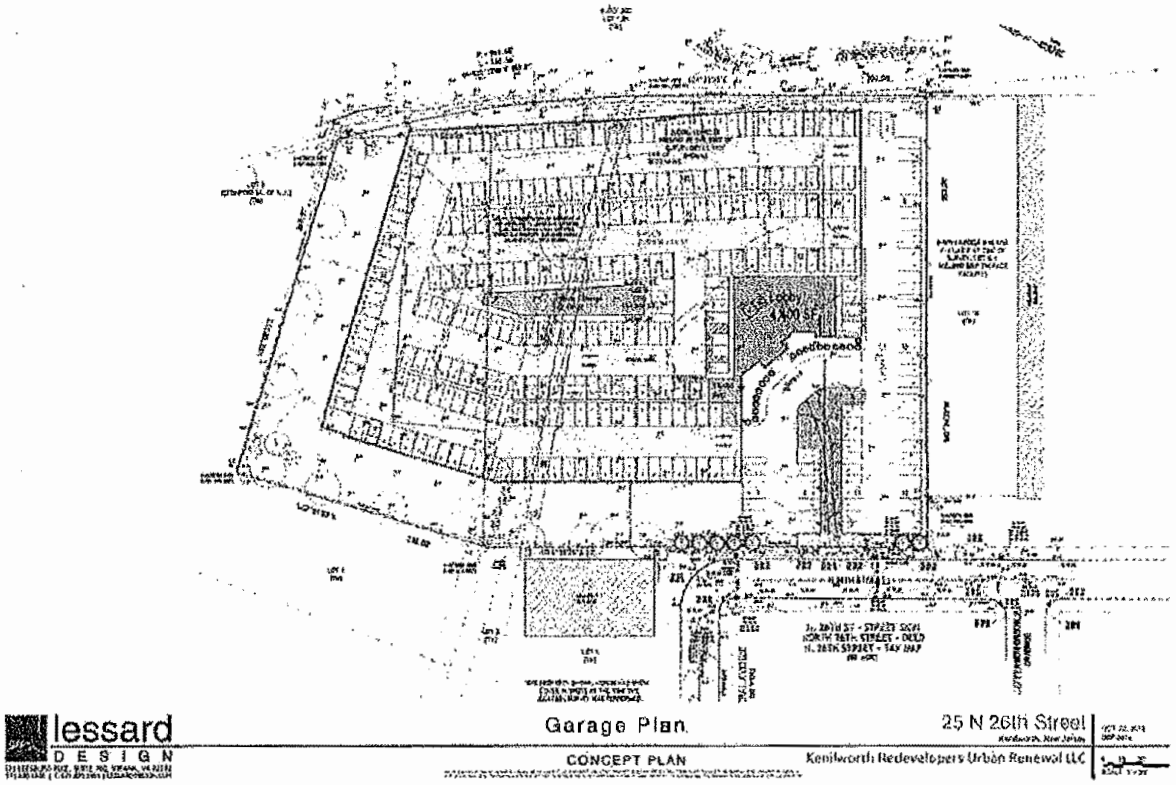

EXHIBIT 11

TOTAL PROJECT COST ESTIMATE

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

Estimated Total Project Cost Calculation per N.J.S.A. 40A:20-3(h):

A. Cost of land and improvements to Urban Renewal Entity	$5,200,000
B. Architects, Engineers, surveying and Attorney Fees (paid or payable) in connection with the planning, construction and financing of the Project	$1,685,000
C. Projected construction cost per architect's estimate Bids including site preparation [includes permits and hook-up fees]	$33,820,700
D. Insurance, Interest, and Finance Costs during Construction	$2,195,000
E. Cost of Obtaining Initial Permanent Financing	$400,000
F. Marketing and other expenses payable in connection with initial lease of units	$525,000
G. Real Estate Taxes and Assessments during Construction Period	$114,836
H. Developer's Overhead based on a percentage of (c) above, to be computed in accordance with percentage given in law N.J.S.A. 40A:20-3 (h)	$1,315,028
Total Project Cost	$45,219,434

EXHIBIT 12

Cost Estimates for Each Unit Type
Please see Exhibit 11

Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Stabilized	Stabilized	Stabilized	Stabilized	Stabilized	Stabilized	Stabilized	Stabilized	Stabilized
2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
45.00%	45.00%	45.00%	45.00%	45.00%	45.00%	45.00%	45.00%	45.00%
25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
95.8%	95.8%	95.8%	95.8%	95.8%	95.8%	95.8%	95.8%	95.8%
3,687,525	3,779,713	3,874,206	3,971,061	4,070,338	4,172,096	4,276,399	4,383,309	4,492,891
307,500	315,188	323,067	331,144	339,422	347,908	356,606	365,521	374,659
$3,995,025	$4,094,901	$4,197,273	$4,302,205	$4,409,760	$4,520,004	$4,633,004	$4,748,830	$4,867,550
151,905	155,703	159,595	163,585	167,675	171,867	176,163	180,567	185,081
40,898	41,920	42,968	44,042	45,143	46,272	47,429	48,614	49,830
8,180	8,384	8,594	8,808	9,029	9,254	9,486	9,723	9,966
$4,196,007	$4,300,907	$4,408,430	$4,518,641	$4,631,607	$4,747,397	$4,866,082	$4,987,734	$5,112,427
($194,425)	($199,286)	($204,268)	($209,375)	($214,609)	($219,974)	($225,474)	($231,111)	($236,888)
(4,613)	(4,728)	(4,846)	(4,967)	(5,091)	(5,219)	(5,349)	(5,483)	(5,620)
0	0	0	0	0	0	0	0	0
(63,823)	(65,418)	(67,054)	(68,730)	(70,448)	(72,209)	(74,015)	(75,865)	(77,762)
$3,933,147	$4,031,475	$4,132,262	$4,235,569	$4,341,458	$4,449,995	$4,561,244	$4,675,276	$4,792,157
$123,000	$150,000	$129,227	$132,458	$135,769	$139,163	$142,642	$146,208	$149,864
$41,000	$50,000	$43,076	$44,153	$45,256	$46,388	$47,547	$48,736	$49,955
$46,125	$47,278	$48,460	$49,672	$50,913	$52,186	$53,491	$54,828	$56,199
$117,994	$120,944	$123,968	$127,067	$130,244	$133,500	$136,837	$140,258	$143,765
$20,500	$21,013	$21,538	$22,076	$22,628	$23,194	$23,774	$24,368	$24,977
$55,212	$56,592	$58,007	$59,457	$60,943	$62,467	$64,029	$65,629	$67,270
$5,679	$5,821	$5,967	$6,116	$6,269	$6,425	$6,586	$6,751	$6,919
$128,125	$131,328	$134,611	$137,977	$141,426	$144,962	$148,586	$152,300	$156,108
$82,000	$84,050	$86,151	$88,305	$90,513	$92,775	$95,095	$97,472	$99,909
$71,750	$73,544	$75,382	$77,267	$79,199	$81,179	$83,208	$85,288	$87,420
$15,375	$15,759	$16,153	$16,557	$16,971	$17,395	$17,830	$18,276	$18,733
$117,994	$120,944	$123,968	$127,067	$130,244	$133,500	$136,837	$140,258	$143,765
$824,755	$877,273	$866,508	$888,170	$910,375	$933,134	$956,462	$980,374	$1,004,883
10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
393,315	403,148	413,226	423,557	434,146	444,999	456,124	467,528	479,216
393,315	403,148	413,226	423,557	434,146	444,999	456,124	467,528	479,216
1,118,069	1,280,421	1,279,734	1,311,727	1,344,521	1,378,134	1,412,587	1,447,902	1,484,099
$2,715,078	$2,751,055	$2,852,528	$2,923,842	$2,996,938	$3,071,861	$3,148,658	$3,227,374	$3,308,058

Year 21 Stabilized	Year 22 Stabilized	Year 23 Stabilized	Year 24 Stabilized	Year 25 Stabilized	Year 26 Stabilized	Year 27 Stabilized	Year 28 Stabilized	Year 29 Stabilized	Year 30 Stabilized
2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
45.00%	45.00%	45.00%	45.00%	45.00%	45.00%	45.00%	45.00%	45.00%	45.00%
25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
95.8%	95.8%	95.8%	95.8%	95.8%	95.8%	95.8%	95.8%	95.8%	95.8%
5,895,063	6,042,439	6,193,500	6,348,338	6,507,046	6,669,723	6,836,466	7,007,377	7,182,562	7,362,126
491,585	503,875	516,471	529,383	542,618	556,183	570,088	584,340	598,949	613,922
$6,386,648	$6,546,314	$6,709,972	$6,877,721	$7,049,664	$7,225,906	$7,406,553	$7,591,717	$7,781,510	$7,976,048
242,843	248,914	255,137	261,515	268,053	274,755	281,623	288,664	295,881	303,278
65,381	67,015	68,691	70,408	72,168	73,972	75,822	77,717	79,660	81,652
13,076	13,403	13,738	14,082	14,434	14,794	15,164	15,543	15,932	16,330
$6,707,948	$6,875,646	$7,047,538	$7,223,726	$7,404,319	$7,589,427	$7,779,163	$7,973,642	$8,172,983	$8,377,308
($310,818)	($318,589)	($326,553)	($334,717)	($343,085)	($351,662)	($360,454)	($369,465)	($378,702)	($388,169)
(7,374)	(7,558)	(7,747)	(7,941)	(8,139)	(8,343)	(8,551)	(8,765)	(8,984)	(9,209)
0	0	0	0	0	0	0	0	0	0
(102,030)	(104,581)	(107,195)	(109,875)	(112,622)	(115,438)	(118,323)	(121,282)	(124,314)	(127,421)
$6,287,726	$6,444,919	$6,606,042	$6,771,193	$6,940,473	$7,113,985	$7,291,834	$7,474,130	$7,660,983	$7,852,508
$196,634	$201,550	$206,589	$211,753	$217,047	$222,473	$228,035	$233,736	$239,579	$245,569
$65,545	$67,183	$68,863	$70,584	$72,349	$74,158	$76,012	$77,912	$79,860	$81,856
$73,738	$75,581	$77,471	$79,407	$81,393	$83,427	$85,513	$87,651	$89,842	$92,088
$188,632	$193,348	$198,181	$203,136	$208,214	$213,420	$218,755	$224,224	$229,830	$235,575
$32,772	$33,592	$34,431	$35,292	$36,175	$37,079	$38,006	$38,956	$39,930	$40,928
$88,204	$90,471	$92,732	$95,051	$97,427	$99,863	$102,359	$104,918	$107,541	$110,230
$9,079	$9,306	$9,539	$9,777	$10,021	$10,272	$10,529	$10,792	$11,062	$11,338
$204,827	$209,948	$215,196	$220,576	$226,091	$231,743	$237,537	$243,475	$249,562	$255,801
$131,089	$134,367	$137,726	$141,169	$144,698	$148,316	$152,023	$155,824	$159,720	$163,713
$114,703	$117,571	$120,510	$123,523	$126,611	$129,776	$133,020	$136,346	$139,755	$143,249
$24,579	$25,194	$25,824	$26,469	$27,131	$27,809	$28,504	$29,217	$29,947	$30,696
$188,632	$193,348	$198,181	$203,136	$208,214	$213,420	$218,755	$224,224	$229,830	$235,575
$1,318,494	$1,351,456	$1,385,243	$1,419,874	$1,455,371	$1,491,755	$1,529,049	$1,567,275	$1,606,457	$1,646,618
10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
628,773	644,492	660,604	677,119	694,047	711,398	729,183	747,413	766,098	785,251
628,773	644,492	660,604	677,119	694,047	711,398	729,183	747,413	766,098	785,251
1,947,267	1,995,948	2,045,847	2,096,993	2,149,418	2,203,153	2,258,232	2,314,688	2,372,555	2,431,869
$4,340,459	$4,448,971	$4,560,195	$4,674,200	$4,791,055	$4,910,831	$5,033,602	$5,159,442	$5,288,428	$5,420,639

EXHIBIT 15

PRIVATE FINANCING COMMITMENTS

MRC

520 Madison Avenue, Suite 3501
New York, New York 10022

October 19, 2021

I am writing this letter in support of the controlling member of Kenilworth Redevelopers Urban Renewal LLC ("the Controlling Member") intent to develop the Kenilworth Redevelopment Site in the borough of Kenilworth, New Jersey. Madison Realty Capital ("MRC") and the Controlling Member established a working relationship in 2018 and have had a working relationship in the development of nearly 2,000 residential units in New Jersey representing a gross transaction volume of approximately $500 MM. As detailed below, MRC has extensive experience with the firm and can attest to its competency in successfully developing complex mixed-use residential and commercial projects on-time, on-budget and in the best interests of the community.

Madison Realty Capital is a New York City based real estate private equity firm focused on debt and equity investment strategies with regional offices in key markets including Los Angeles and Dallas. Founded in 2004, MRC has closed on approximately $12 billion of transactions in the multifamily, retail, office, industrial and hotel sectors and currently has over $5 billion in gross assets under management. The firm manages investments in the United States on behalf of a global investor base. MRC is a fully integrated firm with over 60 employees across all real estate investment, development, and property management disciplines. Among other industry recognitions, MRC has been named to the Commercial Observer's prestigious "Power 100" list of New York City real estate players and is consistently cited as one of the industry's top construction lenders. As a lender, MRC is a valued partner to both institutional sponsors and leading independent developers, known for speed, flexibility, and certainty of execution in complex situations. The firm specializes in construction projects, with notable transactions including a $210 MM loan for the development of the Four Seasons Hotel & Private Residences in Fort Lauderdale, Florida, and a $168 MM construction loan for the development of 1,000 multifamily units in Jersey City, New Jersey.

MRC and the Controlling Member's relationship commenced in 2018 when MRC provided a $258 MM loan for the ground-up construction of three residential projects in New Jersey. The developments will offer 1,161 luxury residential units across 1.3 million square feet in Bayonne, Raritan and Linden. From the start, MRC was impressed with the Controlling Member's team for its ability to manage the complex entitlement and zoning processes in New Jersey, as represented by its ability to negotiate redevelopment agreements with local municipalities. MRC found all professionals to be knowledgeable in each facet of the development process, ranging from zoning, design, financing, construction and lease-up/marketing. MRC has found the Controlling Member and his Team, to be responsive, diligent, and forthcoming in all requests for information throughout the financing and development process. The success of the three active construction projects represents the Controlling Member's ability to successfully manage numerous complex construction projects at once. Due to this, MRC has expanded its relationship with the Controlling Member by providing a loan in October 2020 to complete a 105-unit residential project in Bound Brook, and an additional loan to finance the acquisition and predevelopment of an assemblage in New Brunswick that will be redeveloped as a 660-unit mixed-income housing community with a large commercial component. The New Brunswick project is not yet entitled, though the Controlling Member has been approved as the redeveloper of the site. As a result, the Controlling Member is working with municipal leaders to ensure that the project meets the needs of the

EXHIBIT 16

EXPLANATION OF NEED FOR TAX EXEMPTION

A long-term tax exemption is an essential part of the proposed development that consists of 165 multifamily apartment units, of which 25 units will be made available to very low, low and moderate income levels with a veteran's preference as described in the Redevelopment Plan. Without the requested tax exemption, the real estate taxes for the project would create a financing gap, rendering the project unfinanceable.

