

MEETING TO ORDER.

The regular meeting of the Kinnelon Borough Governing Body was called to order by Mayor Robert W. Collins at 8:00 p.m., on Thursday, July 21, 2016 in the Kinnelon Municipal Building.

There was a Salute to the Flag, after which the Deputy Borough Clerk Karen Iuele stated this meeting is being held pursuant to the New Jersey Open Public Meeting Act. Adequate notice of this meeting was given by advertising in the January 10, 2016 edition of the Trends and was provided to the Star Ledger, Daily Record and the North Jersey Herald News. Adequate notice was also posted on the municipal building bulletin board, filed with the Deputy Borough Clerk and provided to those persons or entities requesting notification.

ROLL CALL:

The roll was called and present and answering were Councilpersons Carol Sventy, William Yago and James Freda. Absent were Councilman Giantonio, Councilman Neely and Councilman Barish.

TREASURER'S REPORT

The Treasurer's Report for July 21, 2016, indicated we started out with cash on hand as of May 31, 2016, in the amount of \$5,970,778.77. Receipts for the month of June 2016 totaled \$934,061.27 with disbursements amounting to \$4,232,915.49. The balance on hand as of June 30, 2016 was \$2,671,924.55.

Upon motion by Councilwoman C. Sventy and seconded by Councilman W. Yago with the affirmative voice vote of all council members present, the Treasurer's Report was accepted as read.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

PROCLAMATION:

Mayor Collins presented a proclamation to Joseph Lumuscio who was the Grand Marshal at the Memorial Day Parade.

Mr. Lumuscio thanked the Mayor and Council for everything.

MORRIS COUNTY FREEHOLDER:

Mr. Hank Lyons, Deputy Director for the Morris County Freeholders presented the 2016 Morris County Budget.

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2016 County Budget In Summary / In Perspective

July 21, 2016

- The Aggregate 2012-2016 combined Tax Effort represents one half of one (.5%) increase
- While the 2016 Operating Tax effort will increase 3.43%, the reduction in the Open Space Tax, has resulted in an overall 2.39% Tax increase
 - This was accomplished through the \$1 Billion increase in County ratables coupled with the 1/8 of a cent reduction in the Open Space Tax
- The average household change is approximately \$20 annually based on the average residential value of \$373,000
- Protects the County's "aaa" bond rating
- Permits the final 10 sites in the Solar 2 Project to be completed

2016 Morris County Budget Strategic Planning is Critical

- **Future Budget Risks:**
 - Continued uncertainty of Medicaid funding for Morris View Health Care Center partially recognized in 2016
 - Potential increases in Health Insurance and Pension costs
 - Impact of Criminal Justice Reform and Speedy Trial
 - County Guarantee for Debt Service for Solar I & Solar II Programs
 - Moderating this risk through the completion of 10 remaining sites in Solar II; along with the stabilization of the SREC market
 - Understanding the economic trends and changing demographics in Morris County

July 21, 2016

2016 Morris County Budget Structural Balance

The prudent and methodical use of Fund Balance ensures stability in the annual use of Reserves and the continuation of the County's "aaa"

- 2015 Ending Fund Balance \$53M
- 2016 Projected Ending Fund Balance \$50M to \$55M

• How the Rating Agency's Evaluate Fund Balance:

- A September 2014 Moody's Investor Service presentation notes that conservative budgeting is one where the entity "appropriates surplus with a strategy to regenerate"
- Moody's Investor Service December 2015 "aaa" Rating notes "ending Current Fund Balances remain strong at about \$53M"
- Standard & Poor's Rating Services December 2015 "aaa" Rating "The county has a history of maintaining strong –to-very strong current fund balances... Management expects fund balance to remain at least equal to \$53M at 2015 year end"

July 21, 2016

2016 Morris County Budget Structural Balance

- Morris County's Financial Strength is maintained through:
 - The long standing "aaa" Bond rating
 - Continued conservative budgeting practices
 - The oversight of the Governing Body
 - The ongoing engagement of a Budget Sub-Committee
 - Continued advanced Planning in preparation for future reductions in Managed Medicaid Revenues

July 21, 2016

2016 Morris County Debt Management

July 21, 2016

- The 2016 Capital Budget authorizes \$26.1M (To be reduced by \$1.5M Chapter 12 Aid from State) in Debt for various Capital Projects
 - Continued Emphasis on Road / Bridge Infrastructure
 - \$7.6M for 22 miles of County Road Resurfacing
 - 2015 \$7.6M
 - 2014 \$4.8M
 - 2013 \$2.2M
 - \$3.3M for the design of 16 of Bridges and construction of 6 Bridges
 - 2015 \$3.2M
 - 2014 \$2.9M
 - 2013 \$3.7M
 - \$3.7M for Educational Facilities (to be reduced by \$1.5M Ch.12 Bonds)
 - \$1.0M for Criminal Justice Reform
- Historical Capital Budget Debt Authorized:

2015 - \$26.4M	2013 - \$21.5M
2014 - \$23.8M	2012 - \$29.2M

2016 Morris County Budget

Focused on Public Safety Services

July 21, 2016

- **Sheriff's Office**
 - Court House Security
 - Crime Scene Investigation Services provided to all Municipalities
 - Canine services provided to all Municipalities
- **Prosecutor's Office**
- **County Correctional Facility**
- **County Office of Emergency Management**
- **Public Safety Training Academy**
 - Certified Police/Fire/ EMS Training Facility
- **911 Emergency Communication Center**
 - Providing Emergency Dispatch Services for 23 Municipalities
 - Providing Interoperable Communications for all Municipalities
- **Office of Health Management –**
 - LINCS Communications / Public Health Planning
 - Environmental Health Services, Hazmat response
 - Provides Local Health Services to 5 Municipalities
- **Juvenile Detention Center/Youth Shelter (Shared Service with 4 Counties)**
- **Medical Examiners Office (Shared Service with 3 Counties)**
- **County Wide Weights and Measures Services**

2016 Morris County Budget

Highlight of Services to be Provided

- Over 500K Meals will be provided to Morris County Senior Citizens
- Morris View Health Care will remain home to 283 individuals.
- The continued provision of a wide variety of Human/Social Service programs:
 - Aging, Disabilities, and Veteran Services
 - Mental Health Services
 - Substance Abuse Services
 - Emergency Assistance Services
 - Transportation Services

July 21, 2016

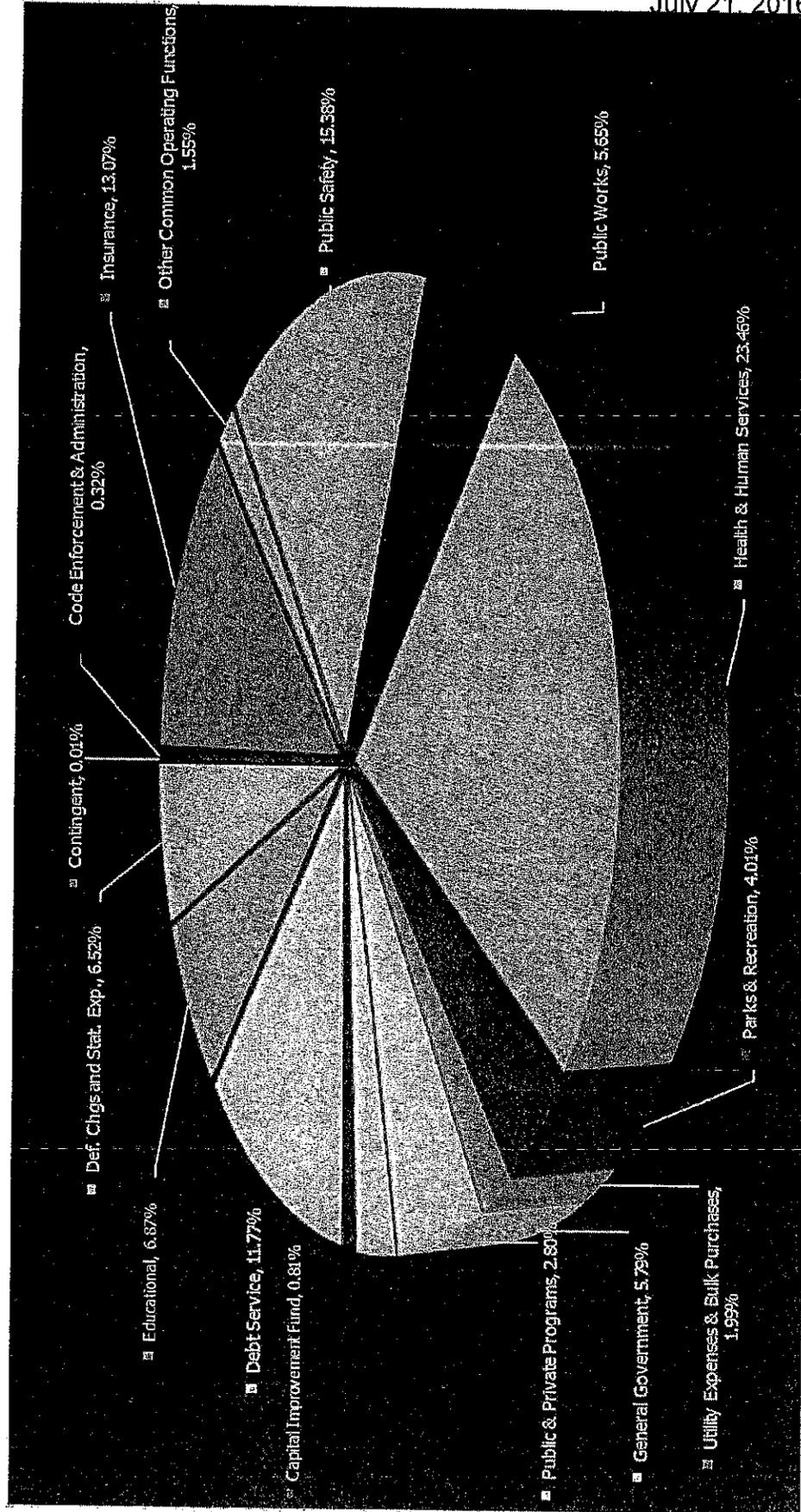
2016 Morris County Budget Ongoing Investments in Education/ Recreation

- \$11.8M investment in the County College of Morris
- \$6.2M investment in the Morris County School of Technology
- \$13.7M investment in the Morris County Park Commission

July 21, 2016

2016 Morris County Budget

Ensures the broad delivery of services to our residents



July 21, 2016

2016 Morris County Operating Budget Trends

July 21, 2016

- After three years of no tax increase experiences a moderate 2015 increase is introduced

	<u>Introduced Budget</u>	<u>Total Tax Effort</u>
2016	\$340,650,110	\$225,384,598
2015	\$329,353,292	\$217,899,755
2014	\$317,327,448	\$217,899,755
2013	\$311,089,690	\$217,903,029
2012	\$317,334,110	\$217,917,846

2016 Morris County Budget Highlights

July 21, 2016

- While the 2016 Total Composite Tax effort is up 2.39%, the overall four (4) year, (2012 to 2016) composite tax effort, is up a total of one half of one percent or .5%

• 2016	2.39%
• 2015	0
• 2014	< .54%>
• 2013	<1.72%>

- The most significant aspect of the 2016 Budget increase is related to health insurance which rose 18.9%
- In order to minimize this increase a Health Care Carrier RFP was issued in the fall of 2015 with a new provider beginning in 2016

2016 Morris County Budget Highlights

July 21, 2016

- Maintains all County services in the midst of difficult economic times
- Provides valuable Shared Services for other Counties and Morris County Municipalities
- Delivers critical services for those in need of emergency assistance
- Supports the various unique assets of Morris County
 - Educational Institutions
 - 18,900 Acre Park System
 - Historical and Heritage Associations
 - Resource Management
 - Water / Aquifers
 - Recycling Facilities
 - Solid Waste Management Facilities

Morris County Budget 2016 vs. 2015

July 21, 2016

- Managing the impact of anticipated changes to State /Federal Funding combined with increased operating costs, the 2016 Operating Budget rose \$11.3M

Increase Included:

- \$6.35M for Health Insurance
- \$1.75M for Anticipated Salary Adjustments
- \$1.20M for State Human Service/Mental Health needs
- \$.82M For the provision of various Human Service Programs
- \$.24M Pension Increases

2016 Operating Budget Development Process:

- The development of the annual Operating Budget began with a detailed and thorough review of every Department's Budget, analyzing all:
 - Expense and Revenue opportunities
 - Potential service and funding areas
 - Future year's budget considerations
 - Identified Risk Areas
 - State / Federal funding changes
 - Pension costs
 - Healthcare costs

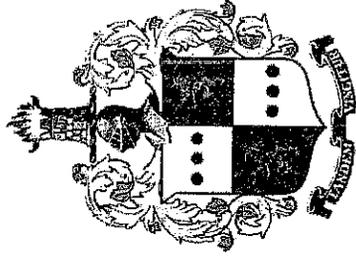
July 21, 2016

2016 Morris County Budget Goals

July 21, 2016

- The goal of the Freeholder Board is to develop, adopt, and manage an annual County Operating Budget that:
 - Remains Financially and Operationally efficient
 - Maintains all Public Safety initiatives
 - Sustains all Human Service programs
 - Ensures the maintenance of all critical county wide infrastructure
 - Protects the County's long standing "aaa" bond rating
 - Preserves the prudent and methodical use of Fund Balance

2016 Morris County Budget



Kathy DeFillippo , Freeholder Director

Hank Lyon, Deputy Director

Douglas R. Cabana, Freeholder

John Cesaro, Freeholder

Thomas J. Mastrangelo, Freeholder

Christine Myers, Freeholder

Deborah A. Smith, Freeholder

July 21, 2016

July 21, 2016

Mayor Collins asked if anyone from the public wishes to speak to Mr. Hank Lyons on the 2016 Morris County Budget.

Randel Charles, 69 Green Hill Road, Kinnelon stated that we are 100% in the Highland preservation and would like to know what the state could do for us in order to give the municipality some relief from the highlands.

Mr. Lyons stated that there is a bill in the state to reduce the sales tax percent to 3.5%.b Also there are bills down in Trenton, but the difficulty is to try and have them passed in Trenton.

Mr. Charles, also mentioned the Canty Dam in Kinnelon that needs to be repaired.

Mr. Lyons stated that he would look into this.

PUBLIC HEARING: Kathy Haake, Trust for Public Land.