The tax exemption sought by this Application is necessary to achieve the financial viability of the project and to achieve construction financing, all while ensuring that 15% of all units be made available for very low, low and moderate income households.

EXHIBIT 18

SUMMARY OF PROJECT BENEFITS

The project is expected to generate the following benefits to the Township:

1. Approximately 165 Construction Jobs and 4 permanent jobs. (Property management/Leasing employees and Property management employees)

2. No known environmental remediation required other than capping the property and a deed notice.

3. Municipal Revenue – Please see Exhibit 13 for PILOT revenue projections. Borough revenues generated through sewer/water fees are yet to be determined.

4. Create new housing opportunities. The project will create 165 modern rental units with 25 units being set aside for very low, low and moderate income households.

5. Establish modern aesthetics and sustainable features. The project is designed with a variety of quality materials and sustainable features such as electric car charging stations, low flow fixtures, high efficiency LED lighting, enhanced thermal envelope, high reflective roofing materials, energy star appliances etc.

6. Support retail trade and local businesses with increased retail catchment.

FINANCIAL AGREEMENT

BY AND BETWEEN

THE BOROUGH OF KENILWORTH,
as the Borough

and

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC
as the Entity

Long Term Tax Exemption Law
N.J.S.A. 40A:20-1 *et seq.*

Re: 25 North 26th Street

WHEREAS, despite the Entity's current and future substantial investment of "at-risk" equity and traditional borrowed funds for acquisition, development and construction of the Project, such amounts of equity and traditional borrowed funds are insufficient to pay for all of the costs associated with the acquisition, development and construction of the Project; and

WHEREAS, Borough is agreeable to granting a long term tax exemption to the Entity for the Project in accordance with N.J.S.A. 40A:20-1, et seq. ("Exemption Law"); and

WHEREAS, the provisions of the Exemption Law, and such other statutes as may be sources of relevant authority, if any, authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by the Entity to Borough as set forth in such laws; and

WHEREAS, on October 20, 2021, the Entity filed an Application for a Financial Agreement with the Borough, a copy of which is attached hereto as **Exhibit B** (the "Application"), seeking approval of this Financial Agreement providing for exemption from municipal taxation for the Project as aforesaid, for a period set forth in Section 3.1(b) hereof, and for payment, in lieu of taxes, of an annual service charge; and

WHEREAS, on _____, the Borough Council adopted an ordinance entitled "AN ORDINANCE TO APPROVE A LONG-TERM TAX EXEMPTION AND FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF KENILWORTH AND KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC" approving the Application, this Financial Agreement and the Project, a copy of which ordinance is attached hereto as **Exhibit C** (the "Ordinance"); and

WHEREAS, the Borough has made the following findings:

A. **Benefits of Project v. Costs.**

1. The development and construction of the Project, as set forth in the Redevelopment Agreement and Redevelopment Plan will be beneficial to the overall community; will achieve the goals and objectives of the Redevelopment Plan; will help revitalize the Redevelopment Area; will improve the quality of life for the community; will serve as a catalyst for further private investment in areas surrounding the Redevelopment Area; will facilitate the productive reuse of land currently in a blighted, stagnant, unproductive and fallow condition; will enhance the economic development of the Borough by alleviating existing blight conditions of the Redevelopment Area; and will further Redevelopment Plan objectives and contribute to the economic growth of the Borough in general and specifically the Redevelopment Area.

2. That the Project will result in the creation of approximately 165 construction jobs and 4 permanent jobs.

3. That the aforesaid benefits of the Project exceed the cost, if any, associated with granting the tax exemption provided by this Agreement.

B. **Importance of Long Term Tax Exemption.**

The Borough Council's approval of the long term tax exemption set forth herein is essential to the success of this Project because:

financing, the Allowable Profit Rate shall be the greater of 12% or the percentage per annum arrived at by adding 1 1/4% per annum to the interest rate per annum which the Borough determines to be the prevailing rate on mortgage financing on comparable improvements in Union County, all in accordance with N.J.S.A. 40A:20-3(b).

Annual Service Charge - The greater of (i) the amount computed in accordance with Section 4.2(b) and (ii) the Minimum Annual Service Charge.

Annual Service Charge Payment Dates – Annually, each February 1, May 1, August 1, and November 1 after the Annual Service Charge Start Date.

Annual Service Charge Start Date –The first day of the month immediately following the month in which the first Certificate of Occupancy is eligible to be issued for the Project.

Applicable Law – All federal, State and local laws, ordinances, approvals, rules, regulations, resolutions and requirements applicable hereto including, but not limited to, the Redevelopment Law, the Exemption Law, as applicable, relevant construction codes including construction codes governing access for people with disabilities, and such zoning, sanitary and safety ordinances, laws and such rules and regulations thereunder.

Application - Shall have the meaning set forth in the recitals of this Agreement.

Auditor's Report - A complete, certified, audited financial statement outlining the financial status of the Entity as it relates to the Project and reporting the Annual Gross Revenue, Net Profit and Total Project Cost as defined herein, the contents of which have been prepared in a manner consistent with the current standards of the Financial Accounting Standards Board and which fully details all financial items required to determine that the Entity is complying with the Exemption Law and this Agreement and which has been certified as to its conformance with the current standards of the Financial Accounting Standards Board by a certified public accountant, who is licensed to practice that profession in the State.

Borough – Shall have the meaning set forth in the preamble of this Agreement.

Borough Council - Shall have the meaning set forth in the recitals of this Agreement.

Certificate of Occupancy - The document, whether temporary or permanent, issued by the Borough pursuant to N.J.S.A. 52:27D-133, authorizing occupancy of a building, in whole or in part.

Control – As used with respect to any person or entity, shall mean possession, directly or indirectly, of the power to direct or cause the direction of the management and operation of such person or entity, whether through the ownership of voting securities or by contract or other written agreement.

County – Union County, New Jersey.

County Share – The first five percent (5%) of the Annual Service Charge, which shall be payable by the Borough to the County in accordance with the provisions of N.J.S.A. 40A:20-12.

Cure Period – Shall be as defined in Section 9.3.

DCA - The New Jersey State Department of Community Affairs, to which the Entity shall report in accordance with the Exemption Law.

Default – Shall be as defined in Section 9.1.

provisions of N.J.S.A. 40A:20-3(c). Included in expenses shall be an amount sufficient to amortize the Total Project Cost over the life of the Project, which period the Parties agree is thirty (30) years, pursuant to the Exemption Law.

Ordinance - Shall have the meaning set forth in the recitals of this Agreement.

Parties or Party - Shall have the meaning set forth in the preamble of this Agreement.

PILOT Administrative Fee – An annual payment in the amount of two percent (2%) of the Annual Service Charge to be paid on February 1 of each year.

Project - Shall have the meaning set forth in the recitals of this Agreement.

Property - Shall have the meaning set forth in the recitals of this Agreement.

Redevelopment Agreement - Shall have the meaning set forth in the recitals of this Agreement.

Redevelopment Area - Shall have the meaning set forth in the recitals of this Agreement.

Redevelopment Law - Shall have the meaning set forth in the recitals of this Agreement.

Redevelopment Plan - Shall have the meaning set forth in the recitals of this Agreement.

State – The State of New Jersey.

Substantial Completion - The completion of the Project, to such degree that it is considered to be ready for its intended use, which presumptively shall mean the date on which the last Certificate of Occupancy is issued for the Project.

Tax Sale Law - N.J.S.A. 54:5-1 et seq.

Termination - Any act or omission which by operation of the terms of this Agreement shall cause the Entity to relinquish its long-term tax exemption in accordance with N.J.S.A. 40A:20-9(g). Upon termination or expiration, all affected property shall be assessed and subject to taxation as are other taxable properties in the Borough. After termination or expiration, restrictions and limits on the Entity shall terminate upon the Entity's rendering a final accounting to and with the Borough pursuant to N.J.S.A. 40A:20-12.

Total Project Cost – Shall be as defined in the Exemption Law.

Unit – An individual dwelling unit.

1.3 Interpretation and Construction

In this Agreement, unless the context otherwise requires:

(a) The terms "hereby", "hereof", "hereto", "herein", "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

The Entity covenants and represents pursuant to N.J.S.A. 40A:20-9 that it shall (i) cause the Project to be constructed, (ii) directly or indirectly, convey and/or lease out the individual residential units of the Project, and (iii) make all payments required under this Agreement, including but not limited to all Administrative Expenses. The Improvements shall be those authorized by the Redevelopment Agreement, implemented in accordance with all required permits and approvals.

ARTICLE 3
DURATION OF AGREEMENT

3.1 Term

(a) This Agreement shall become effective on the Effective Date.

(b) The Parties understand and agree that this Agreement, including the obligation to pay the Annual Service Charge required under Article 4 and the tax exemption granted and referred to in Section 4.1, shall remain in effect until the earlier of (A) 35 years from the date of execution hereof or (B) 30 years from the Annual Service Charge Start Date. At the expiration of the term hereof or upon Termination, the tax exemption for the Project shall expire and the Project shall thereafter be assessed and taxed according to the general law applicable to other non-exempt property in the Borough. After expiration of the term hereof, all restrictions and limitations upon the Entity shall terminate upon the Entity's rendering and the Borough's acceptance of its final accounting, pursuant to N.J.S.A. 40A:20-12. Upon any Termination of the tax exemption described in Section 4.1, the date of such Termination shall be deemed to be the last day of the fiscal year of the Entity in which the Termination has occurred.

ARTICLE 4
EXEMPTION AND ANNUAL SERVICE CHARGE

4.1 Tax Exemption

(a) Pursuant to the Ordinance, the Project to be constructed and maintained by the Entity in the Redevelopment Area shall be exempt from taxation as provided for herein and in the Exemption Law. In accordance with N.J.S.A. 40A:20-12, the tax exemption shall constitute a single continuing exemption from local property taxation for the duration of this Agreement. The tax exemption granted pursuant to the Ordinance and this Agreement relates only to the Project constructed on the Property.

(b) If the Land is not exempt or is not permitted to be exempt pursuant to N.J.S.A. 40A:20-12, the Entity is required to pay both the Annual Service Charge and the Land Tax Payments. The Entity is obligated to make timely Land Tax Payments in order to be entitled to a Land Tax credit against the Annual Service Charge for the subsequent year, in the amount described below. The Entity and the Borough agree that the Land Tax Payment will never be less than the Land Taxes that were assessed on the Land in the last full year the Property was subject to Land Taxes. If the Land is not exempt or is not permitted to be exempt, the Entity shall be entitled to credit for the amount, without interest, of the Land Tax Payments made in the last four (4) preceding quarterly installments against (and up to, but not to exceed) the municipal portion of the Annual Service Charge, with the Entity expressly waiving its rights to any additional credit for Land Tax Payments made. In any year that the Entity fails to make any Land Tax Payments, if and when due and owing, such delinquency shall render the Entity ineligible for any Land Tax Payment credits against the municipal and/or school portions, as applicable, of the Annual Service

amount due hereunder, including without limitation, the Annual Service Charge, shall be a continuous, municipal lien on the Redevelopment Area and the Project, and that any subsequent Annual Service Charge, including any interest, penalties or costs of collection thereof, that shall thereafter become due or accrue, shall be added and relate back to and be part of the initial municipal lien on the Redevelopment Area and the Project, (B) the Ordinance, this Agreement and any amounts due hereunder, including without limitation, the Annual Service Charge, shall constitute an automatic, enforceable and perfected statutory municipal lien for all purposes on the Redevelopment Area and the Project, including specifically and without limitation, the federal bankruptcy code, regardless of whether the amount of the Annual Service Charge has been determined, and (C) any applicable process, procedure or action of any court, government body or other relevant authority, including without limitation any confirmation hearing; to determine the amount of the Annual Service Charge due shall not affect the commencement or validity of the municipal lien.

ARTICLE 5
ANNUAL REPORTS

5.1 Accounting System

The Entity agrees to maintain a system of accounting and internal controls established and administered in accordance with Generally Accepted Accounting Principles ("GAAP") or in accordance with cash basis accounting principles and as otherwise prescribed by Applicable Law.

5.2 Periodic Reports

(a) Total Project Cost Audit: Within ninety (90) days after the Substantial Completion of the Project, the Entity shall submit to the Borough an audit of Total Project Costs, certified as to actual construction costs and site remediation and clean-up of hazardous substances, if any, by an independent and qualified architect, utilizing the form attached hereto as **Exhibit E**. Other extraordinary costs, as contemplated by **Exhibit D**, shall be certified in conformance with GAAP, by a certified public accountant licensed to practice that profession in the State of New Jersey.

(b) Auditor's Report: Within ninety (90) days after the close of each fiscal or calendar year, depending on the Entity's accounting basis during the period that this Agreement shall continue in effect, the Entity shall submit to the Borough, and the New Jersey Division of Local Government Services within the DCA, its Auditor's Report for the preceding fiscal or calendar year in accordance with N.J.S.A. 40A:20-9(d). The Auditor's Report shall include, but not be limited to, the terms and interest rate on any mortgage(s) associated with the purchase or construction of the Project, and such details as may relate to the financial affairs of the Entity and to its operation and performance hereunder, pursuant to the Exemption Law and this Agreement.

(c) Disclosure Statement: Within thirty (30) days of each anniversary date of the Effective Date, the Entity shall submit to the Borough a Disclosure Statement listing all persons and other entities having an ownership interest in the Entity ("Interest Holders"), and the extent of the ownership interest held by each.

(d) Termination of Obligations: The Entity's obligations under this Section 5.2 shall terminate at the end of the tax exemption period set forth in Section 3.1, or upon earlier termination, if any, of this Agreement. Upon termination or expiration, all affected property shall be assessed and subject to taxation as are other taxable properties in the Borough. After termination or

The date of the termination of this Agreement, expiration of this Agreement or the sale of the Project to a non-urban renewal entity shall be considered to be the close of the final fiscal year of the Entity. Within ninety (90) days after such date, the Entity shall pay to the Borough the amount of the reserves, if any, maintained by it pursuant to this Section 6.3 and the excess Net Profit, if any. Upon termination or expiration, all affected property shall be assessed and subject to taxation as are other taxable properties in the Borough. After termination or expiration, restrictions and limits on the Entity shall terminate upon the Entity's rendering a final accounting to and with the Entity pursuant to N.J.S.A. 40A:20-12.

ARTICLE 7
ASSIGNMENT AND/OR ASSUMPTION

7.1 Approval

(a) Except with the Borough's written consent, as set forth in Section 7.1(b) of this Agreement, the Entity may not sell, convey, grant, bargain, assign, or otherwise transfer its fee title interest in the Project, or any part thereof, or any direct or indirect interest in the Entity, or permit the Project, or any part thereof, to be sold, conveyed, granted, bargained, assigned, or otherwise transferred, except for the transfer of ownership interest among Existing Members of the Entity or a transfer of ownership interest in the Entity to a related entity or Affiliate, to which transfers the Borough hereby consents, as set forth in Section 2.2 herein, subject to the conditions set forth therein, and provided that no Default of Entity, or Event of Default by Entity under the Redevelopment Agreement, exists and that no state of facts exists that, if uncured, would give rise to a Default by Entity, or Event of Default by Entity under the Redevelopment Agreement. In the event of such a conveyance and assignment, the Borough and the Entity shall enter into an Assignment and Assumption Agreement, in form and substance acceptable to the Borough in its sole discretion, and all other necessary and appropriate documents to effect same, as applicable.

(b) It is understood and agreed that the Borough, on written application by the Entity, shall not unreasonably withhold its written consent to a sale of the Project, and the transfer of the Financial Agreement as authorized by the Exemption Law, or any interest therein, and the assignment of all of the Entity's right, title and interest in and to this Agreement, to an entity eligible to operate under the Exemption Law, owning no other "project," as this term is defined in the Exemption Law, provided the Entity is not in Default regarding any performance required of it hereunder, full compliance with the Exemption Law has occurred and the Entity's obligations under its Agreement with the Borough are fully assumed by the transferee.

(c) If the Entity transfers the Project to a transferee pursuant to Section 7.1(b), then upon such transfer the Entity shall pay an administrative fee to the Borough equal to two percent (2%) of the corresponding year's Annual Service Charge for the processing of such request for the continuation of the long term tax exemption to the benefit of the transferee and any of its transferees. This administrative fee shall not be required in connection with a transfer pursuant to Section 7.1(a). Within ninety (90) Days after the date of any such transfer, the Entity shall pay to the Borough any fees due to the Borough pursuant to this Financial Agreement, as well as any excess Net Profit payable to the Borough pursuant to this Financial Agreement and the Exemption Law.

(d) It is expressly understood and agreed that the Entity has the right, subordinate to the lien of the Annual Service Charge and to the rights of the Borough, to encumber the fee title

the Entity shall terminate the tax exemption described herein and its obligation to make Annual Service Charge payments, which shall continue in effect for the respective durations set forth in Section 3.1 hereof, subject to Article 10 hereof. Upon any Default in payment of any installment of the Annual Service Charge, the Borough shall have the right to proceed to In Rem Tax Foreclosure consistent with the provisions and procedures of the Tax Sale Law.

9.3 Remedies Upon Default

(a) In the event of a breach of this Agreement by any of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, then the parties shall submit the dispute to the American Arbitration Association in the State to be determined in accordance with its rules and regulations in such a fashion to accomplish the purpose of said laws. Costs for said arbitration shall be paid by the non-prevailing party. In the event of a Default on the part of the Entity to pay any installment of the Annual Service Charge required by Article 4 above, the Borough, in addition to their other remedies, reserve the right to proceed against the Entity's land and premises, in the manner provided by Applicable Law, including the Tax Sale Law, and any act supplementary or amendatory thereof; provided, however, that in. no event shall there be any acceleration of any future Annual Service Charge. The Borough shall pursue the collection of delinquent payments of Annual Service Charge with the same diligence it employs in the collection of the Borough's general *ad valorem* real estate taxes, including the commencement of an In Rem Tax Foreclosure. Whenever the word "Taxes" appears, or is applied, directly or implied, to mean taxes or municipal liens on land, such statutory provisions shall be read, as far as it is pertinent to this Agreement, as if the Annual Service Charge were taxes or municipal liens on land. In either case, however, the Entity does not waive any defense it may have to contest the rights of the Borough to proceed in the above-mentioned manner, subject to the aforementioned proscription on acceleration in this Section and in Section 4.7(c) hereof.

(b) All of the remedies provided in this Agreement to the Borough, and all rights and remedies granted to them by law and equity shall be cumulative and concurrent and no determination of the invalidity of any provision of this Agreement shall deprive the Borough of any of their remedies or actions against the Entity because of Entity's failure to pay Land Taxes, the Annual Service Charges and/or any applicable water and sewer charges and interest payments. This right shall only apply to arrearages that are due and owing. at the time, and the bringing of any action for Land Taxes (but only if the Land is not permitted to be exempt pursuant to the Exemption Law), Annual Service Charges or other charges, or for breach of covenant or the resort of any other remedy herein provided for the recovery of Land Taxes, Annual Service Charge or other charges shall not be construed as a waiver of the right to proceed with an In Rem Tax Foreclosure action consistent with the terms and provisions of this Agreement.

ARTICLE 10
TERMINATION

10.1 Voluntary Termination by the Entity

The Entity may, after the expiration of one (1) year from the Substantial Completion of the Project, notify the Borough in writing that, as of a date certain designated in such Notice, it relinquishes its status as an Urban Renewal Entity. As of such date, continuation of this tax exemption the Annual Service Charge hereunder, and the profit and dividend restriction shall terminate, and Section 10.2 shall control. A final accounting pursuant to N.J.S.A. 40A:20-12 shall be a requirement of termination.

The Entity agrees that the timely payment of the Land Taxes, the Annual Service Charge and all Administrative Expenses to the Borough, as well as continued compliance with Applicable Law, are material conditions of this Financial Agreement. The failure to make any of the aforesaid payments in timely fashion shall constitute both a breach of this Financial Agreement and a tax payment delinquency under Applicable Law.

12.2 Severability

If any term, covenant or condition of this Agreement or the Application shall be judicially declared to be invalid or unenforceable, the remainder of this Agreement or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by Applicable Law.

12.3 Indemnification

If the Borough becomes named as a party defendant in any action brought against the Entity by reason of any breach, default, or violation of any provision of this Financial Agreement and/or the Exemption Law, but not including any taxpayer actions brought against the Borough or the Entity, the Entity shall defend, indemnify and hold the Borough harmless to the extent that the Entity is found to be liable in the action, except for any negligence or misconduct by the Borough or any of its officers, officials, employees, consultants or agents, and the Entity agrees to defend the suit and indemnify the Borough as set forth herein at its own expense.

12.4 Construction

This Agreement shall be construed and enforced in accordance with the laws of the State, except for those provisions governing choice of law, and without regard to or aid of any presumption or other rule requiring construction against the party drawing or causing this Agreement to be drawn since counsel for both the Entity and the Borough have combined in their review and approval of same.

12.5 Oral Representations

There have been no oral representations made by either of the parties hereto which are not contained in this Agreement. This Financial Agreement including all Exhibits, the Ordinance authorizing this Agreement, and the Financial Agreement Application including all Exhibits, shall constitute the entire Agreement between the parties, and there shall be no modifications thereto other than by a written instrument approved and executed by and delivered to each.

12.6 Annual Service Charge Paid to County

Pursuant to N.J.S.A. 40A:20-12, the County Share shall be paid to the County.

12.7 Recording

Either this entire Agreement, or a memorandum of this Agreement in form and substance approved in writing by the Borough, will be recorded with the County Clerk by the Entity, at no cost to the Borough.

12.8 Notice to County.

In accordance with P.L.2015, c.247, within the later of ten (10) days following adoption of the ordinance approving this Agreement or the execution of this Agreement by the Entity, the

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written

ATTEST:

_____

BOROUGH OF KENILWORTH

By: _____
Mayor Linda Karlovitch

WITNESS:

_____

ENTITY:

KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC
a New Jersey limited liability company

By: _____
Kevin Codey, Managing Member

EXHIBIT B

Executed Financial Agreement Application with All Exhibits

[Attached]

EXHIBIT D

Financial Plan Including Entity's Estimate of Total Project Cost

[See PILOT Application]

EXHIBIT F

Certificate of Formation of the Entity

EXHIBIT 5

METES AND BOUNDS DESCRIPTION

CLEARPOINT SERVICES L.L.C.

DESCRIPTION OF PROPERTY SITUATED IN THE BOROUGH OF KENILWORTH, UNION COUNTY, NEW JERSEY, BEING KNOWN AS LOT 9 IN BLOCK 183 AS SHOWN ON THE OFFICIAL TAX MAP OF THE SAME, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT IN THE NORTHEASTERLY LINE OF NORTH 26TH STREET - DEED, N. 26TH STREET - STREET SIGN & TAX MAP (50' WIDE), THEREIN DISTANT 300.00' AS MEASURED NORTHWESTERLY ALONG THE SAME WITH THE NORTHWESTERLY LINE OF KENILWORTH BOULEVARD - DEED & TAX MAP, BOULEVARD - STREET SIGN, (120' WIDE), AND FROM THE SAID BEGINNING POINT RUNNING, THENCE;

1) NORTH 24°35'25" WEST A DISTANCE OF 339.75', ALONG THE SAID LINE AND BEYOND TO A POINT, THENCE;

2) NORTH 07°51'25" WEST A DISTANCE OF 200.00', TO A POINT, THENCE;

3) NORTH 82°08'35" EAST A DISTANCE OF 269.97', TO A POINT, THENCE;

4) SOUTHEASTERLY THROUGH A CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 256.56', A RADIUS OF 965.68', WITH A CHORD BEARING OF SOUTH 32°12'05" EAST - 255.81', ALONG THE LINE OF THE LANDS NOW OR FORMERLY OF THE RAHWAY VALLEY RAILROAD TO A POINT, THENCE;

5) SOUTH 24°35'25" EAST A DISTANCE OF 200.00', CONTINUING ALONG THE SAID LINE TO A POINT, THENCE;

6) SOUTH 65°24'35" WEST A DISTANCE OF 350.00', TO A POINT IN THE SAID LINE OF NORTH 26TH STREET; AND THE POINT AND PLACE OF BEGINNING.

HAVING AN AREA OF 164878.27 SQUARE FEET, OR 3.7851 ACRES.

Alan Boettger, PLS
NJ LICENSE No. 41997
March 13, 2019
JOB No. 19-31456

510 Herman Road (Unit) · Jackson, NJ 08527 · Phone 732-905-5463 · Fax 732-905-5464
Email: info@clearpointservices.com · www.clearpointservices.com

Bright View Engineering
Moving you forward

October 19, 2021
Via Email
kcodey@danproproperties.com

Borough of Kenilworth
567 Boulevard
Kenilworth, New Jersey, 07033

RE: Kenilworth Redeveloper Urban Renewal, LLC
Application for Tax Exemption
Multifamily Development
Block 183, Lot 9
Borough of Kenilworth
Union County, NJ

To Whom it May Concern:

As requested by the applicant, Kenilworth Redeveloper Urban Renewal, LLC, I have reviewed the above referenced project with the applicant and understand the total project will generally be $45,000,000 as it is described in the applicant's application for a long-term tax exemption. I understand the budget includes anticipated costs associated with design and construction of the project, together with anticipated applicable contingencies.

Per my discussions with the applicant and general familiarity with the proposed development, I feel that to the best of my professional knowledge that this estimate is reasonably accurate and is generally in line with recent design and construction cost data.

If you require any additional information, please do not hesitate to contact our office.

Sincerely,

Aaron J. Schrager, PE, PP, CME, CPWM
Principal
Bright View Engineering, LLC
aschrager@bvengr.com

Document1

651 Old Mount Pleasant Avenue, Suite 100
Livingston, New Jersey 07039
PO Box 99
Roseland, NJ 07068
C: (732) 236-7557 T: (973) 228-0999 F: (201) 753-3904
BrightViewEngineering.com

BOROUGH OF KENILWORTH

COUNCIL MEETING AGENDA **DECEMBER 8, 2021**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings the Council will continue to meet on their regularly scheduled meeting dates. The Regular Council Meeting will commence as soon as possible upon conclusion of the 6PM Work Session.

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1. OPEN PUBLIC MEETINGS NOTICE
2. SALUTE TO THE FLAG
3. ROLL CALL
4. PRESENTATION ***Employee of the Year – Justyna Zagorska***
   Volunteer of the Year – Louis DeMondo Civic Association
5. MINUTES: Approve minutes of the Work Session & Council Meeting of Nov 10, 2021 (emailed to all)
6. COMMUNICATIONS AND PETITIONS
   - NJSLOM Notices (emailed to all)
   - KFD Chief Krueger recommendations for appointment
7. CDBG Public Hearing: ***Community Development Block Grant Proposals for Year 48***
   Senior Citizens Social Services & Health Program Request $19,000.00
   ADA Curb & Ramp Improvements Request $30,000.00
8. REPORT OF COMMITTEES
9. BOROUGH RESOLUTIONS

Consent Agenda

1. That all bills be paid when properly audited and funds are available
2. Budget Transfer – Year End
3. Refund Variance Application #7-21
4. Refund Overpayment of 4th Qtr. Taxes
5. Approve Temporary Workers for Snow Removal
6. Medicare Reimbursement #2 July 1, 2021 – Dec. 31, 2021
7. Awarding Contract to Motorola for Radio Equipment – State Contract 83909
8. Awarding Document Imaging Contract - Foveonics – 2021 Infrastructure Grant
9. Authorize Membership with Morris County Cooperative Pricing Council
10. Authorize KFD Purchase Scott Packs – NJ Fire Equipment Co. – State Contract #17-FLEET-00819
11. Approve KPD Terminal Leave – Retirement Sgt. LL
12. Assess Municipal Lien for Property Clean Up by the DPW – 621 Kingston
13. Authorize Foveonics payment for record Imaging – 2021 Infrastructure Grant
14. Authorize DPW Purchase of Vehicles and Equipment – Flemington Ford – MCCPC Coop #15-C
15. Appoint Counsel for Surplus Land Parcel Sale – Triarsi Betancourt Wukovits Dugan – B101, L 21 & B19, L10
16. Appoint KPD Candidates for Police Academy – AA, MT, AG
17. Adopt UC Multi-jurisdictional Hazard Mitigation Plan
18. Approve Temporary Assistance in Construction Office – Union Township
19. Appoint KPD Per Diem Dispatchers TH QC
20. Appoint KFD Firefighter/EMTs WM JS
21. Authorize YR 48 CDBG Grant Priorities and Submittal
22. Appoint KPD Sergeant – Joseph Scuorzo

BOROUGH OF KENILWORTH CONSENT AGENDA – DECEMBER 10, 2021

The following resolutions, listed on a Consent Agenda, are offered by Council Member LAUDATI and seconded by Council Member FINISTRELLA.