Ms. Kathy Haake, from the Trust for Public Land gave a presentation on the Badanco/Untermeyer Lake Acquisition. Ms. Kathy Haake thanked the Mayor and Council for discussing the Borough's interest in working with The Trust for Public Land to acquire for open space the Kinnelon Property Block 57401, Lot 149.

Mayor Collins asked if anyone from the public wished to speak on the Badanco/Untermeyer Lake Acquisition.

Susan Reidenbach, 5 Undercliff Road, asked if Kinnelon takes on this responsibility, what would need to be done in the event of a fire.

Ms. Haake responded that this would be the same as any other property that the borough owns, the Borough's responsibility would be to insure the property and it would be up to the borough as to what they would like to do with this property. There would be minimal improvements to the property for except for improvements to new/existing trails trails. These two property are in Kinnelon.

Randel Charles, 69 Green Hill Road, Kinnelon asked Ms. Haake is this park would be county or municipal, Ms. Haake stated that this is municipal. Mr. Charles also asked if the county is supportive of this.

Ms. Haake stated that the county is very supported of the project.

MAYOR'S REPORT:

Mayor Robert Collins stated that with the heat wave coming in the Library will be used as a cooling station along with the Municipal facility, please come in relax, have a nice cool glass of water. Also please check on your neighbors.

UTILITIES

Chairman Clifford Giantonio; In the absents of Councilman Giantonio, there was no report on Utilities.

COORDINATING & OPEN SPACE

Chairwoman Carol Sventy reported on the Board of Education and that they are currently trying to schedule a joint coordinating committee for August, and have heard nothing on the perk boring.

On the Historical Commission; the Pathways of History Tour will be October 8 & 9. A new Commissioner was appointed Laura Olstein. On Phase II, Part A the roof replacement we are waiting for

the prequalification list from the State Architect. Also on the siding replacement we are awaiting the official notification form the County Freeholders for the grant award.

On Kamelot: the Junior Police Academy was another successful event. Knock Out Opiate Abuse Day in New Jersey will be October 6th.

The Library Board of Trustees welcome the re-appointment of Pat Giordano as a Library Trustee. Friends of the Library annual book and media sale will take place August 25th – 29th.

On Open Space Committee the borough will be receiving a reimbursement of \$5,658 from Green Aces, this represents the soft costs on the Totowa Constructor Acquisition.

PUBLIC WORKS

Chairman William Neely; In the absent of Councilman Neely, Mayor Collins reported that the DPW was near completion, and there is a game plan for the Animal Shelter.

FINANCE, PUBLIC SAFETY & TECHNOLOGY

Chairman A. Barish; In Councilman Barish absent Councilwoman Sventy reported that the 2015 Audit is completed and the finance committees met with Mr. Mai and our CFO to review the preliminary report.

On Public Safety we have a new vehicle o order per our annual plan. The Jr. Police Academy was in full swing with a tremendous class of youngsters.

ORDINANCE & PERSONNEL

Chairman William Yago stated that there are two resolutions on the agenda to hire two new part time employees. Interview were done. There are several ordinance on the agenda in Old Business and New Business. The Planning Board met and touch bases with the borough engineer to see about changing the zoning on Route 23.

RECREATION

Chairman James Freda thanked and congratulated Mr. Joseph Lumuscio and thanked him for serving our country.

Councilman Freda state that Kevin Hurt passed away and he was a great coach for the town of Kinnelon and he will be missed. He was dedicated to coaching the children.

HEARINGFROMTHEPUBLIC

Mayor Collins asked if anyone from the public wished to be heard, to please step forward.

Randel Charles, 69 Green Hill Road reported on OEM, which were the Completed MCOEM June 16, 2016, KPD & DPW provided updated list of Vehicles. Received JCP&L Critical Care & Well Water Report, attended MCOEM quarterly coordinator session, Completed 2016 NJOEM/NJDHSP?MCOEM and on June 24, 2016 Completed Mass Notification System User Training.

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Range of Checking Accts: GENERAL to GENERAL Range of Check Ids: 15471 to Last
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
15471	06/22/16	FED01 FED-EX/OMEGA CORPORATE CENTER	39.88	4642
15472	07/07/16	BOW02 BOWTIE CINEMA	1,760.00	4643
15473	07/21/16	AAS A&A SALES ASSOCIATES, LLC	2,382.85	4644
15474	07/21/16	AC001 ACORN PEST CONTROL	225.00	4644
15475	07/21/16	ACT04 ACTION DATA SERVICES	1,849.80	4644
15476	07/21/16	AFF02 AFFILIATED TECHNOLOGY	1,057.15	4644
15477	07/21/16	AIR04 MICHAEL AIREY, JR	24.20	4644
15478	07/21/16	AJ01 AJ'S PIZZA	378.00	4644
15479	07/21/16	ALE04 ALESSANDRA, PETER & CAROL	1,000.00	4644
15480	07/21/16	ALL02 ALL SERVICE INC.	125.00	4644
15481	07/21/16	ALL04 ALLIED OIL COMPANY	7,888.27	4644
15482	07/21/16	BAC01 BERNARD BACCHETTA ESQ.	2,321.66	4644
15483	07/21/16	BAR21 BARTLETT TREE EXPERTS	230.00	4644
15484	07/21/16	BLO01 BLOOMINGDALE FLORIST	150.00	4644
15485	07/21/16	BOR BOROUGH OF BUTLER	41,067.50	4644
15486	07/21/16	BOR01 BOROUGH OF BUTLER ELECTRIC	6,499.85	4644
15487	07/21/16	BOR11 BOROUGH OF BLOOMINGDALE	205.31	4644
15488	07/21/16	BUR08 BURGIS ASSOCIATES, INC	1,562.50	4644
15489	07/21/16	BUZ01 THE BUZAK LAW GROUP, LLC.	9,846.60	4644
15490	07/21/16	CAB01 CABLEVISION	972.80	4644
15491	07/21/16	CAR10 Cartridge world	99.99	4644
15492	07/21/16	COO03 COOPERATIVE COMMUNICATIONS INC	1,389.43	4644
15493	07/21/16	CRE01 CREW ENGINEERS INC.	6,780.00	4644
15494	07/21/16	DAI02 DAILY RECORD - LEGAL AD	93.96	4644
15495	07/21/16	DAMIANO DAMIANO, JULIE & IAN	600.00	4644
15496	07/21/16	DAR01 DARMOFALSKI ENGINEERING ASSOC.	875.00	4644
15497	07/21/16	DEB03 DE BLOCK ENVIRONMENTAL SERVICE	6,000.00	4644
15498	07/21/16	DEL08 DELTA DENTAL OF NEW JERSEY INC	3,524.83	4644
15499	07/21/16	DEL16 DE LAGE LANDEN	196.61	4644
15500	07/21/16	DEM02 ELIZABETH A. DEMARTINO	1,054.00	4644
15501	07/21/16	DOR06 Dorsey & Semrau, LLC	800.00	4644
15502	07/21/16	DRA03 DRAEGER SAFETY DIAGNOSTICS INC	169.00	4644
15503	07/21/16	ENF01 ENFORSYS FIRE SYSTEMS, INC.	1,050.00	4644
15504	07/21/16	EXT01 EXTRA SPACE STORAGE	1,955.00	4644
15505	07/21/16	FAY01 FAYSON LAKES WATER COMPANY	12,926.07	4644
15506	07/21/16	FAY02 FAYSON LAKES ASSOCIATION	50.00	4644
15507	07/21/16	FOR04 FORD MOTOR CREDIT COMPANY	3,168.88	4644
15508	07/21/16	FOX01 FOX ARCHITECTURAL	1,317.50	4644
15509	07/21/16	FRI04 ASHLEY FRITZ	28.00	4644
15510	07/21/16	GAM01 GAME DAY SPORTS	3,208.95	4644
15511	07/21/16	GIL03 GILBY'S SCREEN PRINTING	825.00	4644
15512	07/21/16	HAR12 AVERY HART	92.87	4644
15513	07/21/16	HOLL01 HOLLYROCK ENTERTAINMENT	2,200.00	4644
15514	07/21/16	HOM02 HOME DEPOT CREDIT SERVICE	1,408.75	4644
15515	07/21/16	HOR04 Horizon Office Equipment	260.75	4644
15516	07/21/16	INT03 INTERNATIONAL AUTO BODY	1,835.40	4644
15517	07/21/16	IUE01 KAREN IUELE	366.00	4644
15518	07/21/16	JCP01 JCP & L	20.59	4644
15519	07/21/16	JER03 JERSEY PAPER PLUS	651.30	4644
15520	07/21/16	JIM01 JIMMY THE SHOE DOCTOR	191.98	4644
15521	07/21/16	JOH07 SITE ONE LANDSCAPE SUPPLY	133.68	4644

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
15522	07/21/16	KEY02 CARYL KEYSER	11.99	4644
15523	07/21/16	KIN08 KINNELON VOLUNTEER FIRE CO.	6,000.00	4644
15524	07/21/16	LAK04 Lakeland Septic Co., Inc.	480.00	4644
15525	07/21/16	LAN06 LANGUAGE LINE SERVICES	13.65	4644
15526	07/21/16	LOE01 LOEFFELS WASTE OIL SERVICE	75.00	4644
15527	07/21/16	MAB03 M & B SEPTIC SERVICE, LLC	119.00	4644
15528	07/21/16	MCI01 MCI EASTERN SECURITY	165.00	4644
15529	07/21/16	MIC02 MICRO SYSTEMS-NJ	120.00	4644
15530	07/21/16	MON08 Montague Tool & Supply Co, Inc	653.09	4644
15531	07/21/16	MOR02 MORRIS CO LEAGUE OF MUNICIPAL.	50.00	4644
15532	07/21/16	MOR21 MORRIS COUNTY M.U.A.	25,058.59	4644
15533	07/21/16	MOR41 MORRIS COUNTY PARK COMMISSION	1,228.50	4644
15534	07/21/16	MOR42 THE LAND CONSERVANCY OF NJ	4,500.00	4644
15535	07/21/16	MOR52 MORRIS MUNICIPAL JOINT INS	168,475.96	4644
15536	07/21/16	MOR62 MORRIS SECURITY GROUP, LLC	39,960.00	4644
15537	07/21/16	NAP01 P&A Auto Parts	866.76	4644
15538	07/21/16	NES01 NESTLE PURE LIFE DIRECT	396.12	4644
15539	07/21/16	NEW14 NEWTON PRINTING	2,822.44	4644
15540	07/21/16	NEW24 NEW JERSEY SHADE TREE	95.00	4644
15541	07/21/16	NJ02 NJ DIVISION OF ALCOHOLIC	12.00	4644
15542	07/21/16	NJA10 NJ ADVANCE MEDIA	229.40	4644
15543	07/21/16	NJD05 NJ DEPARTMENT OF TREASURY	360.00	4644
15544	07/21/16	NJD07 NJ DEPT HEALTH & SENIOR SERV	41.40	4644
15545	07/21/16	NJS05 NJ STATE ASSOC/CHIEF OF POLICE	345.00	4644
15546	07/21/16	NOR02 NORTH JERSEY NEWSPAPER	997.45	4644
15547	07/21/16	NOR18 NORTHEAST COMMUNICATIONS, INC.	409.68	4644
15548	07/21/16	ONE02 One Call Concepts, INC.	61.25	4644
15549	07/21/16	PAD01 PA DUI ASSOCIATION	1,250.00	4644
15550	07/21/16	PEQ02 PEQUANNOCK TOWNSHIP	30,409.99	4644
15551	07/21/16	PIT07 PITNEY BOWES	3,206.05	4644
15552	07/21/16	PK01 P&K OFFICIATING	4,575.00	4644
15553	07/21/16	PSE01 P.S.E. & G.	142.26	4644
15554	07/21/16	RAC02 RACHLES/MICHELE'S OIL CO.,INC	1,496.23	4644
15555	07/21/16	RIV06 Riverdale Environmental	1,200.00	4644
15556	07/21/16	ROU01 ROUTE 23 AUTO MALL	42.55	4644
15557	07/21/16	RR02 R&R RADAR INC	553.85	4644
15558	07/21/16	SCH03 SCHMITZ SAFE & LOCK COMPANY	98.00	4644
15559	07/21/16	SCH05 JOHN SCHWARTZ	490.38	4644
15560	07/21/16	SCH30 MELANIE SCHUCKERS	465.17	4644
15561	07/21/16	SHO06 DOUGLAS SHORTWAY	201.98	4644
15562	07/21/16	SMO01 SMOKE RISE CLUB	2,743.49	4644
15563	07/21/16	SPO05 SPOT-A-WAY	450.00	4644
15564	07/21/16	STA STAPLES ADVANTAGE, DEPT NY	299.12	4644
15565	07/21/16	STA22 STADIUM SYSTEM	5,076.57	4644
15566	07/21/16	STAT2 STATE OF NEW JERSEY	780.43	4644
15567	07/21/16	SUB03 SUBURBAN DISPOSAL	48,583.33	4644
15568	07/21/16	SUR03 JEFFREY R. SURENIAN AND ASSOC	2,000.00	4644
15569	07/21/16	THY01 THYSSENKRUPP ELEVATOR	1,467.19	4644
15570	07/21/16	TIL01 TILCON NY	647.73	4644
15571	07/21/16	TRE02 TREASURER, STATE OF NEW JERSEY	125.00	4644
15572	07/21/16	TRE05 TREAS. STATE OF NEW JERSEY	4,175.00	4644
15573	07/21/16	TUR01 TURN-OUT FIRE AND SAFETY	139.98	4644
15574	07/21/16	UNI12 UNITED AUTOMATIC FIRE SPRINKLR	275.00	4644
15575	07/21/16	USBAN005 US BANK CUST BV001 TRUST	764.50	4644

July 21, 2016
10:56 AM

BOROUGH OF KINNELON
Check Register By Check Id

Page No: 3

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
15576	07/21/16	VER01 VERIZON	245.22		4644
15577	07/21/16	VFI01 VFIS BENEFITS DIVISION	617.22		4644
15578	07/21/16	VOZ01 THE VOZZA AGENCY INC	8,398.00		4644
15579	07/21/16	XTR01 XTREME GRAPHICS LLC	250.00		4644
15580	07/21/16	ZAP01 ZAPHYR LLC	3,880.00		4644
15581	07/21/16	LAK02 LAKELAND BANK	4,288.65		4646

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	111	0	515,745.08	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	111	0	515,745.08	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND APPROPRIATIONS	5-01	780.43	0.00	0.00	780.43
CURRENT FUND APPROPRIATIONS	6-01	386,067.19	0.00	0.00	386,067.19
WATER FUND	6-05	<u>48,295.27</u>	<u>0.00</u>	<u>0.00</u>	<u>48,295.27</u>
Year Total:		434,362.46	0.00	0.00	434,362.46
	C-04	41,527.50	0.00	0.00	41,527.50
DOG TAX	D-13	52.99	0.00	0.00	52.99
STATE AND FEDERAL GRANTS	G-02	785.92	0.00	0.00	785.92
KAMELOT	K-17	2,750.00	0.00	0.00	2,750.00
TAX SALE PREMIUMS	Q-32	300.00	0.00	0.00	300.00
RECREATION SPECIAL	R-16	22,668.28	0.00	0.00	22,668.28
	V-27	12,517.50	0.00	0.00	12,517.50
Total of All Funds:		<u>515,745.08</u>	<u>0.00</u>	<u>0.00</u>	<u>515,745.08</u>

July 21, 2016
10:05 AM

BOROUGH OF KINNELON
Check Register By Check Id

Page No: 1

Range of Checking Accts: PLANNING 2 to PLANNING 2 Range of Check Ids: 1697 to 1699
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
1697	07/21/16	BAC01 BERNARD BACCHETTA ESQ.	555.00		4645
1698	07/21/16	DAR01 DARMOFALSKI ENGINEERING ASSOC.	0.00	07/21/16 VOID	0
1699	07/21/16	DAR01 DARMOFALSKI ENGINEERING ASSOC.	6,690.00		4645

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	2	1	7,245.00	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	2	1	7,245.00	0.00

Project Description	Project No.	Project Total
20 ORCHARD ROAD	11003112	125.00
8 FOOTHILL DR- PEREZ	1112001	240.00
BREITERMAN #11906104 58 GRNHLL	11906104	125.00
MATURO 31402 7 West Crest Trl	1402	375.00
PSE&G Steel Twr-NY SMSA #1434	1434	500.00
80 FAYSON LAKES RD #1436 TRUMP	1436	125.00
26 Wateres Edge	1439	375.00
135 Sawmill Road #1440	1440	250.00
55 LAKESIDE TRAIL	1442	625.00
18 CUTLASS RD	1444	625.00
10 SHIRLY TER. STRECIWILK 1445	1445	375.00
4 QUAIL COURT	300116	250.00
147 KIEL AVE	34168	750.00
UB KinneLon, Meadtown #804	804	2,100.00
GRACEVIEW DRIVE #810	810	405.00
Total of All Projects:		<u>7,245.00</u>

RESOLVED that the bills as listed and presented by the Treasurer, approved by the Finance Committee and shown on pages of these minutes, be authorized for payment:

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

CONSENT AGENDA:

A motion was offered by Councilman W. Yago and seconded by Councilwoman C. Sventy, the following motions and resolutions were offered for approval.

- a. Resolution: 7.01.16 Authorizing Payment for a Portion of Comp Time for Sergeant Christopher Burns
- b. Resolution: 7.02.16 Escheat \$2,100.00 to the Borough of Kinnelon – Kinnelon Tax Department
- c. Resolution: 7.03.16 Authorizing Contract with Approved Morris City Co-op Contract Vendor- Kinnelon Volunteer Fire Co.
- d. Resolution: 7.04.16 Supporting Governor's Proposed Amendment to the New Jersey Constitution Regarding School Funding
- e. Resolution: 7.05.16 Consenting to & Acknowledging the Provision of Emergency Services by the Township of Montville Property Known and Referred to as Block 91 Lt 18.01
- f. Resolution: 7.06.16 Authorization for Phoenix Consulting Group LLC for financial support and Services
- g. Resolution: 7.07.16 Granting Unpaid Sick Leave – DPW maintainer Steven Whitehead
- h. Resolution: 7.08.16 Authorization to hire Melanie Stoltenborg as Part Time Dispatcher
- i. Resolution: 7.09.16 Authorization to advertise for part time help in Recreation Department
- j. Resolution: 7.10.16 Senate Bill S2440 Exempt Construction, Expansion or Renovation owned by Municipality or Volunteer Fire Departments from Highlands Water Protection & Planning Act
- k. Resolution: 7.11.16 Chapter 159 – Click it or Ticket
- l. Resolution: 7.12.16 Authorizing hire of two Part Time Personnel Assistants
- m. Resolution: 7.13.16 Authorization to Purchase 2000 Aerial Bucket Truck from the Borough of Butler, Butler New Jersey

*
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*

July 21, 2016

RESOLUTION 7.13.16

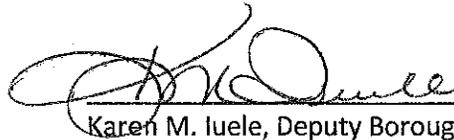
AUTHORIZATION TO PURCHASE
2000 AERIAL BUCKET TRUCK FROM
BOROUGH OF BUTLER, BUTLER NEW JERSEY

WHEREAS, the Council of the Borough of Kinnelon wishes to purchase a 2000 Aerial Bucket Truck from the Borough of Butter; and

WHEREAS, the said cost is not to exceed \$9,000.00.

NOW THEREFORE BE IT RESOLVED, by the Council of Kinnelon authorize to purchase a 2000 Aerial Bucket Truck from the Borough of Butler, with said cost not to exceed \$9,000.00.

July 21, 2016



A handwritten signature in black ink, appearing to read 'K. Iuele', is written over a solid horizontal line. The signature is cursive and somewhat stylized.

Karen M. Iuele, Deputy Borough Clerk

July 21, 2016

RESOLUTION 7.11.16

AUTHORIZING HIRE OF TWO
PART TIME PERSONNEL
ASSISTANTS

WHEREAS, the Council of the Borough of Kinnelon wishes to hire two part time personnel assistants; and

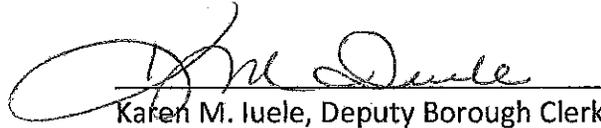
WHEREAS, the rate of pay will be \$15.00 an hour.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kinnelon authorize the hire of two part time personnel assistants.

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk, do hereby certify this to be a true copy of a resolution duly adopted at the regular meeting of the Kinnelon Mayor and Council held on July 21, 2016.

Dated: July 21, 2016


Karen M. Iuele, Deputy Borough Clerk

1415 Kinnelon Borough - County of Morris

Select your local Government unit by pressing the triangle

Budget Amendment Certification Form, Appropriations Offset by Revenue July 21, 2016

Counties/Municipalities (NJSA 40A:4-87) or Fire Districts (NJSA 40A:14-78.5)

Resolution Date: 7/21/2016

Resolution # 07.11.16

Muni Code 1415 Organization Name 1415 Kinnelon Borough - County of Morris

Fiscal Year 2014 Calendar Year State Fiscal Year Transitional year

Revenue Title Click It or Ticket Amount \$ 4,600.00
Description _____

Appropriation Title Click It or Ticket Amount \$ 4,600.00
Description _____

Local Match _____ Amount _____

Municipalities and Counties only	<u>Chapter 85 - Title and Text</u>	
Appropriation (From) Title	_____	Amount _____
Appropriation (To) Title	_____	Amount _____

By electronic transmittal of this form the County Clerk of the Board/Municipal Clerk/Fire District Executive Director certify that this resolution, reference above and included as an attachment with this form, is a true resolution and was properly adopted by the respective governing body

By electronic transmittal of this form the County/Municipality CFO or the Fire District Accountant certifies that this revenue has been realized and/or is in receipt of written notification from the funding source cited in the resolution and included as an attachment with this form and that the revenue/appropriation identified above meets all statutory requirements and that the Annual Operating Budget has been amended to include this item of revenue/appropriation.

By checking this box, I am swearing that the above statement is true. (The Email function will not work until you acknowledge the above statement as

Karen M. Iuele

County Clerk of the Board, Municipal Clerk, or Fire District Director

Deputy Borough Clerk

Title of Certifying Officer

kiuele@kinnelonboro.org

Email Address

973-838-5401 ex 1

Telephone Number

Kelly Lombardi

County/Municipal CFO or Fire District Accountant

Municipal CFO

Title of Certifying Officer

klombardi@kinnelonboro.org

Email Address

973-838-5401 ex 202

Telephone Number

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A.40A: 4-87

For Director, Division of Local Government Services by:

New

Approved Date: _____

Duly Appointed Designee

July 21, 2016

Borough of Kinnelon
Morris County, New Jersey

Resolution: 7.10.16

RESOLUTION OF THE BOROUGH OF KINNELON, COUNTY OF MORRIS, STATE OF NEW JERSEY SUPPORTING SENATE BILL S2440 THAT EXEMPTS CONSTRUCTION, EXPANSION, OR RENOVATION OF BUILDING OR STRUCTURE OWNED AND USED BY MUNICIPALITY OR VOLUNTEER FIRE DEPARTMENT FROM "HIGHLANDS WATER PROTECTION AND PLANNING ACT"

WHEREAS, Senator Joseph Pennacchio, has introduced legislation in the New Jersey State Senate on June 27, 2016 that would amend Section 30 of P.L.2004,c.120 (C.13:20-28); and

WHEREAS, Senate Bill No. S2440 would exempt construction, expansion or renovation of building or structure owned and used by municipality or volunteer fire department from "Highlands Water Protection and Planning Act"; and

WHEREAS, specifically, Senate Bill No. S2440 amends the "Highlands Water Protection and Planning Act" to add a new exemption for the construction, expansion or renovation of a building or structure owned by a municipality and used for the purpose of municipal government or a building or structure used for the purposes of a volunteer fire department; and

WHEREAS, these activities would be exempt from the provisions of the "Highlands Water Protection and Planning Act," the regional master plan, any rules or regulations adopted by the Department of Environmental Protection pursuant thereto or any amendments to a master plan, development regulations or other regulations adopted by a local government unit of specifically conform them with the regional master plan; and

WHEREAS, Kinnelon is located 95% in the Highlands Preservation Zone; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon in the County of Morris hereby support the New Jersey State Senate Bill No. S2440;

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Borough's Legislative Representatives and the municipalities located in the Highlands Region.

Adopted: July 21, 2016

Adopted this 21 day of July 2016
and certified as a true copy of an original.


Karen M. Iuele, Deputy Borough Clerk

July 21, 2016

RESOLUTION 7.09.16

AUTHORIZE DEPUTY BOROUGH CLERK TO
ADVERTISE FOR PART TIME HELP IN THE
KINNELON RECREATION DEPARTMENT

WHEREAS, the Kinnelon Mayor and Council desires for the Deputy Borough Clerk to advertise for a part time help in the Kinnelon Recreation Department; and

NOW, THEREFORE, BE IT RESOLVED that the Kinnelon Mayor and Council do hereby authorize the Deputy Borough Clerk to advertise for a part time help in the Kinnelon Recreation Department.

July 21, 2016



Karen Iuele, Deputy Borough Clerk

July 21, 2016

RESOLUTION 7.08.16

AUTHORIZATION TO HIRE
MELANIE STOLTENBORG-
PART TIME DISPATCHER

WHEREAS, the Council of the Borough of Kinnelon wishes to hire Melanie Stoltenborg as a part time dispatcher for the Kinnelon Police Department; and

WHEREAS Melanie Stoltenborg start date is July 14, 2016, with a start pay of \$13.00 per hour.

NOW THERE FOR BE IT RESOLVED BY, the Mayor and Council of the Borough of Kinnelon approved hiring Melanie Stoltenborg as a part time dispatcher for the Kinnelon Police Department.

Dated: July 21, 2016



Karen M. Iuele, Deputy Borough Clerk

July 21, 2016

RESOLUTION 7-07-16

GRANTING UNPAID SICK LEAVE TO
KINNELON BOROUGH EMPLOYEE
STEVEN WHITEHEAD

WHEREAS, the Governing Body of the Borough of Kinnelon finds and declares that Steven Whitehead is an employee of the Borough of Kinnelon; and

WHEREAS, the Governing Body further finds and declares that the Employee will be out of work on extended unpaid sick leave as of until July 27, 2016; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Kinnelon does hereby grant unpaid sick leave to Borough Employee Steven Whitehead; and

BE IT FURTHER RESOLVED that the Acting Chief Financial Officer, Kelly Lombardi is and is hereby directed to formally notify the State Public Employees Retirement System of said status and to cause the same to be included in the records maintained for said employee.

I, Karen M. Iuele, Deputy Borough Clerk hereby certify this to be a true copy of a resolution which was adopted at the regular meeting of the Kinnelon Mayor and Council held on July 21, 2016.

Dated: July 21, 2016


karen M. Iuele,
Deputy Borough Clerk



III. ESTIMATED HOURS NEEDED

July 21, 2016

We estimate that each of the items listed above will take 10-15 hours to complete. Budget planning and review and the offices assessment will be approximately 20 hours. We estimate a total of 100 hours in an amount of \$15,000 (rate of \$150/hour) should be sufficient to complete the work. However, depending on what is found during the course of our work, more hours may be necessary. In the case more time will be needed, Phoenix Consulting Group will inform the Borough the estimated number of hours necessary to complete the tasks.



I. Executive Summary

July 21, 2016

Phoenix Consulting Group, LLC has been engaged by the Borough of Kinnelon Mayor and Council to assist in the operations of the Department of Finance. The Borough has recently appointed a new CMFO and Tax Collector, and due to the absence of both positions being filled for a majority fiscal year 2015, are in need of review, maintenance, and general accounting assistance for updating and closing out the 2015 financial records

Phoenix Consulting during the end of 2015 and beginning of 2016 helped with preparation of the Annual Financial Statements, 2016 budget preparation and as outlined in the original engagement letter, helped to update all the financial records of the Borough.

Since that time, the Borough has received its audit of its financial records. The Borough has requested the help of Phoenix Consulting Group to review in a few areas, including but not limited to, reviewing audit recommendations, implementing corrective measures, updating internal control polices review of monthly financial reporting, and budget planning.

This engagement includes, but is not limited to, the following services:

II. Overview

The Phoenix Consulting Group staff, established, based on cursory review of the financial records, have determined the following areas are of priority.

- 1) Review audit comments
- 2) Implement corrective actions
- 3) Internal control review and office assessment
- 4) Setup monthly reporting procedures
- 5) Budget planning for 2017
- 6) Year End Close out procedures
- 7) items not listed above as needed.