Consent Agenda:

1. That all bills be paid when properly audited and funds are available
2. Budget Transfer – Year End
3. ~~Refund Variance Application #7-21~~
4. Refund Overpayment of 4th Qtr. Taxes
5. Approve Temporary Workers for Snow Removal
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19. Appoint KPD Per Diem Dispatchers TH QC
20. Appoint KFD Firefighter/EMTs WM JS
21. Authorize YR 48 CDBG Grant Priorities and Submittal

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 1 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

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 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 Chief Financial Officer as outlined in Borough Code Chapter 5-34.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 2 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, it shall become necessary to expend, for some of the purposes specified in the Budget, an excess of the respective sums appropriated; and,

WHEREAS, there is an excess in one or more appropriations over and above the amount deemed necessary to fulfill the purposes of such appropriations; and,

WHEREAS, the proposed transfers do not affect any appropriation to which or from which transfers are prohibited under statute.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that the attached captioned transfers between appropriations be authorized pursuant to N.J.S.A. 40:4-58; and,

BE IT FURTHER RESOLVED by Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that the Chief Financial Officer is authorized to revise the attached list prior to December 31, 2021 for any additional transfers needed; and,

BE IT FURTHER RESOLVED that a copy of this Resolution be filed forthwith with the Borough Chief Financial Officer.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

CURRENT FUND TRANSFERS TO:

ACCOUNT #	ACCOUNT NAME		AMOUNT
1-01-20-703-111	Mayor and Council OE - Video Taping Meeting	$	2,000.00
1-01-20-712-200	Legal OE - Other	$	50,000.00
1-01-23-730-000	Insurance OE - Liability	$	10,000.00
TOTAL CURRENT FUND TRANSFERS TO		$	62,000.00

CURRENT FUND TRANSFERS FROM:

ACCOUNT #	ACCOUNT NAME		AMOUNT
1-01-20-712-600	Legal OE - Retainer	$	35,000.00
1-01-23-733-175	Insurance OE - Hesalth Active Employees	$	27,000.00
TOTAL CURRENT FUND TRANSFERS FROM		$	62,000.00

RESOLUTION

No. 4 **KENILWORTH, N.J.** **December 8, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS: Duplicate tax payments were made for the 4th Q quarter of 2021 for the following properties located in Kenilworth, NJ, and;

WHEREAS, this resulted in the overpayment of taxes for the 4th quarter of 2021, and;

NOW, THERFORE BE IT RESOLVED that the Treasurer, after proper notation on the tax account records by the Collector of Taxes, be and is hereby authorized to issue a warrant as follows.

Refund:

Corelogic Tax Services, Attn: Centralized Refunds, P.O.Box 9202, Coppell, TX 75019

B 76 L 5	35 No. 11th Street	$ 2,094.31
B 78 L 1	360 Boulevard	$ 1,752.01
B 92 L 19	33 Columbia Ave.	$ 2,134.81
B 135 L 7	645 Passaic Ave.	$ 3,963.91
B 147 L 34	235 Faitoute Ave.	$ 2,167.48

Stewart Title, 500 N. Broadway, St. Louis, MO 63102

B 42 L 14	204 No. 21st Street	$ 2,388.28

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 5 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, an emergent condition may arise in the Borough to wit due to COVID19 Global Pandemic causing a serious shortfall of manpower to address impending snow emergencies: and

WHEREAS, the Governing Body is in support of this precautionary and proactive measure; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Borough of Kenilworth is made as follows;

1. An amount not to exceed $5,000.00 dollars to be used to pay temporary workers (e.g. Independent contractors to engage in emergency snow removal).

2. Independent Contractors shall be paid at the rate of $20 per hour.

CERTIFICATION OF FUNDS
APPROPRIATION
1-01-26-765-011
Kenneth P. Blum
KEN BLUM, TREASURER

Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 6 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

BE IT HEREBY RESOLVED: That the attached list of Retirees be reimbursed for their payments for Medicare Part B coverage from July 1 through December 31, 2021 inclusive, in accordance with Chapter 231, P.L. 1970 State of New Jersey.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

##	Retirees	Premium	Months	Adjustments	Total
x	Michael Ciravolo	144.60	6		$867.60
x	*Mary Ciravolo - Spouse*	144.60	6		$867.60
x	Brent David	148.50	6		$891.00
x	*Carol David (spouse)*	148.50	6		$891.00
x	*Marie (spouse) - Charles David (Deceased)x*	144.60	6		$867.60
x	Richard Dopf -	146.50	6		$879.00
x	*Carleen Dopf - Spouse*	148.50	6		$891.00
x	William Dowd -	148.50	6		$891.00
x	Kristine Fennes - *Spouse*	148.50	6	*Disability Award & IRMAA*	*$891.00*
x	Jeffery Ferguson	139.50	6		$837.00
x	Kenneth Grady -	148.50	6		$891.00
x	Susan Grady - *spouse*	146.50	6		$879.00
x	Patricia Howarth -	148.50	6		$891.00
x	Robert E. Jeans -	148.50	6		$891.00
x	Lenore Jeans	148.50	6		$891.00
x	Hedwig Lipke - Deceased 9/14/21	386.10	3	*IRMAA adjustment - Deceased 9/14/21*	$1,158.30
x	Nancy Moll	148.50	6		$891.00
x	William OMalley	146.50	6		$879.00
x	Karen Pavone	148.50	6		$891.00
x	Joseph Pavone	148.50	6		$891.00
x	Scott Phillips	297.00	6		$1,782.00
x	Joseph Rego	148.50	6		$891.00
x	Rose Rego - Spouse	123.50	6		$741.00
x	Victor Smith (Deceased) - Margaret (spouse)	148.50	6	*IRMAA adjustment*	$891.00
x	Frank Szelinggiewicz – (spouse)	148.50	6		$891.00
x	Joanne Szelinggiewicz	148.50	6		$891.00
x	Donald Tisch –	386.10	6	*IRMAA adjustment*	$2,316.60
	Louis Vitale -	0.00	6	*Documentation Not Submitted*	$0.00
x	Debra Weiss	148.50	6		$891.00
x	Robert Weiss - *spouse*	148.50	6		$891.00
x	Richard Wood	148.50	6		$891.00
					$29,003.70

RESOLUTION

No. 7 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

AWARDING A CONTRACT TO MOTOROLA SOLUTIONS, INC. FOR RADIO COMMUNICATION EQUIPMENT AND ACCESSORIES IN AN AMOUNT NOT TO EXCEED $745,891.55 PURSUANT TO NEW JERSEY STATE CONTRACT NO. 83909

WHEREAS, the Borough of Kenilworth (hereinafter, the "Borough") desires and requires certain goods and/or services including radio communication equipment and accessories; and,

WHEREAS, the Qualified Purchasing Agent of the Borough has affirmed Motorola Solutions, Inc. as a vendor possessing New Jersey State Contract No. 83909, expiring April 30, 2022, for the provision of goods and/or services including radio communication equipment and accessories; and,

WHEREAS, the Borough, through its Police Department, has attested to the need for the aforementioned volume of the goods and/or services of Motorola Solutions, Inc.; and,

WHEREAS, based upon foreseeable use of the goods and/or services provided by Motorola Solutions, Inc. the Qualified Purchasing Agent of the Borough recommends that the Governing Body of the Borough authorize a goods and services contract with Motorola Solutions, Inc. pursuant to the provisions of the Local Public Contracts Law of the State of New Jersey, *N.J.S.A. 40A:11-1 et seq.*, and the associated regulations.

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Qualified Purchasing Agent, the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey awards a goods and services contract to Motorola Solutions, Inc. of P.O. Box 161, Wharton, New Jersey 07885 in the amount of seven-hundred forty-five thousand eight-hundred ninety-one dollars and fifty-five cents ($745,891.55) for radio communication equipment and accessories pursuant to New Jersey State Contract No. 83909 (expiring April 30, 2022); and,

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk, and Chief of Police shall be authorized to execute any and all documentation in furtherance of the foregoing contract award.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

Wharton, NJ 07885

ATTENTION: Eugene Caulfield
PHONE: 856-649-3445
FAX:

IFO ITY CODE	MODEL	DESCRIPTION	QTY	LIST UNIT PRICE	EXT UNIT PRICE	NJ STATE DISCOUNT	DISC UNIT PRICE	DISC EXTENDED PRICE
-081934	L3561	GW3 OTA PC BUNDLE	1	$ 5,525.00	$ 5,525.00	20%	$ 4,420.00	$ 4,420.00
-081934	TT2264	GENWATCH3 OVER-THE-AIR BASE	1	$ 16,200.00	$ 16,200.00	20%	$ 12,960.00	$ 12,960.00
-081934	TT05408AA	ASTRO25 (9600) CONTROL CHANNEL OPTI	1	$ 5,280.00	$ 5,280.00	20%	$ 4,224.00	$ 4,224.00
-081934	M22URS9PW1BN	APX4500 ENHANCED 7/800 MHZ	1	$ 1,399.00	$ 1,399.00	25%	$ 1,049.25	$ 1,049.25
-081934	QA02756	ADD: 3600 OR 9600 TRUNKING BAUD SIN	1	$ 1,570.00	$ 1,570.00	25%	$ 1,177.50	$ 1,177.50
-081934	GA00804	ADD: APX O2 CONTROL HEAD	1	$ 492.00	$ 492.00	25%	$ 369.00	$ 369.00
-081934	G66	ADD: DASH MOUNT APXM	1	$ 125.00	$ 125.00	25%	$ 93.75	$ 93.75
-081934	G444	ADD: APX CONTROL HEAD SOFTWARE	1	$ -	$ -	25%	$ -	$ -
-081934	G90	ADD: NO MICROPHONE NEEDED	1	$ -	$ -	25%	$ -	$ -
-081934	G91	ADD: CONTROL STATION POWER SUPPLY	1	$ 269.00	$ 269.00	25%	$ 201.75	$ 201.75
-081934	W665	ADD: CONTROL STATION OPERATION	1	$ 70.00	$ 70.00	25%	$ 52.50	$ 52.50
-081934	G89	ADD: NO RF ANTENNA NEEDED	1	$ -	$ -	25%	$ -	$ -
-081934	G24	ADD: 3Y ESSENTIAL SERVICE	1	$ 138.00	$ 138.00	0%	$ 138.00	$ 138.00
-081934	G142	ADD: NO SPEAKER NEEDED	1	$ -	$ -	25%	$ -	$ -
-081934	G308	ADD:USB DATA INTFC CABLE-DASH APX	1	$ 85.00	$ 85.00	25%	$ 63.75	$ 63.75
-081934	G193	ADD: ADP ONLY (NON-P25 CAP COMPLIAN	1	$ -	$ -	25%	$ -	$ -
-081934	GA01606AA	ADD: NO GPS/WI-FI ANTENNA NEEDED	1	$ -	$ -	25%	$ -	$ -
-081934	3080384M44	BLACK MAG MOUNT MINI UHF	1	$ 45.00	$ 45.00	25%	$ 33.75	$ 33.75
-081934	RDF6031A	764-870 MHZ 3DB BASE LOAD 5/8 WAVE	1	$ 47.00	$ 47.00	25%	$ 35.25	$ 35.25
-085633	M25URS9PW1BN	APX6500 ENHANCED 7/800 MHZ	3	$ 2,738.00	$ 8,214.00	25%	$ 2,053.50	$ 6,160.50
-085633	QA02756	ENH: 9600 OR 3600 SINGLE SYSTEM DIG	3	$ 1,570.00	$ 4,710.00	25%	$ 1,177.50	$ 3,532.50
-085633	GA00580	ADD: TDMA OPERATION APX	3	$ 450.00	$ 1,350.00	25%	$ 337.50	$ 1,012.50
-085633	G66	ADD: DASH MOUNT APXM	3	$ 125.00	$ 375.00	25%	$ 93.75	$ 281.25
-085633	G444	ADD: APX CONTROL HEAD SOFTWARE	3	$ -	$ -	25%	$ -	$ -
-085633	GA01670	ADD: APX E5 CONTROL HEAD	3	$ 572.00	$ 1,716.00	25%	$ 429.00	$ 1,287.00
-085633	G193	ADD: ADP ONLY (NON-P25 CAP COMPLIAN	3	$ -	$ -	25%	$ -	$ -
-085633	W969	ADD: MULTIPLE KEY ENCRYPTION OPERAT	3	$ 330.00	$ 990.00	25%	$ 247.50	$ 742.50
-085633	G90	ADD: NO MICROPHONE NEEDED	3	$ -	$ -	25%	$ -	$ -
-085633	G91	ADD: CONTROL STATION POWER SUPPLY	3	$ 269.00	$ 807.00	25%	$ 201.75	$ 605.25
-085633	W665	ADD: CONTROL STATION OPERATION	3	$ 70.00	$ 210.00	25%	$ 52.50	$ 157.50
-085633	GA01606AA	ADD: NO GPS/WI-FI ANTENNA NEEDED	3	$ -	$ -	25%	$ -	$ -
-085633	G89	ADD: NO RF ANTENNA NEEDED	3	$ -	$ -	25%	$ -	$ -

3-081934	DSFSJ450BCABLE	FSJ4-50B 1/2" 50 OHM	100	$	3.55	$	355.00	20%	$	2.84	$	284.00
3-081934	DSSG1212B2U	SG12-12B2U, SUREGROUND 1/2", 48"	3	$	27.00	$	81.00	20%	$	21.60	$	64.80
3-085633	H98UCF9PW6BN	APX6000 700/800 MODEL 2.5 PORTABLE	29	$	2,200.00	$	63,800.00	25%	$	1,650.00	$	47,850.00
3-085633	QA02756	ADD: 9600 TRUNKING OR 3600 DIGITAL	29	$	1,570.00	$	45,530.00	25%	$	1,177.50	$	34,147.50
3-085633	QA00580	ADD: TDMA OPERATION	29	$	450.00	$	13,050.00	25%	$	337.50	$	9,787.50
3-085633	Q667	ADD: ADP ONLY (NON-P25 CAP COMPLIAN	29	$	-	$	-	25%	$	-	$	-
3-085633	H869	ENH: MULTIKEY	29	$	330.00	$	9,570.00	25%	$	247.50	$	7,177.50
3-085633	H122	ALT: 1/4- WAVE 7/800 GPS STUBBY (N	29	$	24.00	$	696.00	25%	$	18.00	$	522.00
3-085633	H885BK	ADD: 3Y ESSENTIAL SERVICE	29	$	90.00	$	2,610.00	0%	$	90.00	$	2,610.00
3-085633	PMLN5659B	APX6000 CC 2.75 SWL BL 4200MAH	29	$	74.00	$	2,146.00	25%	$	55.50	$	1,609.50
3-085633	NNTN8860A	CHARGER, SINGLE-UNIT, IMPRES 2, 3A,	29	$	165.00	$	4,785.00	25%	$	123.75	$	3,588.75
3-085633	PMMN4084A	PLUS RSM NC IP54 THRD 3.5MM JACK RX	29	$	95.00	$	2,755.00	25%	$	71.25	$	2,066.25
3-085633	M25URS9PW1BN	APX6500 ENHANCED 7/800 MHZ	17	$	2,738.00	$	46,546.00	25%	$	2,053.50	$	34,909.50
3-085633	QA02756	ENH: 9600 OR 3600 SINGLE SYSTEM DIG	17	$	1,570.00	$	26,690.00	25%	$	1,177.50	$	20,017.50
3-085633	GA00580	ADD: TDMA OPERATION APX	17	$	450.00	$	7,650.00	25%	$	337.50	$	5,737.50
3-085633	G67	ADD: REMOTE MOUNT APXM	17	$	297.00	$	5,049.00	25%	$	222.75	$	3,786.75
3-085633	GA01670	ADD: APX E5 CONTROL HEAD	17	$	572.00	$	9,724.00	25%	$	429.00	$	7,293.00
3-085633	G444	ADD: APX CONTROL HEAD SOFTWARE	17	$	-	$	-	25%	$	-	$	-
3-085633	G174	ADD: ANT 3DB LOW-PROFILE 762-870	17	$	43.00	$	731.00	25%	$	32.25	$	548.25
3-085633	G193	ADD: ADP ONLY (NON-P25 CAP COMPLIAN	17	$	-	$	-	25%	$	-	$	-
3-085633	W969	ADD: MULTIPLE KEY ENCRYPTION OPERAT	17	$	330.00	$	5,610.00	25%	$	247.50	$	4,207.50
3-085633	W22	ADD: STD PALM MICROPHONE APX	17	$	72.00	$	1,224.00	25%	$	54.00	$	918.00
3-085633	B18	ADD: AUXILIARY SPKR 7.5 WATT	17	$	60.00	$	1,020.00	25%	$	45.00	$	765.00
3-085633	G78	ADD: 3Y ESSENTIAL SERVICE	17	$	168.00	$	2,856.00	0%	$	168.00	$	2,856.00
3-085633	GA01606AA	ADD: NO GPS/WI-FI ANTENNA NEEDED	17	$	-	$	-	25%	$	-	$	-
3-085633	H98UCF9PW6BN	APX6000 700/800 MODEL 2.5 PORTABLE	46	$	2,200.00	$	101,200.00	25%	$	1,650.00	$	75,900.00
3-085633	QA02006	ENH: APX6000XE RUGGED RADIO	46	$	800.00	$	36,800.00	25%	$	600.00	$	27,600.00
3-085633	Q806	ADD: ASTRO DIGITAL CAI OPERATION	46	$	515.00	$	23,690.00	25%	$	386.25	$	17,767.50
3-085633	H38	ADD: SMARTZONE OPERATION	46	$	1,200.00	$	55,200.00	25%	$	900.00	$	41,400.00
3-085633	Q361	ADD: P25 9600 BAUD TRUNKING	46	$	300.00	$	13,800.00	25%	$	225.00	$	10,350.00
3-085633	QA00580	ADD: TDMA OPERATION	46	$	450.00	$	20,700.00	25%	$	337.50	$	15,525.00
3-085633	Q667	ADD: ADP ONLY (NON-P25 CAP COMPLIAN	46	$	-	$	-	25%	$	-	$	-
3-085633	QA09000	ADD: DIGITAL TONE SIGNALING	46	$	150.00	$	6,900.00	25.0%	$	112.50	$	5,175.00
3-085633	H122	ALT: 1/4- WAVE 7/800 GPS STUBBY (N	46	$	24.00	$	1,104.00	25%	$	18.00	$	828.00
3-085633	Q58	ADD: 3Y ESSENTIAL SERVICE	46	$	115.00	$	5,290.00	0%	$	115.00	$	5,290.00
3-085633	NNTN8575ABLK	AUDIO ACCESSORY-REMOTE SPEAKER MICR	46	$	538.00	$	24,748.00	25%	$	403.50	$	18,561.00
3-085633	RLN6488A	ACCESSORY KIT,ANTI-SWAY STRAP	46	$	15.00	$	690.00	25%	$	11.25	$	517.50
3-085633	RLN6487A	ACCESSORY KIT,FIREMAN'S RADIO STRAP	46	$	28.50	$	1,311.00	25%	$	21.37	$	983.02
3-085633	PMLN5879A	APX6000XE CC 3 FIX BL 4200MAH	46	$	62.00	$	2,852.00	25%	$	46.50	$	2,139.00

0003	726-88-085633	W22	ADD: STD PALM MICROPHONE APX	19	$	72.00	$	1,368.00	25%	$	54.00	$ 1,026.00
0003	726-88-085633	G832	ADD: SPKR 7.5W WATER RESISANT	19	$	60.50	$	1,149.50	25%	$	45.37	$ 862.03
0003	726-88-085633	G78	ADD: 3Y ESSENTIAL SERVICE	19	$	168.00	$	3,192.00	0%	$	168.00	$ 3,192.00
0003	726-88-085633	GA01606AA	ADD: NO GPS/WI-FI ANTENNA NEEDED	19	$	-	$	-	25%	$	-	$ -
0003	726-88-085633	M22URS9PW1BN	APX4500 ENHANCED 7/800 MHZ	1	$	1,399.00	$	1,399.00	25%	$	1,049.25	$ 1,049.25
0003	726-88-085633	QA02756	ADD: 3600 OR 9600 TRUNKING BAUD SIN	1	$	1,570.00	$	1,570.00	25%	$	1,177.50	$ 1,177.50
0003	726-88-085633	G66	ADD: DASH MOUNT APXM	1	$	125.00	$	125.00	25%	$	93.75	$ 93.75
0003	726-88-085633	G91	ADD: CONTROL STATION POWER SUPPLY	1	$	269.00	$	269.00	25%	$	201.75	$ 201.75
0003	726-88-085633	W665	ADD: CONTROL STATION OPERATION	1	$	70.00	$	70.00	25%	$	52.50	$ 52.50
0003	726-88-085633	GA00804	ADD: APX O2 CONTROL HEAD	1	$	492.00	$	492.00	25%	$	369.00	$ 369.00
0003	726-88-085633	G444	ADD: APX CONTROL HEAD SOFTWARE	1	$	-	$	-	25%	$	-	$ -
0003	726-88-085633	GA00580	ADD: TDMA OPERATION APX	1	$	450.00	$	450.00	25%	$	337.50	$ 337.50
0003	726-88-085633	GA01606AA	ADD: NO GPS/WI-FI ANTENNA NEEDED	1	$	-	$	-	25%	$	-	$ -
0003	726-88-085633	G193	ADD: ADP ONLY (NON-P25 CAP COMPLIAN	1	$	-	$	-	25%	$	-	$ -
0003	726-88-085633	W382	ADD: CONTROL STATION DESK GCAI MIC	1	$	169.00	$	169.00	25%	$	126.75	$ 126.75
0003	726-88-085633	G142	ADD: NO SPEAKER NEEDED	1	$	-	$	-	25%	$	-	$ -
0003	726-88-085633	G24	ADD: 3Y ESSENTIAL SERVICE	1	$	138.00	$	138.00	0%	$	138.00	$ 138.00
0003	726-88-085633	G89	ADD: NO RF ANTENNA NEEDED	1	$	-	$	-	25%	$	-	$ -
0003	726-88-085633	3080384M44	BLACK MAG MOUNT MINI UHF	1	$	45.00	$	45.00	25%	$	33.75	$ 33.75
0003	726-88-085633	RDF6031A	764-870 MHZ 3DB BASE LOAD 5/8 WAVE	1	$	47.00	$	47.00	25%	$	35.25	$ 35.25
0003	726-88-085633	HKVN4289A	SOFTWARE,APX CPS DOWNLOAD - CURRENT	1	$	299.00	$	299.00	0%	$	299.00	$ 299.00
0003	726-88-085633	PMKN4013C	PROGRAMMING, TEST & ALIGNMENT CABLE	1	$	103.00	$	103.00	25%	$	77.25	$ 77.25
0003	726-88-085633	HKN6184C	CABLE CH. PROGRAMMING,USB	1	$	52.00	$	52.00	25%	$	39.00	$ 39.00
0027	925-36-085646		RADIO COMMUNICATION EQUIPMENT & ACCESSORIES,TIME & MATERIAL, HOURLY MAINTENANCE, REPAIR, ENGINEERING,PROJECT & SITE MANAGEMENT SERVICES	149	$	1,635.00	$	243,615.00	0%	$	1,635.00	$ 243,615.00
0032	961-53-085650		ITEM DESCRIPTION: RADIO COMMUNICATION & ACCESSORIES; DISCOUNTS: VOLUME, ANNUAL & TRADE-IN PROGRAM	1	$	(61,000.00)	$	(61,000.00)	0%	$	(61,000.00)	$ (61,000.00)
										Total		**$ 745,891.55**

OTES:

1. Terms and Prices are quoted from the NJ State Contract: 83909

2. Quotation By: Eugene Caulfield Senior Account Manager - Motorola, Inc

RESOLUTION

No. 8 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

AUTHORIZING CONTRACT WITH FOVEONICS IMAGING TECHNOLOGIES FOR DOCUMENT IMAGING SERVICES UNDER COOPERATIVE PRICING SYSTEM #65MCESCCPS

WHEREAS, the Borough of Kenilworth has been awarded funding from Union County 2021 Infrastructure Grant for Records Scanning and Document Management; and

WHEREAS, pursuant to N.J.S.A 40A:11-11 and N.J.A.C. 5:34-7, the Kenilworth Borough Council has authorized the use of the Educational Services Commission of New Jersey Cooperative Pricing System to contract with various vendors for goods and services; and

WHEREAS, N.J.S.A. 40A:11-11 permits the award of a contract without the necessity of competitive bidding; and

WHEREAS, the Borough of Kenilworth is in need of Document Management for Records Retention and Disposal; and

WHEREAS, Foveonics Imaging Technologies is an authorized vendor under Agreement #65MCESCCPS; and

WHEREAS, Foveonics Imaging Technologies has submitted proposal (attached) Document Management for Records Retention and Disposal; and

WHEREAS, additional imaging will be cost out per the Statement of Work heretofore attached.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey that a contract with **Foveonics Imaging Technologies under Educational Services Commission of New Jersey Cooperative Pricing System #65MCESCCPS** is hereby approved, subject to the issuance of the appropriate purchase order to **Foveonics Imaging Technologies, 999 Willow Grove Street, Hackettstown, New Jersey 07840, not to exceed $85,000.00**.

CERTIFICATION OF FUNDS
APPROPRIATION: C-04-55-204-109
Union County 2021 Infrastructure Grant
Kenneth P. Blum
KEN BLUM, TREASURER

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

Foveonics
DOCUMENT SOLUTIONS
99 Gray Rock Rd. Suite 103 Clinton , N.J. 08809

Statement of Work

Prepared for

Borough of Kenilworth

567 Boulevard , Kenilworth
New Jersey 07033

Unit Pricing from ESCNJ Co-Op (Year 3) for

Document Management for Records Retention and Disposal

NJ State Approved Co-Op
#65MCESCCPS Bid Term
7/1/2017-6/30/2020 with (2) consecutive
One Year extensions thru
6/30/2022

09/22/2021

Prepared by:
Scott D. Fliegel

[illegible]	orough of Kenilworth NJ - Construction Plan / Permits
Project Advocate(s)	aura Reinertsen Kenilworth Borough Clerk
Project Title	ack-File of Construction Plans from Onsite Storage
Project Timeline	lovember 2021
Begin date	fter signed contract/ P.O. and initial document pickup has een completed
End date	expedited for completion before November 2021

Summary

The Borough of Kenilworth, NJ ConstructionDepartment will be digitizing their archived documents. These records are being stored within the attic of the Borough building .There is NO climate/humidity control within this storage space. Upon completion of our services, critical information will be available quickly and accurately. All images will be scanned at 300 DPI and stored within an approved migration path recognized through out the State of New Jersey.

1. The Client is running out of space and are currently storing the (boxed and non-boxed) archived Construction files within the attic of the municipal building. The permits/plans within the cabinets (labeled by Foveonics #73 thru #106 in GREEN MARKER) will digitized in sequential order.

2. All the cabinet drawers have been identified (per our visit on Friday May 29th) and each individual cabinet has been inventoried by document volume. All documents will be thoroughly cleaned, unrolled/unfolded and placed within a Mylar jacket prior to scanning. A concerted effort will be made to properly gauge the contrast/readability of the sun faded and oxidized documents that we encounter. If Foveonics can not complete a legible representation of the original (paper) document, these archives will be stored in a designated locale for the client to review.

3. The Client is not compliant with NJ State procedures for business continuity and disaster recovery preparedness. The records stored are the "original" / only copy and thus the Client is susceptible to fire, flooding,deterioration or unforeseen incidents that would result in the permanent loss of these records. The potential loss of these records is a substantial liability to the Client.

Items considered for Digitization (NOT to exceed $76,700)

Foveonics has labeled the individual cabinets within the storage area and will use this data for their budgeting and reporting of this project. Digitization expense will not exceed the agreed budgeted amount established for this phase of the project noted below.

While Foveonics has possession of these records , we will provide any/all OPRA requests within 24 hours of receipt (to our email) of the original request.

Total of approximately 32 Drawers of Large and Small format documents

Total number of boxes = (located within the labeled drawers #73 - #106)
Estimated Small Format Documents = 494,989 (primary focus)
Estimated Large Format Documents = 20,123 (estimated currently stacked in the shelving area as the budget allows) Secondary Focus
*Note: these numbers are estimates, actual billing will be for document count during imaging

Document Indexing

- **File Indexing**
  - Block 1
  - Lot (1,2) when multiple lots occur
  - Address
  - Permit Number
  - Name (if avail)

Document Preparation

- Foveonics will generate barcodes for the records received during each pickup.
- Documents will be prepared for scanning - staples and other bindings will be removed, barcode stickers will be affixed to the appropriate files, and pages will be aligned in such a way conducive for scanning.
- Large Format Drawings will be flattened and charcoal pencil raised seals.

Document Scanning/Redaction

- Document will be scanned in duplex at 300 DPI as PDF-A images and redaction of personal information will be completed
- Scanner operators will rescan double feeds, skewed images, and any other images which do not accurately represent the original source.

Blank Page Removal

- Blank pages will be manually removed by sorting the images according to size and deleting any blank images less than 10 KB.

Quality Assurance

- The barcoded multipage TIFFs will be reconciled to the inventory thus ensuring all documents were scanned and all barcodes were accurately processed.
- Images will be inspected post-scan and rescans will be performed as necessary.

Import to DocumentSync

- PDF-A image files will be imported into DocumentSync EDMS.

Project Management

- All project correspondence, documentation, and timelines will be available through Foveonics' Basecamp project management tool.

Client Responsibilities

The Township's will continue to review the deliverables in a timely manner and alert Foveonics of any concerns should they arise.

Change management process

Any changes to the terms or specifications in this statement of work must be accepted by both parties in writing

Estimated Volumes

*Cost of Services Backfile Conversion Estimate

Based on unit pricing from ESCNJ NJ State Approved Co-Op #65MCESCCPS

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup or Delivery	$90.00	3	$270
Preparation of Files	Hourly	$12.25	1,788	$ 21,903
Indexing of Files	Per File	$0.0484	123,200	$5,962.88
Boxing and Labeling	Per Hour	$16.00	600	$ 9,600
Imaging of Files (Small Format)	Per Image	$0.049	494,989	$ 24,254.46
Sorting of Blue Prints	Per Hour	$18.00	346	$ 6,228
Imaging of Files (Large Format)	Per Image	$0.484	20,123	$ 9,739.53
One time Cost for this service				$ 77,958
Off Site Web Based Storage	Per GB	$20.00	32	$ 3,840
Document Sync Software				$ 2,400
TOTAL FOR THIS PROJECT				$ 84,198
Set-up & Training (one time fee)	Hourly	$135.00		$
Software and Training	Per Box	$NC	$NC	$

Foveonics will report their ACTUAL charges when 50% of the digitization has been completed for budgeting purposes . The "Clients Acceptance and Continuation" can be completed in writing via email or certified letter.

RESOLUTION

No. 9 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

AUTHORIZING AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Kenilworth desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to become a member of the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. Mayor of the Borough of Kenilworth hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is to become a member of the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.