Bank reconciliations and budget proofs are of the utmost importance. First, a current cash positions needs to be established to ensure that all obligations of the Borough can be met, and second, ensuring that all budget entries (revenues and appropriations) are properly recorded will help us to report any possible revenue shortfalls, or budget over expenditures as quickly as possible. This becomes extremely important as the Borough begins to prepare for a new budget year.



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KINNELON BOROUGH

July 21, 2016

FINANCE DEPARTMENT SUPPORT SERVICES

OUTLINE OF SERVICES

Joe Kovalcik CCFO, CMFO (Partner)
Jon Rheinhardt CMFO, CCFO, QPA,
CTC, MPA (Partner)
Jason Gabloff CMFO, MPA
David Hollberg, CMFO

RESOLUTION 7.06.16

July 21, 2016
AUTHORIZATION FOR PHOENIX CONSULTING
GROUP LLC FOR FINANCIAL SUPPORT AND
STAFFING SERVICES

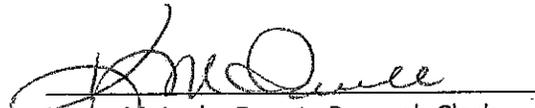
WHEREAS, the Borough Council of the Borough of Kinnelon, County of Morris, State of New Jersey do hereby wish to higher Phoenix Consulting Group LLC; and

WHEREAS, Phoenix Consulting Group will help the Borough of Kinnelon CFO with financial support and staffing services; and

WHEREAS, the Proposal and Agreement service is for a total of 100 hours in an amount of \$15,000.00 (\$150.00 an hour) for Office Staffing.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Kinnelon, County of Morris, State of New Jersey, that the Borough Council of the Borough of Kinnelon hereby authorize Phoenix Consulting Group for Financial Support and Staffing Services for an amount not to exceed \$15,000.00

Dated: July 21, 2016


Karen M. Luele, Deputy Borough Clerk

WHEREAS, the Montville Township Committee adopted a Resolution recognizing that emergency services will be provided by the Montville Township First Aid Squad, the Montville Township Department of Police, the Montville Township Fire District No. 2, and the Towaco Board of Fire Commissioners to the Subject Property; and

WHEREAS, the Borough of Kinnelon desires to consent to and acknowledge the provision of emergency services by the Township of Montville to the property known and referred to as Block 91, Lot 18.01 on the Official Tax Map of the Borough of Kinnelon.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

1. The Governing Body of the Borough of Kinnelon hereby consents to and acknowledges the provision of emergency services by the Township of Montville to the property known and identified as Block 91, Lot 18.01 on the Official Tax Map of the Borough of Kinnelon.

2. This Resolution shall take effect immediately.

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the governing body of the Borough of Kinnelon at a duly convened meeting held on July 21, 2016.



Karen M. Iuele, Deputy Borough Clerk

July 21, 2016

RESOLUTION NO. 7.05.16

**RESOLUTION CONSENTING TO AND
ACKNOWLEDGING THE PROVISION OF
EMERGENCY SERVICES BY THE TOWNSHIP
OF MONTVILLE TO THE PROPERTY KNOWN
AND REFERRED TO AS BLOCK 91, LOT 18.01
ON THE OFFICIAL TAX MAP OF THE
BOROUGH OF KINNELON**

WHEREAS, there is located in the Borough of Kinnelon property known and referred to as Block 91, Lot 18.01 on the Official Tax Map of the Borough of Kinnelon ("Subject Property"); and

WHEREAS, the owner of the Subject Property has requested that Montville Township emergency services to the Subject Property; and

WHEREAS, Montville Township emergency services are able to access the Subject Property across property located in Montville Township known and referred to as Block 24, Lot 3.02 on the Official Tax Map of the Township of Montville; and

WHEREAS, the property owner has made requests of the Montville Township First Aid Squad, the Montville Township Department of Police, the Montville Township Fire District No. 2, and the Towaco Board of Fire Commissioners for the provision of emergency services to the Subject Property in accordance with the above; and

WHEREAS, the Montville Township First Aid Squad, the Montville Township Department of Police, the Montville Township Fire District No. 2, and the Towaco Board of Fire Commissioners have provided written confirmation that they will provide emergency services to the Subject Property (see attached Exhibit A, written confirmation from emergency services); and

2. The appropriate elected and appointed officials and employees of the Borough of Kinnelon are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

3. This Resolution shall take effect immediately.

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the governing body of the Borough of Kinnelon at a duly convened meeting held on July 21, 2016.


Karen M. Iuele, Deputy Borough Clerk

July 21, 2016

**RESOLUTION NO. 7.04.16 RESOLUTION SUPPORTING THE GOVERNOR'S
PROPOSED AMENDMENT TO THE NEW JERSEY
CONSTITUTION REGARDING SCHOOL FUNDING**

WHEREAS, Governor Chris Christie has proposed an Amendment to the New Jersey Constitution regarding State funding for schools and has asked the Legislature to place the proposed Amendment before New Jersey voters on the Fall 2017 ballot; and

WHEREAS, the proposed Amendment seeks to provide State funding for schools based upon a "Fairness Formula", which would provide a flat \$6,599 in State aid for each pupil in every school district in the State of New Jersey; and

WHEREAS, if the proposed Amendment were adopted, the average household in the Borough of Kinnelon would receive a property tax reduction of an estimated \$3,080; and

WHEREAS, the Borough of Kinnelon desires to support the Governor's proposed Amendment to the State Constitution regarding school funding and his request that the Legislature place the proposed Amendment before New Jersey voters on the Fall 2017 ballot.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

1. The Borough of Kinnelon hereby supports the Governor's proposed Amendment to the State Constitution to provide State funding for schools based upon a "Fairness Formula", which would provide a flat \$6,599 in State aid for each pupil in every school district in the State of New Jersey, and support the Governor's request that the Legislature place the proposed Amendment before New Jersey voters on the Fall 2017 ballot.

**BOROUGH OF KINNELON
MORRIS COUNTY, NEW JERSEY**

Resolution No. 7.03.16
Offered by Council Member
Seconded by Council Member

July 21, 2016

**RESOLUTION AUTHORIZING A CONTRACT WITH AN APPROVED MORRIS CTY COOP
CONTRACT VENDOR FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the Borough of Kinnelon, 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 Morris County Cooperative Purchasing Program for any Morris County Contracts entered into on behalf of the County by the Department of Purchase and Property; and

WHEREAS, the Borough of Kinnelon has the need on a timely basis to purchase goods or services utilizing Morris County Cooperative contracts; and

WHEREAS, the Borough of Kinnelon intends to purchase fire hose and accessories for the Kinnelon Volunteer Fire Company, FireFighter One, LLC, 34 Wilson Drive, Sparta, NJ 07871, Quote #145756, dated May 31, 2016 for an amount not to exceed \$39,900.37; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon authorizes the purchase of fire hose and accessories, pursuant to all conditions of Morris County Coop contract #40; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Kinnelon pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against Capital Ordinance 5-16 at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the duration of the contract between the Borough of Kinnelon and FireFighter One, LLC shall be from January 1st to December 31st 2016.

ROLL CALL:

Council Member *C. Sweeney*
Council Member *W. Yago*
Council Member *S. Fiedler*

Council Member
Council Member
Council Member

I, the Borough Clerk of the Borough of Kinnelon, hereby certify that this is a true copy of a Resolution passed by the Council of the Borough of Kinnelon at a meeting held this 21st day of July 2016.


Karen Iuele, Deputy Borough Clerk

July 21, 2016

RESOLUTION # 7.02-16

WHEREAS, AS December 28, 2009 lien 09-0010 was purchased by a third party lienholder and a premium of \$2,100.00 was paid to secure the lien; and

WHEREAS, ACCORDING to NJSA 54:5-33 "...If redemption is not made within five years from date of sale the premium payment shall be turned over to the treasurer of the municipality and become a part of the funds of the municipality...".

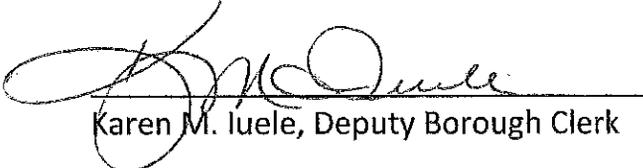
THEREFORE BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that the amount of \$2,100.00 be escheated by the Borough.

ROLL CALL:

July 21, 2016
Judith O'Brien, CTC
Acting Tax Collector
Borough of Kinnelon

I, Karen M. Iuele, Deputy Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon May and Council July 21, 2016.

Date: 7/21/16


Karen M. Iuele, Deputy Borough Clerk

RESOLUTION 7.01.16

RESOLUTION OF THE BOROUGH OF KINNELON, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING PAYMENT FOR A PORTION OF COMP TIME FOR SERGEANT CHRISTOPHER BURNS

WHEREAS, Sergeant Christopher Burns has accumulated 517.5 comp time hours; and
WHEREAS, the Fair Labor Standards Act only permits a maximum of 480 comp hours; and
WHEREAS, the Chief of Police recommends that the Borough provide monetary compensation for 100 of Sergeant Burns' comp hours at the straight time pay of \$56.75 per hour totaling \$5,675.00; and

WHEREAS, this monetary compensation is in order to comply with the Fair Labor Standards Act and to provide the Police Department with the ability for Sergeant Burns to continue to be eligible for additional comp time in the interest of public safety for the Borough of Kinnelon.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kinnelon, in the County of Morris, and State of New Jersey, that Sergeant Christopher Burns shall hereby receive compensation for 100 hours at straight time pay at \$56.75 per hour for a total of \$5,675.00.

BE IT FURTHER RESOLVED, that this compensation will reduce Sergeant Burns' comp time by 100 hours in order to be eligible for additional comp time, if necessary, in the interest of public safety for the Borough of Kinnelon and the Kinnelon Borough Police Department.

This Resolution shall take effect immediately.

Dated: July 21, 2016


Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council of the Borough of Kinnelon at a duly convened meeting held on July 21, 2016.


Karen M. Iuele, Deputy Borough Clerk

July 21, 2016

Fire Official	\$ 5,000.00	Year	\$ 12,000.00	Year
Municipal Court Judge	\$ 10,000.00	Year	\$ 30,000.00	Year
Temporary Part time Building Inspector	\$ 10,000.00	Year	\$12,000.00	
Municipal Court Administrator	\$ 20,000.00	Year	\$ 56,500.00	Year
Deputy Court Clerk/Violations Clerk P/T	\$ 14.00	Hour	\$ 23.00	Hour
Call Out	\$ 30.00	Hour	\$ 50.00	Hour
Police Chief	\$ 110,000.00	Year	\$ 165,000.00	Year
Police Lieutenant	\$ 110,000.00	Year	\$ 138,000.00	Year
Police Patrolment	\$ 40,500.00	Year	\$ 109,641.00	Year
Police Sergeants	\$ 104,695.00	Year	\$ 116,000.00	Year
Police Dispatchers Part Time	\$ 13.00	Hour	\$ 25.00	Hour
Crossing Guards	\$ 15.00	Hour	\$ 20.00	Hour
Matron	\$ 15.00	Hour	\$ 20.00	Hour
Fire Prevention Officer	\$ 7,000.00	Year	\$ 12,000.00	Year
Museum Docents	\$ 10.00	Hour	\$ 20.00	Hour
Emergency Management Secretary P/T	\$ 1,200.00	Year	\$ 1,500.00	Year
Temporary Clerical Help	\$ 10.00	Hour	\$ 30.00	Hour
Library Director	\$ 80,000.00	Year	\$ 100,000.00	Year
Library Adm. Asst./Office Manager	\$ 35,000.00	Year	\$ 45,000.00	Year
Reference Librarian F/T	\$ 50,000.00	Year	\$ 60,000.00	Year
Youth Services	\$ 36,000.00	Year	\$ 40,000.00	Year
Head of Circulation	\$ 45,000.00	Year	\$ 50,000.00	Year
Clerk Interlibrary Loan	\$ 30,000.00	Year	\$ 45,000.00	Year
Asst. Clerical P/T Library	\$ 13.00	Hour	\$ 30.00	Hour
Library Page	\$ 7.25	Hour	\$ 10.00	Hour
Recreation Summer Staff P/T	\$ 7.25	Hour	\$ 21.00	Hour
Custodians	\$ 25.00	Hour	\$ 25.00	Hour
Records Clerk	\$ 10,000.00	Year	\$ 35,000.00	Year
Technical Service Library	\$ 10,000.00	Year	\$ 35,000.00	Year
Library Technologist	\$ 13.50	Hour	\$ 15.00	Hour
Youth Services Asst.	\$ 10.00	Hour	\$ 15.00	Hour

Certified to be a true copy of an ordinance which was introduced at the regular meeting of the Kinneelon Mayor and Council held on _____, 2016 and Adopted on _____, 2016.

, 2016

Robert W. Collins
Mayor

ORDINANCE 8-16
 AN ORDINANCE ESTABLISHING SALARY RANGES
 FOR THE BOROUGH OF KINNELON

July 21, 2016

BE IT ORDAINED BY the Kinnelon Mayor and Council, County of Morris, State of New Jersey as Follows:

1. Commencing January 1, 2016 the following constitutes the salary ranges for the hereinafter listed officials, position of employment within which the Governing Body shall, from time to time, by resolution, fix the salaries for persons employed in positions within a salary range.