2. The Borough of Kenilworth Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC. Morris County Cooperative Pricing Council 502 Millbrook Avenue, Randolph, NJ 07869-3799 Tel: (973) 989.7059 • Fax: (973) 989.7076

3. This Resolution shall take effect immediately upon final passage according to law.

4. All appropriate Borough of Kenilworth officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No ___		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

MCCPC
MORRIS COUNTY COOPERATIVE PRICING COUNCIL
A SHARED SERVICES SUCCESS STORY SINCE 1974

Morris County Cooperative Pricing Council
502 Millbrook Avenue, Randolph, NJ 07869-3799
Tel: (973) 989.7059 • Fax: (973) 989.7076

MORRIS COUNTY COOPERATIVE PRICING COUNCIL AGREEMENT

THIS AGREEMENT, made this _____ day of _____, _____ by and between

(Contracting Unit name and complete mailing address)

and:

MORRIS COUNTY COOPERATIVE PRICING COUNCIL, by the TOWNSHIP OF RANDOLPH, a Municipal Corporation of the State of New Jersey,
502 Millbrook Avenue, Randolph, NJ, 07869
Acting as Lead Agency for the Morris County Cooperative Pricing Council.

("MCCPC")

WITNESSETH:

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes two or more contracting units to enter into a cooperative pricing agreement for the purchase of work, materials and supplies; and

WHEREAS, the MCCPC was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Contracting Unit is desirous of entering into said Agreement to join or renew membership in the MCCPC.

NOW, THEREFORE, IN CONSIDERATION of the promises and of the covenants, terms and conditions herein set forth, it is mutually agreed as follows:

1. The term of this Agreement shall be from **OCTOBER 1, 2021** to **SEPTEMBER 30, 2026**, subject to the approval of the Division of Local Government Services. Each Contracting Unit shall execute a separate, identical Agreement with the MCCPC establishing or renewing its membership with the MCCPC. All parties shall have approved the within Agreement by Ordinance or Resolution as appropriate. An executed Agreement and authorizing Ordinance or Resolution shall be submitted to the Lead Agency. Any party to this Agreement shall give written notice to the Lead Agency of its intention to terminate its participation in the MCCPC by August 31st of any year during the Agreement term. Said termination shall be effective on October 1st following said notice. The withdrawal of any member in the MCCPC shall not invalidate the Agreement.

2. The MCCPC shall be administered by the Lead Agency. The Lead Agency is hereby designated as Randolph Township. The Lead Agency shall prepare bid specifications, advertise for bids, receive and evaluate bids and award contracts pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

3. The Lead Agency shall have sufficient funds to enable it to administer the MCCPC.

   It is agreed that each member shall pay to the Lead Agency an annual fee of One Thousand Two Hundred Fifty Dollars **($1,250.00)** as their estimated prorated share of the administrative expenses. **A DISCOUNT IN THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS ($150.00) SHALL BE APPLIED TO MEMBERS WHO SUBMIT THEIR PAYMENT EARLY.** A reduced fee of One Thousand One Hundred Dollars **($1,100.00)** can be submitted in lieu of the full fee if said payment is received by the Lead Agency within forty-five **(45) days** from the date of the invoice. The full fee is due to the Lead Agency within ninety **(90)** days from the date of the invoice. Failure of any member to submit the annual fee to the Lead Agency within ninety (90) days of the date of the invoice shall result in the termination of membership.

   The annual fee is for the administration of the MCCPC and does not cover fees associated with litigation costs.

   Members may join or rejoin the MCCPC at any time for a prorated fee to be determined by the Lead Agency.

4. Each member of the MCCPC shall provide the Lead Agency with one contact person. The MCCPC shall provide the designated contact person for each member with all notices and correspondence related to the MCCPC.

5. The Lead Agency shall hold an annual meeting of the members to update the members on the MCCPC activities, provide a forum for the exchange of ideas and to address any concerns.

6. The work, materials or supplies to be bid by the MCCPC may include the following:

Contract	Description
#1	Motor Gasoline
#2	#2 Fuel Oil (Heating)
#3	Rock Salt & Liquid Calcium Chloride
#5	Paving Materials
#6	Road Resurfacing
#7	Drainage Pipe (Delivered)
#8	Anti-Freeze
#9	Crushed Stone and Sand
#10	Lumber, Insulation, Hardware, Paint & Paint Supplies
#11	Motor Oils & Miscellaneous Lubricants
#12	#2 Ultra Low Sulfur Diesel Fuel
#13-A	Fire Equipment Services
#13-B	Fire Water Pumps on Motorized Fire Apparatus (Repair/Rebuilding/Preventive Maintenance Contract)
#14	Catch Basins & Manhole Castings
#15-A	Police Pursuit Vehicles
#15-B	Administrative Passenger Vehicles
#15-C	Utility Vehicles
#15-D	Service/Truck Bodies
#15-E	Hybrid Vehicles
#15-F	Cab/Chassis With Dump Bodies
#16	Office Supplies
#17	Water Treatment Chemicals
#18	Tree Removal, Trimming & Stump Grinding Services
#19	Concrete Blocks & Granite Curb Blocks
#20-A	Sporting Goods (Spring/Summer Sports)
#20-B	Sporting Goods (Fall/Winter Sports)
#21	Oil & Stone Treatment
#22	D.P.W. Uniforms/Work Shoes/Boots
#23	Police Uniforms & Equipment
#24	Bagged Cement & Poured Concrete
#25	Janitorial Supplies
#26	Beam Guide Rail & Safety Ends (Installed)
#27	Traffic Paint
#28	Traffic Sign Materials
#29	Pest Control Services (Buildings)
#30	Office Paper Supplies
#31	Calcium Chloride Bags
#33	Clay and Infield Mix for Athletic Fields
#34	Tree Spraying
#35	Light Bulbs
#36	Traffic Striping on Roadways

#37	Traffic Signal Maintenance & Repairs
#38	Preventive Maintenance/Repair of Communications Equipment (Radios)
#39	Furnishing Trophies & Plaques
#40	Personal Protection Items & Equipment for Emergency Personnel
#41	Purchase of Communications Equipment (Radios), No Installation
#42	Landscaping Materials & Supplies
#43	Propane Gas
#46	Preventive Maintenance & Repairs of Emergency Generators
#47	Water Meters/Data Recorders & Radio Frequency Meter Interface Units
#49	Disposal/Recycling of Municipal Road Clean-Up Materials (Street Sweepings/Asphalt/Concrete/Soil/Dirt)
#50	Fire Department Uniforms (Purchase)
#51	Deer Carcass Removal & Disposal
#52	Fire Alarms, Sprinklers, Standpipe Systems, Fire Pumps (Preventive Maintenance Contract)
#53	Fencing Materials & Installation

Contracts may be added or deleted as determined by the Lead Agency to be in the best interests of the MCCPC.

7. During the preparation of the bid specifications, the Lead Agency shall solicit estimated quantities of materials desired from the members for those contracts where appropriate. Said estimated quantities shall be included in the bid specifications. The bid specifications shall clearly provide to all vendors that said estimated quantities are simply estimates and the actual quantity ordered may be more or less. Similarly, members may not rely upon the estimated quantity submitted but instead all orders are subject to availability by the vendor at the time the order is actually placed by the member. Pursuant to N.J.A.C. 5:34-7.12(a), a member of the MCCPC which has not submitted estimated quantities for a contract to the MCCPC prior to the advertisement for bids may participate in the resulting contract only with prior written approval of the MCCPC and the successful vendor.

8. The ordering of materials or services through the MCCPC contracts shall be the individual responsibility of each of the members and the vendor shall bill each of the members directly for the materials or services obtained by that member directly. Each of the members shall be liable only for materials and services ordered by and received by it, and none, by virtue of this Agreement, assures any additional liability. Additionally, the MCCPC and the Lead Agency are not liable for materials or services ordered by and received by the individual members.

9. All complaints and/or problems associated with contracts awarded through the MCCPC must be submitted in writing to the Lead Agency. To the extent possible given the limited jurisdiction of the MCCPC, the Lead Agency will attempt to resolve all issues on behalf of its members. Reporting of all issues is also required so that they can be taken into consideration for future contracts.

10. Nothing in this Agreement shall prevent any party from bidding, awarding and entering into contracts for the purchase of goods or services individually on its own behalf.

11. The purpose of the MCCPC is to cooperatively bid contracts in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., for the purchase of goods and services in an effort to obtain the most competitive prices for the public body members. The MCCPC and Randolph Township as Lead Agency do not accept liability for damages which relate to or arise out of the ordering of, purchasing of or payment for goods or services by members under the MCCPC contracts.

12. This Agreement shall be binding upon and inure to the benefit of the successors and Assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their authorized officers the day and year written below.

ATTEST:

_____
Contracting Unit Name

_____
Signature of Witness

_____
Signature of Official

_____
Printed Name of Witness

_____
Printed Name of Official

Date:_____

Date:_____

ATTEST:

MORRIS COUNTY COOPERATIVE PRICING COUNCIL by TOWNSHIP OF RANDOLPH as Lead Agency

_____
Jenny Lambert
Secretary/MCCPC Coordinator

_____
Stephen P. Mountain
Township Manager

Date:_____

Date:_____

RESOLUTION

No. 10 **KENILWORTH, N.J.** **December 8, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, the Borough of Kenilworth, 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, upon the recommendation of the Kenilworth Fire Chief, the Borough of Kenilworth has the need on a timely basis to purchase goods or services utilizing State contracts for the purpose of the acquisition of SCOTT pack and necessary equipment as contained herein; and

WHEREAS, the Borough of Kenilworth intends to enter into contracts with: **NJ Fire Equipment Co. 119-131 Rt. 22 E, Green Brook, NJ 08812** through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Cooperative Purchasing contracts;

NOW THREFORE BE IT RESOLVED, that the Borough of Kenilworth authorizes the Purchasing Agent to purchase certain goods or services from said contractors by approved New Jersey State Cooperative Purchasing Contract **#17 FLEET-00819, Vendor #00000570** in the amount of **$54,768** pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Kenilworth pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, 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 Finance Officer.

CERTIFICATION - I am the financial officer charged with the responsibility of maintaining financial records of the Borough of Kenilworth, State of New Jersey, and on this 8th Day of December 2021, I hereby certify to the Borough Council of the Borough of Kenilworth as follows:

1. Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the above-mentioned proposed contract, which is pending approval by the governing body:
2. The funds certified herein as being available for the aforementioned contract have not been certified by the undersigned as being available for any other contract now pending or in force.

C-04-55-201-107 $50,000.00
C-04-55-191-107 $3,133.75
Accounts: C-04-55-189-106 $690.30
Amount $54,768.00 1-01-25-749-056 $943.95

Kenneth P. Blum Jr.
Ken Blum, Chief Financial Officer

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes✓			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2022.

Laura Reinertsen, Borough Clerk

New Jersey Fire Equipment Co.
119-131 Route 22 East
Green Brook, NJ 08812

Quote

Date	Quote #
10/20/21	14077

Name / Address	Contact:	D/C Mike Scuderi
Borough of Kenilworth Fire Department 491 Washington Avenue Kenilworth, NJ 07033	Customer Phone	Customer Fax
	908-276-9091	908-276-7688

Phone #	Fax #
(732) 968-2121	732-968-4724

Terms	Rep	FOB
Net 30	SJV	Delivered

Description	Qty	Cost	Delivery	Total
New Jersey State Contract 17-FLEET-00819 Vendor ID# 00000570				0.00
SCOTT#8814025305304 - AIR PAK X3 PRO 4.6, (NFPA/NJPEOSHA), (NFPA-2018 EDITION), HEADS-UP DISPLAY, RAPID INTERVENTION/UNIVERSAL AIR CONNECTION, STANDARD KEVLAR REMOVABLE HARNESS, QUICK-DISCONNECT CBRN REGULATOR (RECTUS), INTEGRATED PASS ALARM/PAK TRAKER UNIVERSAL EBSS (BUDDY BREATHER),LESS CYLINDER, LESS FACEPIECE, LESS CARRYING CASE, COMPLETE LIFETIME AS LONG AS YOU OWN IT WARRANTY.	6	8,356.50		50,139.00
NJFE COURTESY TRADE IN ON OLD SCBA EQUIPMENT.	6	-600.00		-3,600.00
SCOTT 4500 PSI, Carbon cylinder/valve (nominal 45 minute)	6	1,471.50		8,829.00
NJFE COURTESY TRADE IN ON OLD CYLINDERS	6	-100.00		-600.00
Total				$54,768.00

Web Site	michael@njfe.com
www.njfe.com	

Signature.

RESOLUTION

No. 11 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: _____

Seconded by: _____

WHEREAS, Police Sergeant Len Lueddeke has notified the Borough of Kenilworth of his intention to retire effective December 1, 2021; and

WHEREAS, the governing body the Borough of Kenilworth hereby accepts the retirement of Police Sgt. Leuddeke, effective December 1, 2021 with a terminal leave date of December 1, 2021; and

WHEREAS, Police Sgt. Leuddeke entitled to Terminal Leave pay as per his contract, as follows;

Type	# of days	Rate	Total
Terminal Leave 22 Years x 1.5 days =	33	$527.11	$17,394.63
2020 Unused Sick Time	9.875	$527.11	$ 5,205.21
2021 Holiday/Vacation Days	42	$527.11	$22,138.62
2022 Vacation Days	25	$527.11	$13,177.75
	109.875		***$57,916.21***

WHEREAS, the Kenilworth Police Chief has certified that number of days and amounts due are correct; and

WHEREAS, the Borough's Labor Attorney, has reviewed the conditions above and has certified that the amounts due are consistent with the local PBA contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth that the Payroll Department is authorized to make payments as indicated above based on a final calculation upon his retirement.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓			No ___		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 12 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

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

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 the Borough Code Enforcement Officer for the Borough of Kenilworth; and

Be if Further Resolved, that the Tax Collector be directed to place liens on the properties located at:

621 Kingston Ave.
Kenilworth, NJ 07033
Block 121, Lot 19

In the amount indicated on attached certification as a lien and tax upon the real estate and to be added to be part of the taxes next to be levied and assessed thereon, and enforced and collected with interest by the same offices and in the same manner as other taxes.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes X			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

Borough of Kenilworth

Department of Public Works
OFFICE OF
Michael Calixto
Superintendent
801 Sheridan Avenue
Kenilworth, NJ 07033
Phone: 908-276-5073
Fax: 908-272-4901

July 12, 2021

TO: Iris Ramos, Code Enforcement Officer

FROM: David Kokai, Foreman

RE: Property Clean-up
621 Kingston Ave.
Block 121, Lot 19

Listed below are the costs incurred by the Public Works Department to clean/landscape the above referenced property, on July 8, 2021.

Number of Employees: 4
Number of Hours: 1

Manuel Nieto @ $28.56 x 1hour = $28.56
Kyle Addvensky @ $20.40 x 1 hour = $20.40
Todd Patzwa @ $20.40 x 1 hour = $20.40
Matthew Jankunas @ $17 x 1 hour = $17.00

Employee Cost: $86.36

Fuel/Gasoline Mix @ $2.1722 x 1 gallon = $2.17 **Fuel Cost: $2.17**

Equipment/Vehicles

1 - Lawn Mower @ $15/each = $15 x 1 hour = $15
1 - Weed Whackers @$15/each = $15 x 1 hour = $15
1 – Backpack Blowers @ $25/each = $25 x 1 hour = $25
1 – Mason Dump @ $100/each = $100 x 1 hour = $100

Equipment/Vehicles Cost: $155.00

Total Cost for Property Clean Up = **$243.53**

DK:kes

RESOLUTION

No. 13 KENILWORTH, N.J. DECEMBER 8, 2021

Introduced by: CONSENT AGENDA

Seconded by: CONSENT AGENDA

BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth of Union County, New Jersey upon recommendation of the Borough Administrator that final payment 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: Records Scanning and Document Management
CONTRACTOR: **Foveonics Imaging Technologies**
999 Willow Grove Street, Hackettstown, New Jersey 07840

TOTAL ORIGINALCONTRACT PRICE *(Not to Exceed)*	$85,000.00
Total Completed and stored to date:	$84,198.00
Less Previous Payment	$0.00
Amount Due	**$84,198.00**

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: C-04-55-204-109
Union County 2021 Infrastructure Grant
Kenneth P. Blum Jr.
KEN BLUM, TREASURER

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri						
Councilman Mark David			/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /			No __		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on *December 8, 2021.*

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 14 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: _____ CONSENT AGENDA

Seconded by: _____

WHEREAS, THE Borough of Kenilworth Department of Public Works is desirous to purchase three (3) mason dump trucks and necessary equipment; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition has exceeded $17,500; and

WHEREAS, the Borough of Kenilworth is a member of Morris County Cooperative Pricing Council ("MCCPC") and is desirous to make the purchase under Morris County Cooperative Pricing Council ("MCCPC"), Contract Number #15-C; and

WHEREAS, the costs associated for the contract is based on certification of funds by the Chief Financial Officer

NOW THEREFORE, BE IT RESOLVED, that the Borough of the Kenilworth authorizes Chief Financial Officer to enter into a contract with DFFLM, LLC. T/A Ditschman / Flemington Ford, 215 US Highway 202, Flemington, NJ 08822 in the total amount of $229,296.00 as described herein.

Certification of Funds
C-04-55-204-101 $155,118.78
C-04-55-162-106 $32,348.72
C-04-55-189-105 $29,026.29
C-04-55-191-105 $11,145.21
C-04-55-201-105 $1,657.00

Kenneth P. Blum
Ken Blum, CMFO

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

DFFLM, LLC., T/A DITSCHMAN/FLEMINGTON FORD
215 US HIGHWAY 202, FLEMINGTON, NJ 08822
PHONE: [908] 782-3673 / FAX: (908) 782-7305
Rick Hungerford – rhungerford@flemington.com

CUSTOMER **KENILWORTH DPW**

2022 FORD 450 REGULAR CAB/CHASSIS 4X4 DRW
MCCPC - CONTRACT #15-C, ITEM #14

STANDARD EQUIPMENT

Powertrain
7.3 LITER ENGINE
10 SPEED AUTO TRANSMISSION
Fuel Tank Capacity: 38.0gal
Suspension/Handling
Front Mono-beam non-independent suspension
Rear rigid axle leaf suspension with HD shocks
Hydraulic power-assist steering
Front and rear 17" x 7.5" argent steel wheels
LT245/75SR17 0E BSW AS front and rear tires
Body Exterior
2 doors
Black door mirrors
Black bumpers
Trailer sway control
Roof Clearance Lights
Convenience
Manual air conditioning
Manual tilt steering wheel
Manual telescopic steering wheel
Day-night rearview mirror
Front cupholders
Passenger visor vanity mirror
Upfitter Switches
Seats and Trim
Seating capacity of 3
Front 40-20-40 vinyl split-bench seat
4-way driver seat adjustment
Manual driver lumbar support
4-way passenger seat adjustment
Center front armrest with storage
Entertainment Features
AM/FM stereo radio with 2 speakers
Fixed antenna
Lighting, Visibility and Instrumentation
Halogen aero-composite headlights
Variable intermittent front windshield wipers
Front reading lights
Tachometer and Oil pressure gauge
Outside temperature display
Low tire pressure warning
Trip odometer
Safety and Security
4-wheel ABS brakes
Brake assist
4-wheel disc brakes
AdvanceTrac w/Roll Stability Control
Dual front impact airbags
Dual seat mounted side impact airbags
Manually adjustable front head restraints
Sync radio with blue tooth

Base Price **$ 36,105.00**

		$	-
512	Spare Tire, Jack and Wheel		included
18B	Cab Steps		included
473	Snow Plow Package		included
76C	Exterior Back-up Chime		included
52R	Transmission Power Take-Off Provision		included
90L	Power Equip Group on XL		included
52B	*Trailer Brake Controller (not available with Trailer Towing Package)*		included
TQB	225/70Rx19.5G Max Traction Tires	$	215.00
63A	UTILITY LIGHT SYSTEM	$	160.00
67B	397 AMP BATTERY	$	115.00
66M	DUAL BATTERY	$	210.00
	MCCPC 5 % DISCOUNT	$	(35.00)
Options Total		**$**	**685.00**

ADDITIONAL TRUCK EQUIPMENT

Snow Plow

FISHER 9' HDX SNOW PLOW	$	6,990.00
Snow Deflector for Fisher Plow	$	375.00

Dump Bodies

3-4 Yard Dump Body, 9' Long Electric/Hydraulic Hoist 60" CA	$	9,490.00
1/4 cab shield		
Manual roller & mesh load cover		
Trailer Plug for Lights and Brake Controller	$	150.00
Dab/Pintle Combo on Reinforced Steel Plate	$	695.00
Stainless Steel Body Upgrade from Mild Steel, additional	$	8,490.00

Spreaders

FISHER 6 2.5 CU YARD POLY CASTER ELECTRIC SPREADER	$	10,990.00
WITH SPREADER SPOTLIGHT AND STROBE LIGHT KIT	$	-
WELD IN 4 D RINGS FOR SPREADER TIE DOWN	$	-

Safety Lighting

Single Amber Strobe on Self Leveling Mount for Dump or Platform Bodies	$	595.00
DOT 2 AMBER LED'S IN FRONT GRILLE	$	295.00
DOT 6 Amber LED's, 4 in Cab Shield, 2 at Rear of Body - Dump Body Only	$	1,395.00

Accessories

7 Way RV Trailer Plug	$	125.00
MOTOR VEHICLE – NEW PLATE, TITLE AND REGISTRATION	$	72.00
MUNICIPAL OR COUNTY GOVERNMENT	$	-
Options Total	**$**	**39,662.00**
Total Price with Options	**$**	**76,432.00**

Exterior Color WHITE

Interior Color MED GRAY VINYL

Date 12/1/2021

Quote is good for 60 Days

Please sign here to accept _____

PRICE OF VEHICLE IS 76432.00 X 3 = TOTAL PRICE $ 229296.00

RESOLUTION

No. 15 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: _____

Seconded by: CONSENT AGENDA

WHEREAS, Kenilworth residents have made inquiry to purchase borough owned parcels abutting the residents' owned property; and

WHEREAS, the size of the requested lots have no intrinsic value to the borough nor is there need to maintain a right of way.

BE IT RESOLVED , that the firm Triarsi Betancourt Wukovits Dugan "TBWD" be awarded a professional services contract for Counsel on Public Land Sales for the following parcels:

Block 101, Lot 21 aka 383 Coolidge Drive

Block 19, Lot 10 aka 302 N. Michigan Avenue

WHEREAS, Triarsi Betancourt Wukovits Dugan "TBWD" shall perform all services as Borough Counsel on Public Land Sales as it pertains to the aforementioned properties.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that the firm Triarsi Betancourt Wukovits Dugan, 186 North Avenue, East, Cranford, NJ 07016, be and is hereby appointed to perform all services as Borough Counsel on Public Land Sales as it pertains to the aforementioned properties in an amount not to exceed $2,500.00, effective immediately; and,

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes X		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

Memorandum

To: Laura Rienersten

From: Frank G. Capece, Esq.

Date: November 19, 2021

Re: Land Sales

As you can see from the enclosed we are able to gain a firm regarding the Public Land Sales.

As a professional service contract can we do a resolution for professional contract for Counsel on Public Land Sales to "TBWD" in an amount not to exceed $2,500.00.

Once approved, I will do the contract.

TBWD
Law Offices
TRIARSI BETANCOURT WUKOVITS DUGAN
A LIMITED LIABILITY COMPANY
SINCE 1969

RAFAEL J. BETANCOURT*
STEVEN F. WUKOVITS†
MARK P. DUGAN**
RICHARD D. HUXFORD††

MARC A. SPOSATOΘ
JASON T. MUSHNICKΘΘ

JOSEPH J. TRIARSI
OF COUNSEL

*NY & PR BARS
†CERTIFIED BY THE SUPREME COURT OF NJ
AS A CRIMINAL TRIAL ATTORNEY
** NY, PA & DC BARS & R. 1:40 MEDIATOR
†† CERTIFIED BY THE SUPREME COURT OF NJ
AS A CERTIFIED MUNICIPAL COURT ATTORNEY
ΘNY BAR
ΘΘNY & NC BARS

CENTENNIAL PLAZA
186 NORTH AVENUE, EAST
CRANFORD, N.J. 07016
www.tbwdlaw.com
Telephone: (908) 709-1700
Facsimile: (908) 272-4477
Writer's Email: mpd@tbwdlaw.com

JACOB L. TRIARSI
OF COUNSEL
(1934-1987)

ALFONSO L. PISANO
OF COUNSEL
(1960-2005)

November 17, 2021

BY EMAIL ONLY

Frank G. Capece, Esq.
Garrubbo & Capece PC
2204 Morris Ave,
Suite 304
Union, New Jersey, 07083

Re: Kenilworth Public Land Sales
383 Coolidge Drive, Block 101, Lot 21
302 N. Michigan Avenue, Block 19, Lot 10

Dear Frank:

It was nice speaking with you last week. Following our telephone conversation, this shall confirm that our office would be pleased to assist the borough in connection with effectuating the sale of the above properties which are owned by the borough. We will engage in any necessary fact-finding and research, shall prepare the required ordinances and any other necessary documents, and guide the governing body through the process.

In exchange, the borough will compensate the firm hourly at the rate of $200.00. We will require a written agreement retaining the firm for that purpose and a copy of the adopted resolution of the governing body approving the same. Upon receipt thereof, we shall commence representation.

I look forward to working with you.

Sincerely,

Mark P. Dugan

RESOLUTION

No. 16 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: CONSENT AGENDA

Seconded by: _____

WHEREAS, that Public Safety Committee and Police Chief met to discuss the appointments of candidates to be enrolled in the next recruit class Basic Course for Police Officers (B.C.P.O.) Session at the John H. Stamler Police Academy; and

WHEREAS, Public Safety Committee and Police Chief recommend the following individuals be appointed to the Kenilworth Police Department

NOW THEREFORE BE IT THEREBY RESOLVED, that

Anthony Almeida
46 Saint Francis St., Newark NJ 07105

Marcus Trotman
1218 Galbraith Place, Plainfield NJ 07063

Arturo Gonzales
13 Golf Course Road, Succasunna NJ 07876

be appointed Probationary Police Officers, effective January 7, 2022 at the at a salary consistent with the current collective bargaining agreement with Kenilworth NJ PBA Local #135 Salary Guide for 1st year Officers of $45,421.60 per year.

BE IT FURTHER RESOLVED, that this offer of employment is contingent upon your successful psychological evaluation, medical release, criminal & background records checks and subject to the execution of an agreement to reimburse the Borough for Police Academy costs if employment terminates within two years.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes /		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 17 KENILWORTH, N.J. DECEMBER 8, 2021

Introduced by: _____

Seconded by: _____

RESOLUTION ADOPTING THE UNION COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Borough of Kenilworth_NJ, has experienced natural hazards that result in public safety hazards and damages to private and public property and;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks and;

WHEREAS, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan and;

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Division of Emergency Services and Mitigation Planning Committee and;

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property and;

WHEREAS, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, Inc. (Michael Baker), the contracted vendor assisting with the planning process. Links were links also posted on the Emergency Management and Division of Planning websites so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law and;

NOW, THEREFORE BE IT RESOLVED by the Borough of Kenilworth

1. The Union County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on July 1, 2021 by the Union County Division of Emergency Services to the New Jersey Office of Emergency Management and submitted on October 4, 2021 to the Federal Emergency Management Agency and subsequently approved by both agencies on November 17, 2021, be and is hereby adopted as an official plan of the County or Union; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Kenilworth departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the the Borough of Kenilworth and this resolution shall not be interpreted so an to mandate any such appropriation.
4. The Borough of Kenilworth Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agree upon by all stakeholders.

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified true copy of this resolution to the Union County Division of Emergency Services and the Kenilworth OEM Coordinator.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati	✓		✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes ✓		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 19 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: _____

Seconded by: _____

BE IT HEREBY RESOLVED, that the following individual be employed as a Per Diem dispatcher at a rate of $20.00 per hour, effective **September 6, 2021**.

Timothy Howarth
815 Filbert St
Roselle Park, NJ 07204

Quinn Costabile
59 Birch St
Kenilworth NJ 07033

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

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 20 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: _____

Seconded by: _____

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

Name	Appointment
Will Massenburg	Firefighter / EMT
James Smith	Firefighter / EMT

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

Approved: _____
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes			No		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

_____
Laura Reinertsen, Borough Clerk

RESOLUTION

No. 21 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: Consent Agenda

Seconded by:

WHEREAS, certain Federal funding will potentially be available for Union County under Title I of the Housing and Community Development Act of 1974 as amended and supplemented, which Act is commonly known and referred to as the Community Development Block Grant; and

WHEREAS, the Borough of Kenilworth has a need and desire for assistance under the Act and Program as aforesaid in order to improve essential services to the residents of areas which qualify for assistance under the Act and Program as aforementioned.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey authorizes, on behalf of the Borough of Kenilworth, the submission of applications for funding of the attached list, known as the Community Development Block Grant Program Year 48 list, in the priority order as shown.

Community Development Block Grant Proposals for Year 48

1. Senior Citizens Social Services & Health Program — Request $19,000.00
2. ADA Curb & Ramp Improvements — Request $30,000.00

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			/			
Councilman Mark David			/			
Councilman Joseph Finistrella		/	/			
Councilman Gerry Laudati	/		/			
Councilman Scott Pentz			/			
Councilman Fred Pugliese			/			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes 6		No __			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 3 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: Ceceri

Seconded by: Finistrella

Whereas, the following property applied for a Planning Board Variance application, and fees was received by the Building Department on August 23, 2021; and

Whereas, it has now been determined the proposed application has been cancelled by the homeowner; and

Now, Therefore, Be It Resolved, that the Treasurer be and is hereby authorized to draw a warrant to refund the following to:

Amount of $750.00 be refunded to the homeowner:
Silvia Nora and Micheli Miceli
27 Commonwealth Road
Kenilworth, NJ 07033

For Variance Application #7-21
11 Commonwealth Road
Kenilworth, NJ 07033
Block 82, Lot 14`

Cc: Ken Blum CFO
Laura Reinertsen, Borough Clerk
Kathleen Moschitta, Deputy Borough Clerk
Tina Defuria, Account Payable

1-01-53-936-000

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri	✓		✓			
Councilman Mark David			✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese					✓	
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _		No ✓			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 18 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: DAVID

Seconded by: FINISTRELLA

WHEREAS, the Construction Department has as its responsibility to maintain the state mandated system for processing permits, collecting State and municipal fees, performing inspections, to track and pursue code violations and unsafe structures, to ensure compliance with applicable codes and standards Upon final inspections and approvals, the permit process ends when the project or installation is certified for occupancy and/or use. The ultimate goal is to make all buildings and structures erected in the municipality safe for the intended occupancy and use; and

WHEREAS, the Borough is desirous of pursuing temporary assistance to meet the required responsibility; and

WHEREAS, the Borough has reached an accord with the Township of Union for a temporary shared services agreement to meet the aforementioned need; and

WHEREAS, the agreement for temporary assistance from the Township of Union effective November 8, 2021 through the December 31, 2021 for the amount of $6,000.00 (six-thousand dollars) the total cost to be offset by remaining construction clerical salary for which there are adequate appropriations of Council to cover such costs; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth of Union County, New Jersey upon recommendation of the Borough Administrator that payment for the provided Temporary Staffing Assistance in the Construction Officer provided by the Township of Union for the aforementioned term and amount be and is hereby approved.