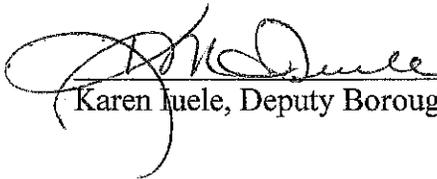
TITLE	MINIMUM	PER	MAXIMUM	PER
Mayor	\$ 3,000.00	Year	\$ 8,000.00	Year
Council	\$ 1,000.00	Year	\$ 3,000.00	Year
Temp Chief Financial Officer	\$ 50,000.00	Year	\$ 100,000.00	Year
Chief Financial Officer	\$ 80,000.00	Year	\$ 116,000.00	Year
Borough Clerk	\$ 50,000.00	Year	\$ 100,000.00	Year
Acting Borough Clerk	\$ 2,000.00	Year	\$ 5,000.00	Year
Deputy Borough Clerk	\$ 25,000.00	Year	\$ 62,000.00	Year
Clerk Assistant	\$17	Hour	\$19	Hour
Web Master	\$ 1,500.00	Year	\$ 3,200.00	Year
Treasurer	\$ 25,000.00	Year	\$ 66,000.00	Year
Administrative Assist./Finance	\$ 35,000.00	Year	\$ 56,000.00	Year
Administrative Assist./Finance PT	\$18.00	Hour	\$19.00	Hour
Tax Collector/Utility Collector	\$ 25,000.00	Year	\$ 60,000.00	Year
Part Time Tax & Utility Asist./Office Asst	\$ 9.00	Hour	\$ 25.00	Hour
Assessor/Appraiser	\$ 20,000.00	Year	\$ 35,000.00	Year
Part Time Assessor Secretary	\$ 15,000.00	Year	\$ 30,000.00	Year
Environmental Secretary	\$ 1,000.00	Year	\$ 7,000.00	Year
Forester	\$ 2,000.00	Year	\$ 3,000.00	Year
Open Space Secretary	\$ 20.00	Hour	\$ 25.00	Hour
Historic Preservation Secretary	\$ 20.00	Hour	\$ 25.00	Hour
Planning Board Secretary P/T	\$ 5,000.00	Year	\$ 16,000.00	Year
Zoning Official	\$ 5,000.00	Year	\$ 12,000.00	Year
Board of Health Secretary P/T- Registrar	\$ 20,000.00	Year	\$ 50,000.00	Year
Deputy Registrar	\$ 500.00	Year	\$ 1,500.00	Year
Recreation Director	\$ 25,000.00	Year	\$ 57,500.00	Year
DPW Superintendent	\$ 50,000.00	Year	\$ 115,000.00	Year
DPW Foreman	\$ 45,000.00	Year	\$ 94,000.00	Year
DPW Working Foreman	\$ 40,000.00	Year	\$ 87,000.00	Year
Snow/Weather Emergency Call outs (Foreman)	\$ 250.00	Day	\$ 350.00	Day
DPW Secretary P/T	\$ 12,000.00	Year	\$ 21,000.00	Year
DPW Maintainers	\$ 13.83	Hour	\$ 40.00	Hour
Recycling Watchman	\$ 14.00	Hour	\$ 16.00	Hour
Janitorial Service Staff	\$ 15.00	Hour	\$ 20.00	Hour
Temporary Part Time DPW/B&G/Recycling	\$ 10.00	Hour	\$ 12.50	Hour
Board of Adjustment Secretary	\$ 1,000.00	Year	\$ 5,000.00	Year

July 21, 2016

SECTION FOUR. This Ordinance shall take effect upon passage and publication according to law.

ATTEST:

BOROUGH OF KINNELON



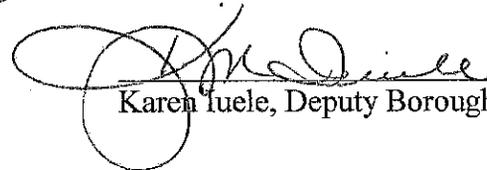
Karen Iuele, Deputy Borough Clerk



Robert Collins, Mayor

CERTIFICATION

I, Karen Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at a regular meeting of the Borough held on June 16, 2016 and adopted by the Governing Body at a regular meeting of the Borough held on July 21, 2016.



Karen Iuele, Deputy Borough Clerk

July 21, 2016

Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in §154-6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

§154-10 Time Limit for Conformance; Repealer; Severability.

- A. Any person, partnership, Limited Liability Company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- B. Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22 -1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21 -36 et seq., or any other statutory provision regarding any subject matter discussed herein.

SECTION TWO. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION THREE. Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

§154-7 Bond.

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the Borough of Kinnelon, be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

§154-8 Fees; Period of License Validity.

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$300. The annual renewal fee for a license is \$300. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by §154-5(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

§154-9 Violations and Penalties.

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in §154-6(F) and §154-6(G) above.

July 21, 2016

- G. Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under §154-9.
1. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
 2. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three -person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.
- H. Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- I. A dealer shall have the right to change the location of the licensed business within the municipality, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

- June 24, 2016
- D. In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in §154-5(C).
- E. No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F. Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to §154-9 of this chapter.
1. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
 2. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
 3. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chiefs designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three -person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (I).

employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in §154-6 itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

§154-6 Retention; Revocation; Other Restrictions.

- A. All precious metals and other secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in §154-5 except for precious metals and jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the seven-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.
- B. Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by §154-5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C. If market conditions would create a hardship on the dealer by holding precious metals or other secondhand goods for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver of the requirement under this section.

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7. a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;
 8. the price paid for the purchase or pawn of the item(s);
 9. if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 5126-1 et seq.;
 10. the time and date of the transaction.
- D. The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.
- E. In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty -four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in §154-6.
- F. It shall be the requisite duty of every dealer, and of every person in the dealer's

July 21, 2016

F. No license shall be assignable by the dealer.

§ 154-5 Identification of Seller; Recordkeeping Requirements for Dealers.

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A. Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §154-2
- B. Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*
- C. Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
 - 1. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - 2. the name, address, date of birth, and telephone number of the seller or sellers;
 - 3. a photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
 - 4. a photographed recording of the seller's presented acceptable identification, as set forth in §154-2, in a format acceptable by the Chief of Police;
 - 5. a photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;
 - 6. the receipt number;

- B. The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C. The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- D. Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in §154-5, the retention and inspection requirements of §154-6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by §1 54-8 of this chapter.
- E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three -person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.

§ 154-4 Application Process for Dealers; Approval or Denial.

- A. Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
1. The experience of the applicant in the business of purchase and sale of those articles or goods referred to in §154-2 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 2. The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 3. Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 4. The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by §154-6(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under §154-6(A).

devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

"SELLER" means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

"TRANSIENT BUYER" means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

§ 154-3 License Requirement for Dealers.

No person, partnership, Limited Liability Company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly person offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in §154-2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, Limited Liability Company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower -right -hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in §154-9.

§ 154-2 Definitions.

July 21, 2016

"ACCEPTABLE IDENTIFICATION" means a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification with an address, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department upon request. All of the above listed identification procedures require the Dealer to capture/record evidence of the person's current address.

"DEALER" means any person, partnership, Limited Liability Company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

"ITINERANT BUSINESS" means a dealer who conducts business intermittently within the municipality or at varying locations.

"MUNICIPAL CLERK" means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the "city," "town," "township, village," or "borough."

"PAWNBROKER" means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

"PRECIOUS METALS" means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5 -1 et seq. and N.J.S.A. 51:6 -1 et seq.

"PUBLIC" means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

"REPORTABLE TRANSACTION" means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

"SECONDHAND GOODS" means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic

July 21, 2016

ORDINANCE NO. 9-16

**AN ORDINANCE CREATING A UNIFIED
ELECTRONIC REPORTING SYSTEM FOR
DEALERS IN PRECIOUS METALS AND OTHER
SECONDHAND GOODS**

WHEREAS, the Borough desires to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods; and

WHEREAS, the Borough desires to mandate electronic reporting requirements, developed by the County of Morris for uniform countywide reporting requirements, for dealers in precious metals and other secondhand goods.

BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION ONE. The Code of the Borough of Kinnelon, County of Morris, State of New Jersey is hereby amended by the addition of the following:

Chapter 154: Precious Metals and Other Secondhand Goods.

§ 154-1 Purpose and Intent.

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact manner described herein.

July 21, 2016

SECTION FIVE. This Ordinance shall take effect as provided by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, Deputy Borough Clerk

Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on _____ and adopted by the Governing Body at a regular meeting of the Borough held on _____.

Karen M. Iuele, Deputy Borough Clerk

July 21, 2016

Name of Street	Direction	Limits
East Gate Road	Northbound	Between East Gate House and Spice Bush Road
Spice Bush Road	Westbound	Between East Gate Road and Stonehouse Road
Stonehouse Road	Southbound	Between Robbins Lane and East Gate House
Turnabout Road	Counter- Clockwise	Between East Gate Road and Stonehouse Road
Kiel Avenue	Westbound	From the terminus at Meadtown Shopping Center to a point 120 feet west of the entrance to Meadtown Shopping Center

SECTION THREE. All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION FOUR. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

6. Speed limits.

(a) The speed limit for both direction of traffic in parking lots shall be 15 mph.

(b) The speed limit for both direction of travel on the following roadways are:

Name of street	Speed Limit (mph)	Limits
All roads and aisles	15	Entire length

(c) Regulatory and warning signs shall be erected and maintained regarding the designated speed limits, which were authorized by the Department of Transportation.

7. Tow-away zones. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, pedestrian walkways, or present, in any way, a safety or traffic hazard, may be removed by towing the vehicle at the owner's or operator's expense.

8. Load zones. The locations described are hereby designated as loading zones. No person shall park a vehicle in said location during times indicated, other than for the loading or unloading of goods and materials.

Name of street	Sides	Hours
Rear Driveway	Along west side of building	All

9. All signs, posts, or other necessary material must be installed and paid for by UB Kinnelon I, LLC. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

10. Violations and penalties. Unless another penalty is expressly provided for by New Jersey Statute, all municipal ordinances, including 84-2 (violations and penalties), shall be fully applicable to the semipublic areas of 1483 Rt 23.

SECTION TWO. Section 84-34 of Chapter 84, of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby deleted in its entirety and replaced by the following:

Section 84-34. Schedule VI- One-Way Streets.

In accordance with the provisions of Section 84-12, the following described streets or parts of streets are hereby designated as one-way streets in the direction indicated:

(d) Time Limit. Customer parking is limited to a maximum of three hours and no person shall stand or park any vehicle in excess of three hours without obtaining permission from one of the businesses in the Meadtown Shopping Center. Notice of these restrictions shall be posted at various locations within the parking area and such notice shall consist of signs not less than 18 inches by 24 inches upon which there shall be written words "three-hour parking for customers only".

3. Entrance and Exits.

(a) Entrance Only. The locations described are hereby designated as entrance only.

Name of street	At cross street
West Drive	Kiel Ave

(b) Exit Only. The locations described are hereby designated as exit only.

Name of street	At cross street
Middle Drive	Kiel Ave
East Drive	Kiel Ave

4. One-way streets. The following described streets or parts of streets are hereby designated as one-way streets in the direction indicated.

Name of street	Direction	Limits
West Drive	South	Kiel Ave to Main Drive

5. Stop intersections. The following described streets or parts of streets are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

Intersection	Stop sign on
Middle Drive and Kiel Avenue	Middle Drive
West Drive and Main Drive	All 3 legs of intersection
West Drive and South Drive	West Drive
Main Drive and East Drive	East Drive (Northbound) and Main Drive (Eastbound)

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION ONE. Section 84-4.1.B. of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby deleted in its entirety and replaced by the following:

B. Meadtown Shopping Center.

1. 1483 Rt. 23, Meadtown Shopping Center. Pursuant to written consent of UB Kinnelon I, LLC, the provisions of Subtitle 1 of Title 39 of the New Jersey Statutes and, unless otherwise provided herein, all pertinent municipal ordinances are applicable to the semipublic roads, streets, driveways and parking lots at 1483 Rt 23 (Block 45301, Lot 101), located in the Borough of Kinnelon, County of Morris, as approved by Kinnelon Planning Board, Application No. 804, and the following regulations shall be enforceable:

(a) This subsection B shall only be effective with respect to that portion of the shopping center located within the jurisdiction of the Borough of Kinnelon, that is Block 45301, Lot 101 on the Official Tax Map of the Borough of Kinnelon.

(b) The Borough of Butler is hereby requested to adopt a companion ordinance to this one making Title 39, Subtitle 1 applicable to that portion of the Meadtown Shopping Center located in the Borough of Butler.

2. Parking.

(a) All vehicles must park in designated areas/spaces and between the lines provided.

(b) No person shall stop or stand a vehicle upon any of the streets or parts of streets described below in areas covered by other parking restrictions.

Name of street	Sides	Hours
All Roads and Aisles	Both	All

(c) Handicapped parking. All stalls shall be 12 feet wide and signed with the R7-8 and R7-8P (reserved parking sign and penalty plate) in the designated parking areas for persons who have been issued handicapped parking permits by the Division of Motor Vehicles.

July 21, 2016

ORDINANCE NO. 10-16

AN ORDINANCE AMENDING SECTIONS 84-4.1.B. AND 84-34 OF CHAPTER 84, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF KINNELON

WHEREAS, pursuant to N.J.S.A.40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon desires to amend the regulations set forth in Section 84-4.1.B. of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon for the control of traffic within the portion of the Meadtown Shopping Center located in the Borough of Kinnelon; and

WHEREAS, the Borough of Kinnelon also desires to amend and supplement Section 84-34 of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon to designate Kiel Avenue, from the terminus at Meadtown Shopping Center to a point 120 feet west of the entrance to the Meadtown Shopping Center, as a one-way street.

There was no other desire to discuss this ordinance, and the Mayor asked the Deputy Borough Clerk to call the roll on the passage thereof, and the vote was as followed.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on July 21, 2016 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED that at the regular meeting to be held on August 18, 2016 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

BE IT FURTHER RESOLVED that the Deputy Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman W. Yago offered a motion to publish the foregoing resolution. This was second by Councilwomen C. Sventy.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

Ordinance 11-16

Councilwoman C. Sventy introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman W. Yago.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 119
FEES, OF THE CODE OF THE BOROUGH OF KINNELON BY THE
ADDITION OF ARTICLE II: TAX DEPARTMENT FEES

The Mayor read the following notice and ordinance in full and stated that the notice has been published as required by law, a copy was posted on the Municipal building Bulletin Board, and additional copies were made available to the public.

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July 21, 2016

SECTION FOUR. This Ordinance shall take effect as provided by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, Deputy Borough Clerk

Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on _____ and adopted by the Governing Body at a regular meeting of the Borough held on _____.

Karen M. Iuele, Deputy Borough Clerk

- Calculate redemption of tax lien.

July 21, 2016

(1) Purpose of fee: calculate redemption of tax lien (other than lienholder). Any party entitled to redeem a certificate pursuant to N.J.S.A. 54:5-54, or any related or successor statutory provision, may receive two calculations of the amount required for redemption within a calendar year at no cost. A fee of \$50 shall be charged for each subsequent calculation.

(2) Purpose of fee: calculate redemption of tax lien (lienholder). Any lienholder requesting a calculation pursuant to N.J.S.A. 54:5-97.1, or any related or successor statutory provision, shall be charged \$50 for each calculation.

- Cancellation of balances of \$10.00 or less. All overpayments or delinquencies of taxes, water or sewer in the amount of ten dollars (\$10.00) or less may be automatically cancelled by the Tax Department when they occur anytime during the current year without benefit of a specific resolution so canceling.
- Redemption Penalty on Tax Lien Certificate redeemed by delinquent property owner prior to foreclosure. Pursuant to N.J.S.A. 54:5-61 and 54:5-32, the Borough may charge a redemption penalty of 2 percent on a balance greater than \$200, 4 percent on balance greater than \$5,000 and 6 percent on a balance greater than \$10,000.
- Cost of Sale - 2 percent on delinquency. Minimum of \$15 and maximum of \$100. \$25 for mailing of tax list with a maximum of 2 mailings.
- Fee for duplicate Certificate of Redemption for Tax Lien Certificate - \$50.00.

SECTION TWO. All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

July 21, 2016

ORDINANCE NO. 11-16

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 119, FEES, OF
THE CODE OF THE BOROUGH OF
KINNELON BY THE ADDITION OF
ARTICLE II: TAX DEPARTMENT FEES**

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

WHEREAS, the Borough of Kinnelon desires to amend and supplement Chapter 119, Fees, of the Code of the Borough of Kinnelon, Morris County, New Jersey by the addition of Article II governing Tax Department Fees.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION ONE. The Chapter 119, Fees, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby amended and supplemented by the addition of the following:

Article II: Tax Department Fees

- Duplicate tax bills. The Tax Collector shall charge a maximum of \$5 for the first duplicate copy and a maximum of \$25 for each subsequent duplicate copy of the same tax bill in the same fiscal year.

There was no other desire to discuss this ordinance, and the Mayor asked the Deputy Borough Clerk to call the roll on the passage thereof, and the vote was as followed.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on July 21, 2016 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED that at the regular meeting to be held on August 18, 2016 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

BE IT FURTHER RESOLVED that the Deputy Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman W. Yago offered a motion to publish the foregoing resolution. This was second by Councilwomen C. Sventy.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

Ordinance 12-16

Councilwoman C. Sventy introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman W. Yago.

AN ORDINANCE AMENDING AND SUPPLEMENTING THE
CODE OF THE BOROUGH OF KINNELON BY THE ADDITION
OF CHAPTER 142, REHABILITATION OF ABANDONED PROPERTY

The Mayor read the following notice and ordinance in full and stated that the notice has been published as required by law, a copy was posted on the Municipal building Bulletin Board, and additional copies were made available to the public.

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July 21, 2016

SECTION THREE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION FOUR. This Ordinance shall take effect as provided by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, Deputy Borough Clerk

Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on _____ and adopted by the Governing Body at a regular meeting of the Borough held on _____.

Karen M. Iuele, Deputy Borough Clerk

§142-31. Removal of property from abandoned property list (from N.J.S.A. 55:19-103) July 21, 2016

If a property, which an entity other than the Borough of Kinnelon has purchased or taken assignment from the Borough of Kinnelon of a tax sale certificate, is placed on the abandoned property list, the property shall be removed from the list if the owner of the certificate pays all Borough's taxes and liens due on the property within 30 days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the list, the property shall be restored to the abandoned property list.

§142-32. Request for property to be placed on abandoned property list (from N.J.S.A. 55:19-105)

a. Any interested party may submit in writing a request to the public officer that a property be included on the abandoned property list prepared pursuant to N.J.S.A. 55:19-55, specifying the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within 30 days of receipt of any such request, the public officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For the purposes of this section, "interested party" shall include any resident of the Borough of Kinnelon, any owner or operator of a business within the Borough of Kinnelon or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

b. Any interested party may participate in any re-determination hearing held by the public officer pursuant to subsection e. of N.J.S.A. 55:19-55. Upon written request by any interested party, the public officer shall provide the party with at least 20 days' notice of any such hearing. The party shall provide the public officer with notice at least 10 days before the hearing of its intention to participate, and the nature of the testimony or other information that is proposes to submit at the hearing.

SECTION TWO. All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale. July 21, 2016

g. The Borough of Kinnelon shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-26. The notice shall include any special terms of sale established by the Borough of Kinnelon pursuant to subsection b., c. or d. of this section. Nothing shall prohibit the Borough of Kinnelon from holding a special tax sale on the same day as a standard or accelerated tax sale.

§142-30. Eminent domain proceedings; establishment of fair market value (from N.J.S.A. 55:19-102)

With respect to any eminent domain proceeding carried out under N.J.S.A. 55:19-56, the fair market value of the property shall be established on the basis of an analysis which determines independently:

- a. the cost to rehabilitate and reuse the property for such purpose as is appropriate under existing planning and zoning regulations governing its reuse or to demolish the existing property and construct a new building on the site, including all costs ancillary to rehabilitation such as, but not limited to, marketing and legal costs;
- b. the realistic market value of the reused property after rehabilitation or new construction, taking into account the market conditions particular to the neighborhood or subarea of the Borough of Kinnelon in which the property is located; and
- c. the extent to which the cost exceeds or does not exceed the market value after rehabilitation, or demolition and new construction, and the extent to which any "as is" value of the property prior to rehabilitation can be added to the cost of rehabilitation or demolition and new construction without the resulting combined cost exceeding the market value as separately determined. If the appraisal finds that the cost of rehabilitation or demolition and new construction, as appropriate, exceeds the realistic market value after rehabilitation or demolition and new construction, there shall be a rebuttable presumption in all proceedings under this subsection that the fair market value of the abandoned property is zero, and that no compensation is due the owner.

an abandoned property list established by the Borough of Kinnelon pursuant to N.J.S.A. 55:19-55. If the Borough of Kinnelon elects to hold a special tax sale shall conduct that sale subject to the following provisions:

- a. The Borough of Kinnelon shall establish criteria for eligibility to bid on properties at the sale, which may include, but shall not be limited to: documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with Borough's plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with Borough's plans and regulations; commitments by the bidder to take action to foreclose on the tax lien by a date certain; and such other criteria as the Borough of Kinnelon may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
- b. The Borough of Kinnelon may establish minimum bid requirements for a special tax sale that may be less than the full amount of the taxes, interest and penalties due, the amount of such minimum bid to be at the sole discretion of the Borough of Kinnelon, in order to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
- c. The Borough of Kinnelon may combine properties into bid packages, and require that bidders place a single bid on each package, and reject any and all bids on individual properties that have been included in bid packages;
- d. The Borough of Kinnelon may sell properties subject to provisions that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale pursuant to subsection a. of this section or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Borough of Kinnelon, and any amount paid by the purchaser to the Borough of Kinnelon at the special tax sale shall be forfeit to the Borough;
- e. In the event there are two or more qualified bidders for any property or bid package in a special tax sale, the Borough of Kinnelon may designate the unsuccessful but qualified bidder whose bid was closest to the successful bid as an eligible purchaser;
- f. In the event that the purchaser of that property or bid package fails to meet any of the conditions of sale established by the Borough of Kinnelon pursuant to this section, and their interest in the property or properties reverts to the Borough of Kinnelon, the Borough of Kinnelon may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale

court of an order of possession under N.J.S.A. 55:19-78 et seq. which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a Borough lien for the purposes of N.J.S.A. 54:5-9 with the rights and status of a Borough lien pursuant thereto.

b. With the exception of the holding of special tax sales pursuant to N.J.S.A. 55:19-101, the remedies available under N.J.S.A. 55:19-78 et seq. shall be available to the Borough of Kinnelon with respect to any abandoned property, whether or not the Borough of Kinnelon has established an abandoned property list as provided in N.J.S.A. 55:19-55 and whether or not the property has been included on any such list.

§142-27. Court's denial of rights and remedies to lien holders and mortgage holders (from N.J.S.A. 55:19-99)

Notwithstanding any provision to the contrary in N.J.S.A. 55:19-78 et seq., a court may in its discretion deny a lien holder or mortgage holder of any or all rights or remedies afforded lien holders and mortgage holders under N.J.S.A. 55:19-78 et seq., if the court finds that the owner of a property subject to any of the provisions of N.J.S.A. 55:19-78 et seq. owns or controls more than a 50% interest in, or effective control of, the lienholder or mortgage holder or that the familial or business relationship between the lienholder or mortgage holder and the owner precludes a separate interest on the part of the lienholder or mortgage holder.

§142-28. Recourse of Borough of Kinnelon against individuals or corporations (from N.J.S.A. 55:19-100)

With respect to any lien placed against any real property pursuant to the provisions of N.J.S.A. 40:48-2.3, N.J.S.A. 40:48-2.5 or N.J.S.A. 40:48-2.3a or any receiver's lien pursuant to N.J.S.A. 2A:42-114 et seq., the Borough of Kinnelon shall have recourse with respect to the lien against any asset of the owner of the property if an individual, against any asset of any partner if a partnership, and against any asset of any owner of a 10% interest or greater if the owner is any other business organization or entity recognized pursuant to law.

§142-29. Properties eligible for tax sales; Borough of Kinnelon requirements of municipalities; notice (from N.J.S.A. 55:19-101)

The Borough of Kinnelon may hold special tax sales with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on

July 21, 2016

The court may authorize the Borough of Kinnelon to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement.

The proceeds of the purchase of the property shall be distributed as set forth in N.J.S.A. 55:19-97.

b. The Borough of Kinnelon may seek approval of the court to sell the property to a third party when the court finds that such conveyance will further the effective and timely rehabilitation and reuse of the property.

c. Upon approval by the court, the Borough of Kinnelon shall sell the property on such terms and at such price as the court shall approve, and may place the proceeds of sale in escrow with the court. The court shall order a distribution of the proceeds of sale after paying court costs in the order of priority set forth in N.J.S.A. 55:19-97.

§142-25. Distribution of proceeds (from N.J.S.A. 55:19-97)

The proceeds paid pursuant to subsection c. of N.J.S.A. 55:19-96 shall be distributed in the following order of priority:

- a. The costs and expenses of sale;
- b. Other governmental liens;
- c. Repayment of principal and interest on any borrowing or indebtedness incurred by the Borough of Kinnelon and granted priority lien status pursuant to subsection a. of N.J.S.A. 55:19-98;
- d. A reasonable development fee to the Borough of Kinnelon consistent with the standards for development fees established for rehabilitation programs by the New Jersey Department of Community Affairs or the New Jersey Housing and Mortgage Finance Agency;
- e. Other valid liens and security interests, in accordance with their priority; and
- f. The owner.

§142-26. Public officer; authority to place lien on property; remedies (from N.J.S.A. 55:19-98)

a. The public officer, with the approval of the court, may place a lien on the property to cover any costs of the Borough of Kinnelon in connection with a proceeding under N.J.S.A. 55:19-78 et seq. incurred prior to the grant by the

§142-22. Obligations of owner prior to grant of petition (from N.J.S.A. 55:19-94)

Prior to the granting of a petition on the part of the owner by the court pursuant to N.J.S.A. 55:19-92, the owner may be required to post a bond or other security in an amount determined by the court, after consultation with the public officer, as likely to ensure that the owner will continue to maintain the property in sound condition. That bond or other security shall be made available to the Borough of Kinnelon to make any repair on the property in the event of a code violation which is not corrected in timely fashion by the owner. The bond or other security may be forfeit in full in the event that the owner fails to comply with any requirement imposed as a condition of the reinstatement petition filed pursuant to N.J.S.A. 55:19-92.

The owner may seek approval of the court to be relieved of this requirement after five years, which shall be granted if the court finds that the owner has maintained the property in good repair during that period, that no material violations affecting the health and safety of the tenants have occurred during that period, and that the owner has remedied other violations in a timely and expeditious fashion.

§142-23. Failure of owner to petition for reinstatement of control and possession of property; granting of title to the Borough of Kinnelon; authority to sell (from N.J.S.A. 55:19-95)

If the owner fails to petition for the reinstatement of control and possession of the property within 30 days after the entity in possession has filed a Notice of Completion or in any event within two years after the initial grant of possession, or if the owner fails to meet any conditions that may be set by the court in granting a reinstatement petition filed pursuant to N.J.S.A. 55:19-92, upon petition from the entity in possession, the court may grant the Borough of Kinnelon title or authorize the Borough of Kinnelon to sell the property, subject to the provisions of N.J.S.A. 55:19-96.

§142-24. Procedure of the Borough of Kinnelon seeking to gain title to property; authorization to sell; proceeds (from N.J.S.A. 55:19-96)

a. Where the Borough of Kinnelon seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the court shall approve, and may place the proceeds of sale in escrow with the court.

§142-20. Petition for reinstatement of control and possession by owner
(from N.J.S.A. 55:19-92) July 21, 2018

An owner may petition for reinstatement of the owner's control and possession of the property at any time after one year from the grant of possession, but no later than 30 days after the Borough of Kinnelon has filed a Notice of Completion with the court or, in the event the Notice of Completion is filed within less than one year of the grant of possession, within 30 days after the Borough of Kinnelon has filed notice.

The court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the Borough of Kinnelon, or affect any of the terms or conditions under which the Borough of Kinnelon, has applied for or received financing for the rehabilitation of the property.

§142-21. Contents of petition; filing and payment requirements (from N.J.S.A. 55:19-93)

Any petition for reinstatement of the owner's control and possession of the property filed pursuant to N.J.S.A. 55:19-92 shall:

- a. include a plan for completion of the rehabilitation and reuse of the property consistent with the plan previously approved by the court;
- b. provide legally binding assurances that the owner will comply with all conditions of any grant or loan secured by the Borough of Kinnelon or repay those grants or loans in full, at the discretion of the maker of the loan or grant; and
- c. be accompanied by payment equal to the sum of (1) all Borough liens outstanding on the property; (2) all costs incurred by the Borough of Kinnelon in bringing action with respect to the property; (3) any costs incurred by the Borough of Kinnelon not covered by grants or loans to be assumed or repaid pursuant to this section; and (4) any costs remaining to complete rehabilitation and reuse of the property, as determined by the public officer, which payment shall be placed in escrow with the Clerk of the Court pending disposition of the petition.

the Borough of Kinnelon sought to obtain a voluntary subordination from the senior lienholder, which refused to provide such subordination; and (3) lien priority is necessary in order to induce another lender to provide financing on reasonable terms.

No lien authorized by the court shall take effect unless recorded in the office of the Morris County Clerk. For the purposes of this section, the cost of rehabilitation shall include reasonable non-construction costs such as architectural fees or construction permit fees customarily included in the financing of the rehabilitation of residential property.

c. Where the Borough of Kinnelon has been granted possession by the court in the name of the Borough, the Borough of Kinnelon may seek the approval of the court to assign its rights to another entity, which approval shall be granted by the court when it finds that (1) the entity to which the Borough's rights will be assigned is a qualified rehabilitation entity; and (2) the assignment will further the purposes of this section.

d. Where the Borough of Kinnelon has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide quarterly reports to the Borough of Kinnelon on its activities and progress toward rehabilitation and reuse of the property. The Borough of Kinnelon or qualified rehabilitation entity, as the case may be, shall provide such reports to the court as the court determines to be necessary. If the court finds that the Borough of Kinnelon or its designee have failed to take diligent action toward rehabilitation of the property within one year from the grant of possession, then the court may request the Borough of Kinnelon to designate another qualified rehabilitation entity to exercise its rights, or if the Borough of Kinnelon fails to do so, may terminate the order of possession and return the property to its owner.

e. The Borough of Kinnelon shall file a Notice of Completion with the court, and shall also serve a copy on the owner and any mortgage holder or lien holder, at such time as the Borough of Kinnelon has determined that no more than six months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the public officer attesting that rehabilitation can realistically be anticipated to be complete within that time period, and a statement setting forth such actions as it plans to undertake to ensure that reuse of the property takes place consistent with the plan.

delegate this authority to the- public officer.

July 21, 2016

Regardless of whether the Borough of Kinnelon exercises its rights directly or designates a qualified rehabilitation entity pursuant to this section, while in possession of a property pursuant to N.J.S.A. 55:19-78 et seq., the Borough of Kinnelon shall maintain, safeguard, and maintain insurance on the property. Notwithstanding the Borough's possession of the property, nothing in N.J.S.A. 55:19-78 et seq. shall be deemed to relieve the owner of the property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.

§142-19. The Borough of Kinnelon deemed possessor of property; borrowing of funds; reporting and filing requirements (from N.J.S.A. 55:19-91)

a. If the Borough of Kinnelon has been granted possession of a property pursuant to N.J.S.A. 55:19-89, that Borough shall be deemed to have an ownership interest in the property for the purpose of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals, and submitting applications for financing or other assistance to public or private entities.

For the purposes of any State program of grants or loans, including but not limited to programs of the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency, possession of a property under this section shall be considered legal control of the property.

Notwithstanding the granting of possession to the Borough of Kinnelon, nothing in N.J.S.A. 55:19-78 et seq. shall be deemed to relieve the owner of the property of any obligation the owner or any other person may have for the payment of taxes or other Borough of Kinnelon liens and charges, or mortgages or liens to any party, whether those taxes, charges or liens are incurred before or after the granting of possession.

The granting of possession shall not suspend any obligation the owner may have as of the date of the granting of possession for payment of any operating or maintenance expense associated with the property, whether or not billed at the time of the granting of possession.

b. The court may approve the borrowing of funds by the Borough of Kinnelon to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the court shall find that (1) the Borough of Kinnelon sought to obtain the necessary financing from the senior lienholder, which declined to provide such financing on reasonable terms; (2)

§142-17. Borough of Kinnelon to be designated in possession of property; submission of plan to court (from N.J.S.A. 55:19-89) July 21, 2016

If no mortgage holder or lienholder meets the conditions of N.J.S.A. 55:9-88, then the Borough of Kinnelon shall submit a plan to the court which conforms with the provisions of subsection b. of N.J.S.A. 55:19-87. The plan shall designate the entity which shall implement the plan, which may be the Borough of Kinnelon or that entity designated in accordance with the provisions of N.J.S.A. 55:19-90.

The court shall grant the Borough of Kinnelon possession of the property if it finds that:

- a. the proposed rehabilitation and reuse of the property is appropriate and beneficial;
- b. the Borough of Kinnelon is qualified to undertake the rehabilitation and reuse of the property; and
- c. the plan submitted by the Borough of Kinnelon represents a realistic and timely plan for the rehabilitation and reuse of the property.

The Borough of Kinnelon shall take all steps necessary and appropriate to further the rehabilitation and reuse of the property consistent with the plan submitted to the court. In making its findings pursuant to this section, the court may consult with qualified parties, including the Department of Community Affairs, and, upon request by a party in interest, may hold a hearing on the plan.

Where either a redevelopment plan pursuant to N.J.S.A. 40A:12A-1 et seq. or a neighborhood revitalization plan pursuant to N.J.S.A. 52:27D-490 et seq. has been adopted or approved by the Department of Community Affairs, as appropriate, encompassing the property which is the subject of a complaint, the court shall make a further finding that the proposed rehabilitation and reuse of the property are not inconsistent with any provision of either plan.

§142-18. The Borough of Kinnelon; exercise of rights to further rehabilitation and reuse of property; designation of qualified rehabilitation entity (from N.J.S.A. 55:19-90)

The Borough of Kinnelon may exercise its rights under N.J.S.A. 55:19-78 et seq. directly, or may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising the Borough's rights where that designation will further the rehabilitation and reuse of the property consistent with Borough's plans and objectives. This designation shall be made by resolution of the Mayor and the Council of the Borough of Kinnelon. The Mayor and Council may

(3) The owner shall provide quarterly reports to the Borough of Kinnelon on its activities and progress toward rehabilitation and reuse of the property. The owner shall provide those reports to the court on its activities that the court determines are necessary. July 21, 2016

d. The court may reject a plan and bond if it finds that the plan does not represent a realistic and expeditious means of ensuring the rehabilitation of the property or that the owner or his representatives or agents, or both, lack the qualifications, background or other criteria necessary to ensure that the plan will be carried out successfully.

§142-16. Owner unsuccessful in defending against complaint; mortgage or lien holders to be designated in possession of property (from N.J.S.A. 55:19-88)

a. If an owner is unsuccessful in defending against a complaint filed pursuant to N.J.S.A. 55:19-84, the mortgage holder or lien holder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in N.J.S.A. 55:19-87. The plan shall be submitted within 60 days after the court has rejected the owner's plan, unless the court provides the mortgage holder or lienholder with an extension of time for good cause shown. If the court approves any such mortgage holder or lien holder's plan, it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation and reuse and may appoint the public officer to act as monitor of the party's compliance.

The mortgage holder or lien holder, as the case may be, shall provide quarterly reports to the court and the Borough of Kinnelon on its activities and progress toward rehabilitation and reuse of the property.

If the mortgage holder or lien holder fails to carry out any material step in the approved plan, then the public officer shall notify the court, which may order the bond forfeit, grant the Borough of Kinnelon possession of the property, and authorize the Borough of Kinnelon to use the proceeds of the bond for rehabilitation of the property.

b. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lien holder granted possession of a property pursuant to subsection a. of this section, including court costs and reasonable attorney's fees, may be added to the unpaid balance due that mortgage holder or lien holder, with interest calculated at the same rate set forth in the note or security agreement; or, in the case of a tax lien holder, at the statutory interest rate for subsequent liens.

§142-15. Property owner, defense against complaint; requirements (from N.J.S.A. 55:19-87) July 21, 2016

a. Any owner may defend against a complaint filed pursuant to N.J.S.A. 55:19-84 by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to 125 percent of the amount determined by the public officer or the court to be the projected cost of rehabilitation.

Any plan submitted by an owner to defend against a complaint shall be submitted within 60 days after the complaint has been filed, unless the court provides the owner with an extension of time for good cause shown.

b. A plan submitted by an owner pursuant to this section shall include, but not be limited to:

(1) A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;

(2) A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans;

(3) A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and

(4) Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.

c. (1) The court shall approve any plan that, in the judgment of the court, is realistic and likely to result in the expeditious rehabilitation and reuse of the property, which is the subject of the complaint.

(2) If the court approves the owner's plan, then it may appoint the public officer to act as monitor of the owner's compliance. If the owner fails to carry out any step in the approved plan, then the Borough of Kinnelon may apply to the court to have the owner's bond forfeited, possession of the building transferred to the Borough of Kinnelon to complete the rehabilitation plan and authorization to use the bond proceeds for rehabilitation of the property.

§142-13. Filing of complaint; required information (from N.J.S.A. 55:19-85)

A complaint filed pursuant to N.J.S.A. 55:19-84 shall include:

- a. documentation that the property is on the Borough's abandoned property list or a certification by the public officer that the property is abandoned; and
- b. a statement by an individual holding appropriate professional qualifications that there are sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic or historical character of the building or the relationship of the building to other buildings and lands within its immediate vicinity.

§142-14. Filing of complaint; notice requirements; entry to secure, stabilize, repair or inspect the property (from N.J.S.A. 55:19-86)

a. Within 10 days of filing a complaint pursuant to N.J.S.A. 55:19-78 et seq., the plaintiff shall file a notice of lis pendens with the Morris County Clerk.

b. At least 30 days before filing the complaint, the Borough of Kinnelon shall serve a notice of intention to take possession of an abandoned building. The notice shall inform the owner and interested parties that the property has not been legally occupied for six months and of those criteria that led to a determination of abandonment pursuant to N.J.S.A. 55:19-81.

The notice shall provide that unless the owner or a party in interest prepares and submits a rehabilitation plan to the appropriate Borough of Kinnelon officials, the Borough of Kinnelon will seek to gain possession of the building to rehabilitate the property and the associated cost shall be a lien against the property, which may be satisfied by the sale of the property, unless the owner applies to the court for reinstatement of control of the property as provided in N.J.S.A. 55:19-92.

After the complaint is filed, the complaint shall be served on the parties in interest in accordance with the New Jersey Rules of Court.

c. After serving the notice of intent pursuant to subsection b. of this section, the Borough of Kinnelon or its designee may enter upon that property after written notice to the owner by certified mail, return receipt requested, in order to secure, stabilize or repair the property, or in order to inspect the property for purposes of preparing the plan to be submitted to the court pursuant to N.J.S.A. 55:19-89.

b. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in N.J.S.A. 55: 19-81.

c. A determination that a property is abandoned property under the provisions of N.J.S.A. 55:19-78 et seq. shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

d. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to subsection b. N.J.S.A. 54:5-86, the public officer or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in N.J.S.A. 55:19-81 and C.55:19-82.

§142-12. Transfer of possession and control of abandoned property (from N.J.S.A. 55:19-84)

A summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation to the Borough of Kinnelon may be brought by the Borough of Kinnelon in the Superior Court in the county in which the property is situated. If the court shall find that the property is abandoned pursuant to N.J.S.A. 55:19-81 and the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the court may authorize the Borough of Kinnelon to take possession and control of the property and develop a rehabilitation plan.

The Borough of Kinnelon granted possession and control may commence and maintain those further proceedings for the conservation, protection or disposal of the property or any part thereof that are required to rehabilitate the property, necessary to recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however, that the court shall not direct the sale of the property if the owner applies to the court for reinstatement of control of the property as provided in N.J.S.A. 55:19-92.

Failure by the owner, mortgage holder or lien holder to submit plans for rehabilitation to the Borough of Kinnelon, obtain appropriate construction permits for rehabilitation or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, State or Federal agencies providing such funding within that six month period shall be deemed prima facie evidence that the owner has failed to take any action to further the rehabilitation of the property.

§142-10. Nuisance property; criteria (from N.J.S.A. 55:19-82) July 21, 2016

A property may be determined to be a nuisance if:

- a. The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;
- b. The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
- c. The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the Borough of Kinnelon has secured the property in order to prevent such hazards after the owner has failed to do so;
- d. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
- e. The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

A public officer who determines a property to be a nuisance pursuant to subsections b. through e. of this section shall follow the notification procedures set forth in N.J.S.A. 40:48-2.3 et seq.

§142-11. Property deemed not abandoned; criteria; certification of abandonment provided upon request (from N.J.S.A. 55:19-83)

- a. If an entity other than the Borough of Kinnelon has purchased or taken assignment from the Borough of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list pursuant to N.J.S.A. 55: 19-55 if (1) the owner of the certificate has continued to pay all Borough of Kinnelon taxes and liens on the property in the tax year when due; and (2) the owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either subsection a. or subsection b. of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.

professional consultants, financial resources, and prior activities set forth in N.J.S.A. 55:19-78 et seq. to carry out the rehabilitation of vacant buildings. July 21, 2016

"Utility" means any electric or natural gas public utility that is regulated under the jurisdiction of the Board of Public Utilities.

§142-9. Abandoned property; criteria (from N.J.S.A. 55:19-81)

Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- a. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
- b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the public officer pursuant to this section; or
- d. The property has been determined to be a nuisance by the public officer in accordance with N.J.S.A. 55:19-82.

A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq. so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection a. or subsection d. of this section.

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d. The continued presence of abandoned properties in the Borough of Kinnelon acts as a significant barrier to the Borough's continue progressive development and revitalization.

e. The responsibility of a property owner to maintain a property in sound condition and prevent it from becoming a nuisance to others extends to properties which are not in use and 'demolition by neglect', leading to the deterioration and loss of the property, or failure by an owner to comply with legitimate orders to demolish, stabilize or otherwise repair his or her property creates a presumption that the owner has abandoned the property.

f. Many abandoned buildings still have potential value for residential and other uses and such buildings should be preserved rather than demolished when feasible, particularly buildings that have historic or architectural value, or contribute to maintaining the character of neighborhoods or streetscapes, or both, as the case may be.

§142-8. Definitions (in addition to ¶142-1) (from N.J.S.A. 55:19-80)

"Department" means the New Jersey Department of Community Affairs.

"Lienholder" or "mortgage holder" means any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

"Municipality" means any city, borough, town, township or village situated within the boundaries of this State and shall include a qualified rehabilitation entity that may be designated by the municipality pursuant to N.J.S.A. 55:19-90 to act as its agent to exercise any of the municipality's rights pursuant thereto.

"Owner" means the holder or holders of title to an abandoned property.

"Property" means any building or structure and the land appurtenant thereto.

"Public officer" means the person designated by the Borough of Kinnelon pursuant to N.J.S.A. 40:48-2.5 or any officer of the Borough of Kinnelon qualified to carry out the responsibilities set forth in N.J.S.A. 55:19-78 et seq. and designated by the Mayor and Council of the Borough of Kinnelon.

"Qualified rehabilitation entity" means an entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provision of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff,

b Notwithstanding N.J.S.A. 54:5-104.34, when the Borough of Kinnelon is the purchaser at tax sale of any property on the abandoned property list pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of N.J.S.A. 54:5-77.

c. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:

(1) posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the court; or

(2) demonstrates to the court that the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56 have been remedied in full.

§142-6. Entry of final judgment barring right of redemption; grounds for reopening judgment (from N.J.S.A. 55:19-59)

Once a final judgment barring the right of redemption with respect to a property on the list of abandoned properties has been recorded, no court shall reopen such judgment at any time except on the grounds of lack of jurisdiction or fraud in the conduct of the action; in any such proceeding, the provisions of N.J.S.A. 55:19-20, et seq. shall be construed liberally in favor of the purchaser, assignee or transferee of the tax sale certificate.

§142-7. Legislative findings and declarations regarding the Abandoned Properties Act (adapted from N.J.S.A. 55:19-79)

a. Abandoned properties create a wide range of problems for the Borough of Kinnelon, fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas.

b. Abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization.

c. For these reasons, abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those properties.

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(1) by posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to N.J.S.A. 55:19-55 and posting cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public officer stating that the cash or bond adequately covers the cost of the cleanup; or

(2) by demonstrating to the satisfaction of the public officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the public officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-55, as evidenced by significant rehabilitation activity on the property, the public officer may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.

b. If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Borough which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

§142-5. Acquisition of tax sale certificate for abandoned property; action to foreclose right of redemption (from N.J.S.A. 55:19-58)

a. When a person other than the Borough Kinnelon or the Authority or its subsidiaries acquires a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of six months following the date of the sale of the tax sale certificate.

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b. (1) If the Borough of Kinnelon or the Authority or its subsidiaries acquires the tax sale certificate for a property on the abandoned property list, then, upon 10 days' written notice to the property owner and any mortgagee as of the date of the filing of the lis pendens notice under N.J.S.A. 55:19-55, that entity shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the abandoned property list. No remediation shall be commenced, however, if within that 10-day period the owner or mortgagee shall have notified the Borough of Kinnelon or its subsidiary, as appropriate, in writing that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Borough of Kinnelon or the Authority or its subsidiaries, as appropriate, in order to ensure performance. The amount and conditions of the bond shall be determined by the public officer.

(2) The cost of remediation incurred by the Borough of Kinnelon or the Authority or its subsidiaries pursuant to this subsection, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to, or after the filing of any lien by the Borough of Kinnelon, except for Borough taxes, liens and assessments and any lien imposed pursuant to the "Spill Compensation and Control Act," N.J.S.A. 58:10-23.11 et seq., together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the Morris County Clerk.

c. (1) Failure of an owner or lienholder to remove a property from the abandoned property list within the period of time for appeal of inclusion of the property on the list pursuant to N.J.S.A. 55:19-55, shall be prima facie evidence of the intent of the owner to continue to maintain the property as abandoned property.

(2) The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to paragraph (1) of this subsection shall be a public purpose and public use for which the power of eminent domain may be exercised.

§142-4. Removal of property from list of abandoned properties; remediation (from N.J.S.A. 55:19- 57)

a. An owner may remove a property from the list of abandoned properties prior to sale of the tax sale certificate by paying all taxes and Borough liens due, including interest and penalties and:

certificate or any subsequent assignment or transfer of a tax sale certificate held by the Borough be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the abandoned property list pursuant to N.J.S.A. 55:19-55 and to post a bond in favor of the Borough to guarantee the rehabilitation or repair of the property. The public officer may waive a requirement to post a bond imposed by the Borough of Kinnelon for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the public officer that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in N.J.S.A. 55:19- 80. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for redemption of the property. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the tax collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of \$1,500 pursuant to N.J.S.A. 54:4-67 of the Borough of Kinnelon in effect for the time period when the amounts were expended. The tax sale certificate purchaser, assignee or transferee, under the auspices and with the authority of the Borough of Kinnelon, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement holding the Borough of Kinnelon harmless is filed with the public officer. If the tax sale certificate is not purchased at the initial auction of the tax sale certificate and the Borough of Kinnelon purchases the certificate pursuant to N.J.S.A. 54:5-34, then the Borough of Kinnelon is authorized and empowered to convey and transfer to the New Jersey Redevelopment Authority ("Authority") or any of its subsidiaries, without receiving compensation therefor, all of its right, title and interest in that certificate; however, any portion of the amount paid to the tax collector to redeem the tax sale certificate that represents tax or other municipal lien delinquencies and subsequent municipal liens, including interest, shall be returned by the tax collector of the Borough of Kinnelon.

or certification shall be accompanied by supporting documentation, ~~such as~~ but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in N.J.S.A. 55:19-54. The public officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.

e. The property owner may challenge an adverse determination of an appeal with the public officer pursuant to subsection d. of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, Morris County, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the public officer pursuant to subsection d. of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in N.J.S.A. 55: 19-54. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.

f. The public officer shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.

g. The abandoned property list shall become effective, and the Borough of Kinnelon shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to that property or upon the denial of an appeal brought by the property owner.

§142-3. Sale of tax lien on abandoned property; remediation costs (from N.J.S.A. 55:19-56)

a. Notwithstanding N.J.S.A. 54:5-19 or the provisions of any other law to the contrary, if a property is included on the abandoned property list and the property taxes or other Borough liens due on the property are delinquent six or more quarters as of the date of expiration of the right to appeal inclusion on the list, or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the list have been exhausted, then the tax lien on the property may be sold in accordance with the procedures in the "tax sale law," N.J.S.A. 54:5-1 et seq., on or after the 90th day following the expiration of that time of appeal or final determination on an appeal, as appropriate. The Borough of Kinnelon may, at its option, require that the sale of the tax sale

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c. (1) The public officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the Borough of Kinnelon, which publication shall constitute public notice, and, within 10 days after publication, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The public officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the public officer's finding that the property is abandoned property as that term is defined in N.J.S.A. 55:19-54 and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the public officer in the office of the Morris County Clerk. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the property owner as defendant and the name of the Borough as plaintiff, as though an action had been commenced by the Borough against the owner.

(2) The public officer, within ten days of the establishment of the abandoned property list, or any additions thereto, shall send by regular mail, facsimile or electronic mail, a copy of the abandoned property list to the electric and gas utilities serving the Borough.

d. An owner or lienholder may challenge the inclusion of his property on the abandoned property list determined pursuant to subsection b. of this section by appealing that determination to the public officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the public officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the public officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice pursuant to subsection d. of this section, the public officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION ONE. The Code of the Borough of Kinnelon, Morris County, New Jersey is hereby amended and supplemented by the addition of the following:

Chapter 142: Rehabilitation of Abandoned Property

§142-1. Definitions relating to abandoned property (from N.J.S.A. 55:19-54)

"Abandoned property" means any property that is determined to be abandoned pursuant to N.J.S.A. 55: 19-78 et seq., which is set forth in §142-8 of this Chapter;

"Public officer" means the Zoning Officer of the Borough of Kinnelon.

§142-2. Abandoned property list; identification of abandoned property; notice to property owners and utilities; rehabilitation; official publication; challenge to listing by owner or lienholder; disposal of property by Borough (from N.J.S.A. 55:19-55)

a. The Borough of Kinnelon may direct the public officer to identify abandoned property for the purpose of establishing an abandoned property list throughout the Borough. Each item of abandoned property so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot.

b. The public officer shall establish and maintain a list of abandoned property, to be known as the "abandoned property list." The Borough of Kinnelon may add properties to the abandoned property list at any time, and may delete properties at any time when the public officer finds that the property no longer meets the definition of an abandoned property. An interested party may request that a property be included on the abandoned property list following that procedure set forth in N.J.S.A. 55:19-105.

An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the Borough of Kinnelon has purchased or taken assignment from the Borough of a tax sale certificate which has been placed on the abandoned property list may be removed in accordance with the provisions of N.J.S.A. 55:19- 103.

July 21, 2016

ORDINANCE NO. 12-16

**AN ORDINANCE AMENDING AND
SUPPLEMENTING THE CODE OF THE
BOROUGH OF KINNELON BY THE ADDITION
OF CHAPTER 142, REHABILITATION OF
ABANDONED PROPERTY**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to N.J.S.A. 55:19-55 to 59 and 55:19-78 to 105, the governing body of a municipality may adopt an Ordinance directing the establishment of an abandoned property list and authorizing the municipality to take certain actions to rehabilitate abandoned properties; and

WHEREAS, the Borough of Kinnelon ("Borough") desires to enact an Ordinance directing the establishment of an abandoned property list and authorizing the Borough to take certain actions to rehabilitate abandoned properties within the Borough.

There was no other desire to discuss this ordinance, and the Mayor asked the Deputy Borough Clerk to call the roll on the passage thereof, and the vote was as followed.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on July 21, 2016 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED that at the regular meeting to be held on August 18, 2016 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

BE IT FURTHER RESOLVED that the Deputy Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman W. Yago offered a motion to publish the foregoing resolution. This was second by Councilwomen C. Sventy.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

Ordinance 13-16

Councilwoman C. Sventy introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman W. Yago.

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A
NON-BINDING PROPOSITION TO THE LEGAL VOTERS
REGARDING THE INSTALLATION AND FINANCING OF AN
ARTIFICIAL PLAYING SURFACE ON THE KINNELON
HIGH SCHOOL FIELD PROPERTY OWNED BY THE KINNEON
BOARD OF EDUCATION PURSUANT TO N.J.S.A. 19:37-1, et seq.

The Mayor read the following notice and ordinance in full and stated that the notice has been published as required by law, a copy was posted on the Municipal building Bulletin Board, and additional copies were made available to the public.

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above Public Question No. 1 and Interpretive Statement on the Official Ballot for the
July 21, 2016
General Election to be held on November 8, 2016.

SECTION THREE. The Deputy Borough Clerk, with the advice of the Borough Attorney, is hereby authorized to make any minor and/or insubstantial changes to the form of the Public Question or Interpretive Statement, provided that any such changes shall not modify any of the substantive provisions of the Public Question or the Interpretive Statement.

SECTION FOUR. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION FIVE. Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

SECTION SIX. This Ordinance shall take effect upon passage and publication according to law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, Deputy Borough Clerk

Robert Collins, Mayor

YES

July 21, 2016

_____ NO

PUBLIC QUESTION NO. 1 (Non-Binding Referendum)

Shall the Borough of Kinnelon install an artificial playing surface (commonly known as "Artificial Turf") on the Kinnelon High School field property owned by the Kinnelon Board of Education and issue Bonds in the estimated range of \$1,000,000 to \$1,200,000 to finance the cost of such installation?

INTERPRETIVE STATEMENT.

This non-binding referendum will allow the Mayor and Borough Council of the Borough of Kinnelon to obtain the sentiment of the legal voters of the Borough as to whether the Borough of Kinnelon should install an artificial playing surface commonly referred to as "Artificial Turf" on the Kinnelon High School football field property owned by the Kinnelon Board of Education and fund the cost of such installation through the issuance of Bonds in an estimated range of \$1,000,000 to \$1,200,000. The estimated useful life of the Artificial Turf playing surface is projected to be 8 to 10 years with a currently estimated replacement cost of \$350,000. The replacement cost is not part of the initial installation and will require additional funding at the time of replacement. The Mayor and Borough Council are not required to act in accordance with the results of the vote on this question.

SECTION TWO. Upon the adoption and effectiveness of this Ordinance, the same shall be submitted to the Morris County Clerk, who shall be requested to print the

ejb:fd (KN-1023)
(Kinn Referendum Ord on Turf Field)-B
071416
071516

July 21, 2016

ORDINANCE NO.: 13-16

**AN ORDINANCE AUTHORIZING THE
SUBMISSION OF A NON-BINDING
PROPOSITION TO THE LEGAL VOTERS
REGARDING THE INSTALLATION
AND FINANCING OF AN ARTIFICIAL
PLAYING SURFACE ON THE
KINNELON HIGH SCHOOL FIELD
PROPERTY OWNED BY THE
KINNELON BOARD OF EDUCATION
PURSUANT TO N.J.S.A. 19:37-1, et seq.**

WHEREAS, N.J.S.A. 19:37-1 permits the governing body of any municipality to ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government or internal affairs thereof; and

WHEREAS, the governing body of the Borough of Kinnelon desires to ascertain the sentiment of the legal voters of the Borough upon the question of whether the Borough of Kinnelon should install and finance an artificial playing surface on the Kinnelon High School field property owned by the Kinnelon Board of Education; and

WHEREAS, the Borough of Kinnelon desires to authorize the submission of such a non-binding proposition to the legal voters of the Borough as set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Kinnelon, County of Morris, State of Jersey as follows:

SECTION ONE. Pursuant to N.J.S.A. 19:37-1, et seq., the Borough of Kinnelon hereby determines to submit the following non-binding proposition to the legal voters of the Borough at the next general election to be held on November 8, 2016:

July 21, 2016

There was no other desire to discuss this ordinance, and the Mayor asked the Deputy Borough Clerk to call the roll on the passage thereof, and the vote was as followed.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on July 21, 2016 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED that at the special meeting to be held on August 9, 2016 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

BE IT FURTHER RESOLVED that the Deputy Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman W. Yago offered a motion to publish the foregoing resolution. This was second by Councilwomen C. Sventy.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

TAX COLLECTOR'S REPORT

During the month of June 2016 the Tax Collector's Report indicated we collected \$235,603.42 in taxes.

INVESTMENT OFFICER'S REPORT

A total of 776.68 was collected in interest for the month of June 2016.

DISTRICT SCHOOL

On motion of Councilman C. Sventy, and seconded by Councilman W. Yago followed by the "yes" roll call vote of all Council Members present the payment of \$2,959,450.83 to the District School when funds become available was approved for payment.

APPOINTMENTS:

Upon motion of Councilwoman C. Sventy, and seconded by Councilman W. Yago, followed by the "yes" roll call vote of all Council Members present, the appointment of Laura C. Olstein, to the Historical Commission was approved.

Roll Call:

C. Sventy, Yes; W. Yago, Yes;
J. Freda, Yes.

July 21, 2016

Upon motion of Councilwoman C. Sventy, and seconded by Councilman W. Yago, followed by the "yes" roll call vote of all Council Members present, the re-appointment of Pat Giordano, to the Kinnelon Board of Library Trustees was approved.

Roll Call:

C. Sventy, Yes;
J. Freda, Yes.

W. Yago, Yes;

ADJOURNMENT

This meeting adjourned at approximately 10:30 p.m. on motion by Councilwoman C. Sventy, with the unanimous affirmative voice vote of all present.

Respectfully submitted,

Karen M. Iuele, Deputy Borough Clerk

Robert W. Collins, Mayor

cc: Mayor
All Councilmen
Police Dept.
Public Works Dept.
Attorney
Engineer
Auditor