Approved: Linda Karlovitch
Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓		✓		
Councilman Gerry Laudati			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 22 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: DAVID

Seconded by: FINISTRELLA

WHEREAS, the Borough of Kenilworth, County of Union, State of New Jersey finds it both necessary and appropriate to promote a certain police officer serving with the Kenilworth Police Department.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey hereby promotes **JOSEPOH SCUORZO** to serve as ***Sergeant with the Borough of Kenilworth Police Department*** at the pay scale and in accordance with the Bargaining Agreement and the Rules and Regulations of the Kenilworth Police Department, effective **December 8, 2021**.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella		✓	✓			
Councilman Gerry Laudati			✓			
Councilman Scott Pentz			✓			
Councilman Fred Pugliese			✓			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes _			No ✗		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

RESOLUTION

No. 23 **KENILWORTH, N.J.** **DECEMBER 8, 2021**

Introduced by: DAVID

Seconded by: CECERI

RESOLUTION APPROVING CONSISTENCY REVIEW MATERIALS FOR THE REDEVELOPMENT OF THE PROPERTY KNOWN AS LOT 9, BLOCK 183 IN THE BOROUGH OF KENILWORTH BY KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

WHEREAS, the governing body of the Borough of Kenilworth (the "Borough Council") is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, the Borough Council directed the Borough planning board (the "Planning Board") to investigate whether a certain property within the Borough identified in the official tax maps of the Borough as Block 183, Lot 9 and identified in the Borough tax records as 25 North 26th Street (the "Redevelopment Area") constituted an "area in need of redevelopment" as defined in the Redevelopment Law; and

WHEREAS, upon the Planning Board's recommendation, on February 10, 2021, the Borough Council, adopted a resolution pursuant to and in accordance with the requirements of the Redevelopment Law, designating the Redevelopment Area as an area in need of redevelopment; and

WHEREAS, the Borough Council on June 9, 2021, adopted Ordinance No. 2021-07 approving and adopting a redevelopment plan for the Redevelopment Area titled "25 North 26th Street Redevelopment Plan" (the "Redevelopment Plan" in accordance with the Redevelopment Law); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Borough is acting as the "redevelopment entity" (as such term is defined at N.J.S.A. 40A:12A-3 of the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, Kenilworth Redevelopers Urban Renewal, LLC is the contract purchaser of the Redevelopment Area (the "Redeveloper"); and

WHEREAS, pursuant to 6.2(A) of the Redevelopment Plan, the Redeveloper is required to submit copies of the project plans to the Borough Council for a consistency review prior to the submission of a site plan application to the Planning Board; and

WHEREAS, the Redeveloper submitted project plans prepared by Lessard Design to the Borough Council and Borough Planner (the "Consistency Review Materials"); and

WHEREAS, the Borough Council, in consultation with the Borough's Planner, have reviewed the Consistency Review Materials and determined same to be generally consistent with the Redevelopment Plan; and

WHEREAS, the Borough Council desires to approve the Consistency Review Materials for purposes of permitting the Redeveloper to submit a site plan application to the Planning Board that is consistent with the Consistency Review Materials;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council, as the redevelopment entity, hereby approve the Consistency Review Materials submitted by the Redeveloper and find same to be consistent with the Redevelopment Plan; and

BE IT FURTHER RESOLVED that the Redeveloper be and hereby is authorized to submit a site plan application to the Planning Board that is consistent with the Consistency Review Materials.

Approved: Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri		✓	✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Laudati			✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes _			No ✓		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

HARBOR CONSULTANTS INC.

December 2, 2021

Ms. Laura Reinertsen, Borough Administrator / Clerk
Borough of Kenilworth Municipal Building
567 Boulevard
Kenilworth, NJ 07033

Re: Borough Council Consistency Review
25 North 26th Street Redevelopment Plan
Block 183, Lot 9
Borough of Kenilworth
Union County, NJ
Harbor Consultants, Inc. Project Number: 2021009.004

Dear Ms. Reinertsen:

On November 23, 2021, Kenilworth Redevelopers Urban Renewal LLC, submitted a site plan application to the Council for a consistency review of the 25 North 26th Street Redevelopment Plan. Pursuant to Section 6.2.A of the Redevelopment Plan:

> *The Borough Council acting as the Redevelopment Entity shall review the Proposed Project within the redevelopment area to ensure that such project is consistent with the Redevelopment Plan and the MOU. Such review shall occur prior to the submission of the redevelopment project to the Planning Board. As part of its review, the Borough Council may require the redeveloper(s) to submit the proposed site plan applications to the Borough Council or to a subcommittee organized by the Borough Council prior to the submission of such applications to the Planning Board. Such Subcommittee may include members of the Borough Council and any other members and/or professionals as determined necessary and appropriate by the Borough Council. Such subcommittee shall make its recommendations to the Mayor and Council.*

In undertaking its review, the Borough Council or its designed subcommittee shall determine whether the proposal is consistent with this Redevelopment Plan and relevant redeveloper agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this Plan.

This report has been prepared on behalf of the Borough Council for the purposes of reviewing the referenced documents and the project's consistency with Section 3, The Redevelopment Plan and 3.4 Provisions Related to Affordable Housing of the referenced redevelopment plan.

A. Land Use Plan Element of the Redevelopment Plan (Section 3.1)

The redevelopment plan provides for a 4-story multi-family inclusionary housing project consisting of one hundred and sixty-five (165) residential units with a fifteen percent (15%) set aside for very low-, low- and moderate-income family rental housing units in one building. The proposed drawings conform to the requirements of the redevelopment plan and as further discussed below.

320 North Avenue East, Cranford, NJ 07016 • (908) 276-2715 Voice • (908) 709-1738 Fax

B. Provisions Related to Affordable Housing

Affordable Housing Units. The MOU and Redevelopment Plan require that the residential development shall have an on-site inclusionary affordable housing component of fifteen (15%). The Redevelopment Plan states that an inclusionary Multifamily Residential development consisting of one hundred and sixty-five (165) units, inclusive of an on-site inclusionary affordable set aside of fifteen percent (15%) rounded to twenty-five (25) affordable housing units.

Twenty-five (25) affordable housing units have been integrated into the development, consisting of five (5) one-bedroom units, fifteen (15) two-bedroom units and five (5) three-bedroom units. The affordable housing units are distributed throughout the building and are located on all three floors.

Affordable Housing Bedroom and Income Distribution. The MOU and the Redevelopment Plan state that the bedroom distribution and income distribution shall meet all UHAC rules. The applicable income distribution requirements for this project are thirteen percent (13%), or four (4) units, of the total number of affordable units must be very low-income units, thirty-seven percent (37%), or nine (9) units, of the total number of affordable units must be low-income units, and the remaining fifty percent (50%), or twelve (12) units, may be moderate income units.

Sheet A102 of the drawings includes an income distribution chart and bedroom distribution chart which are consistent with the UHAC rules and the requirements of the Redevelopment Plan.

Affordable Housing Component. The redeveloper shall have an obligation to deed restrict the affordable housing units, affirmatively market and monitor the units, retain an administrative agent and otherwise comply with the affordable housing requirements outlined in the Redevelopment Plan post construction.

The affordable housing deed restrictions as well as the other applicable post-construction affordable housing compliance mechanisms are addressed in the redevelopment agreement and will be a condition of the site plan application to be heard before the Planning Board.

C. <u>Comments & Recommendations:</u>

The site plan documents are consistent with the requirements of the 25 North 26th Street Redevelopment Plan. It is our recommendation that the site plan application can proceed to the Planning Board at which time the site plan and building design elements will be reviewed by the Planning Board's Professionals.

D. <u>Documents Reviewed</u>

The following materials were reviewed for this report:

- Concept Plan for 25 North 26th Street, prepared by Lessard Design dated November 23, 2021, consisting of eight (8) sheets.
- Letter dated November 23, 2021 from Mr. Joseph Paparo, Porzio Bromberg & Newman.

The following supplemental materials were reviewed and are referenced as part of this review:

- 25 North 26th Street Redevelopment Plan (Block 183, Lot 9) prepared by Michael Mistretta, PP, LLA of Harbor Consultants Inc., dated March 2021.
- Memorandum of Understanding (MOU), between the Borough of Kenilworth and Kenilworth Redevelopers Urban Renewal, LLC, signed February 27, 2020.

Please contact our office should you have any questions or comments. Thank you.

Very Truly Yours,

Harbor Consultants, Inc.

Michael J. Mistretta, PP, LLA

cc: Mayor Linda Karlovitch & Township Council Members
Frank Capece, Borough Attorney
Elnardo Webster, Borough Redevelopment Attorney
Joni McDonnell, Borough Redevelopment Attorney
Erik Nolan, Borough Affordable Housing Attorney
Joseph A. Paparo, Applicant's Attorney
Tony Gallerano, PE, Borough Engineer

RESOLUTION

No. 24 KENILWORTH, N.J. December 8, 2021

Introduced by: David

Seconded by: Laudati

BE IT HEREBY RESOLVED that the ordinance #2021-18 entitled:

AN ORDINANCE APPROVING THE APPLICATION AND AUTHORIZING A FINANCIAL AGREEMENT FOR A LONG TERM TAX EXEMPTION BY AND BETWEEN THE BOROUGH OF KENILWORTH AND KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC.

Was introduced and approved on first reading, at the regular meeting of the Borough Council on November 10, 2021 approved for final passage at the regular meeting of the Borough Council of December 8, 2021 after all persons interested were given an opportunity to be heard concerning said ordinance.

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.

Approved: Linda Karlovitch

Linda Karlovitch, Mayor

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Kay Ceceri			✓			
Councilman Mark David	✓		✓			
Councilman Joseph Finistrella				✓		
Councilman Gerry Laudati		✓	✓			
Councilman Scott Pentz				✓		
Councilman Fred Pugliese				✓		
Mayor Linda Karlovitch			✓			
ON CONSENT AGENDA	Yes _			No X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on December 8, 2021.

Laura Reinertsen, Borough Clerk

ORDINANCE NO. 2021-18
BOROUGH OF KENILWORTH

AN ORDINANCE APPROVING THE APPLICATION AND AUTHORIZING A FINANCIAL AGREEMENT FOR A LONG TERM TAX EXEMPTION BY AND BETWEEN THE BOROUGH OF KENILWORTH AND KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC

WHEREAS, the governing body of the Borough of Kenilworth (the "Borough Council") is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, the Borough Council directed the Borough planning board (the "Planning Board") to investigate whether a certain property within the Borough identified in the official tax maps of the Borough as Block 183, Lot 9 and identified in the Borough tax records as 25 North 26th Street (the "Redevelopment Area") constituted an "area in need of redevelopment" as defined in the Redevelopment Law; and

WHEREAS, upon the Planning Board's recommendation, on February 10, 2021, the Borough Council, adopted a resolution pursuant to and in accordance with the requirements of the Redevelopment Law, designating the Redevelopment Area as an area in need of redevelopment; and

WHEREAS, the Borough Council on June 9, 2021, adopted Ordinance No. 2021-07 approving and adopting a redevelopment plan for the Redevelopment Area titled "25 North 26th Street Redevelopment Plan" (the "Redevelopment Plan" in accordance with the Redevelopment Law); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Borough is acting as the "redevelopment entity" (as such term is defined at N.J.S.A. 40A:12A-3 of the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, Kenilworth Redevelopers Urban Renewal, LLC (the "Redeveloper") is the contract purchaser of the Redevelopment Area; and

WHEREAS, on November 10, 2021, pursuant to the Redevelopment Law, the Governing Body adopted Resolution __No. 7_, (a) among other things, designating Kenilworth Redevelopers Urban Renewal, LLC as the exclusive redeveloper for Block 183, Lot 9 and (b) authorizing the execution of a certain "Redevelopment Agreement"; and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper proposes to acquire the Redevelopment Area, and to develop, finance, and construct a four-story, inclusionary multi-family building containing a total of 165 units, 25 of which will be units affordable to very-low, low- and moderate-income households, garage and surface parking spaces, as well as certain other on-site and off-site improvements (the "Project"); and

WHEREAS, the Redeveloper is a limited-dividend, urban renewal entity created under the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "LTTE Law"),

to own and undertake, or cause to be undertaken, the Project and related on-site and off-site infrastructure and related improvements to be more particularly set forth in the Redevelopment Agreement; and

WHEREAS, the Redeveloper submitted to the Borough Administrator an application for a long term tax exemption for the Project, pursuant to the LTTE Law, dated October 20, 2021 (the "PILOT Application"); and

WHEREAS, the Body Council has reviewed the information provided in the PILOT Application and finds that the Project represents an undertaking permitted by the LTTE Law and constitutes improvements made for the purposes of clearance, replanning, development or redevelopment of an area in need of redevelopment within the Borough, as authorized by the Redevelopment Law and the LTTE Law;

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

Section 1. The PILOT Application of Kenilworth Redevelopers Urban Renewal, LLC be and hereby is approved.

Section 2. The Financial Agreement concerning Kenilworth Redevelopers Urban Renewal, LLC, attached to the PILOT Application, for a long term tax exemption for the Project, under the LTTE Law, be and is hereby approved, and the Mayor is hereby authorized to execute such Financial Agreement, subject to minor modification or revision, as deemed necessary, advisable and appropriate after consultation with counsel.

Section 3. The Borough Clerk be and is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Borough upon such document.

Section 4. The executed copy of the Financial Agreement shall be certified by and be filed with the Office of the Borough Clerk. Further, the Borough Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

Section 7. This ordinance shall take effect in accordance with applicable law.

Linda Karlovitch, Mayor

ORDINANCE NO. 2021-18
BOROUGH OF KENILWORTH

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI			✓			
X		X				MARK DAVID		✓	✓			
			X			JOSEPH FINISTRELLA				✓		
		X				GERRY LAUDATI	✓		✓			
			X			SCOTT PENTZ				✓		
			X			FRED PUGLIESE				✓		
		X				MAYOR KARLOVITCH			✓			

Introduced:
November 10, 2021

Final Adoption:
December 8, 2021

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk