

**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, 21, 2011 in the Kinnelon Municipal Building.

There was a Salute to the Flag, after which the Clerk stated that 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 2, 2011 edition of the Trends and was provided to the Star Ledger, Daily Record and the North Jersey Herald News on January 2, 2011. Adequate notice was also posted on the municipal building bulletin board, filed with the Borough Clerk and provided to those persons or entities requesting notification.

Mayor Collins asked for a moment of silence in honor of our troops serving overseas.

The roll was called and present and answering were Councilmen James Freda, Gary Moleta, Stephen Cobell and Ronald Mondello. Councilmen Daniel O'Dougherty and Andrew SanFilippo were absent.

**APPOINTMENT OF POLICE PROBATIONARY PATROLMAN**

Mayor Collins administered the oath of office of Probationary Patrolman to Mark Ehrenberg. Mark's family was present and his mother assisted him by holding the bible. Everyone congratulated him at this time.

**TREASURER'S REPORT**

The Treasurer's Report indicates we started out with cash on hand as of February 1, 2011 in the amount of \$3,014,076.13. Receipts for the month of February totaled \$7,735,757.64, with disbursements amounting to \$5,683,039.59. The new balance on hand February 28, 2011 was \$5,066.794.18 and has been reconciled with various bank balances.

The Treasurer's Report indicates we started out with cash on hand as of March 1, 2011 in the amount of \$5,066.794.18. Receipts for the month of March totaled \$6,517,205.22 with disbursements amounting to \$10,000,847.47. The new balance on hand March 30, 2011 was \$1,583,151.95 and has been reconciled with various bank balances.

**RECREATION & ORDINANCE**

Chairman James Freda reported the tennis courts at the Boonton Avenue field are in disrepair and said they have gotten several quotes for the repair. Mr. Freda called the Land Conservancy to see if funds from a Planning Incentive Grant could be used, but was told they could not.

Mr. Freda discussed the openings for two alternate members to the Recreation Commission.

Councilman Freda reported the roller hockey rink may be removed. The reason is the lack of fields for rectangle sports. Councilman SanFilippo is spearheading that study.

He reported summer recreation will be July 5th through July 22<sup>th</sup> for children entering first grade through seventh grade with a maximum of 200 children. Karen Perry does a fantastic job and keeps the children well occupied with crafts, sports, magic and lots of activities that keep them busy.

Mr. Freda also said Frozen Ropes baseball, sponsored by the KYBA will be holding a camp June 20 through July 1<sup>st</sup> at the Boonton Avenue field from 9 – 1.

Other activities for the children include a kiddy lacrosse program which begins April 30<sup>th</sup>. Kamelot activities will be posted on the website. They have a safety bug which simulates what it is like being a drunk driver which also includes a talk by the police officers on drunk driving.

### **PUBLIC WORKS & UTILITIES**

There were no reports for Public Works or Utilities in Chairman Dan O'Dougherty's absence.

The Mayor did announce, however, that Mr. O'Dougherty and Superintendent John Whitehead negotiated an interlocal agreement with Boonton Township to provide the use of Kinnelon's vacuum truck for stormwater related cleanups. Boonton Township does not have a vacuum truck and had an interlocal agreement with Denville. This is the first time Kinnelon will be the provider of a Shared Service to another municipality. The Mayor thanked both Dan and John for their efforts.

### **COORDINATING**

Chairman Gary Moleta reported the Board of Education had several hearings on their budget. The voting on the budget will be next Wednesday for an extended time of 7 am to 9 pm.

Mr. Moleta stated the Historical Commission is looking for more visibility and wishes to post signs for the location of the museum. On May 25th and 26th the third graders will visit the museum and the council will be taking turns speaking to the classes. The museum is interested in having a cable line installed in the museum. There will be a garage sale fund raiser on June 4<sup>th</sup> between 10 am and 4 pm. The date could be changed, so it is advisable to check the website calendar.

Mr. Moleta said he was unable to attend the Library Board meeting and said the Mayor could report on that instead. Mr. Moleta did attend the Board of Adjustment meeting which was short this month, but he stated on the agenda for the May 3<sup>rd</sup> meeting is full.

The Environmental Commission has a new member appointed tonight, Norm Dotti. The Commission has been looking into sustainable New Jersey. They had a table at the Earth Day fair on fertilizers and phosphorus and distributed the fertilizer ordinance.

Councilman Moleta said he is making progress with replacing clothing bins at the recycling center with a company which will pay the borough \$3,600 for two bins each year. Currently we only receive tonnage for the bins; now we will get income.

Mr. Moleta explained the borough offices will be switching from a T1 line for internet service to an Optimum on line cable boost which will save the borough about \$250 a month with far superior service. There will be a back up DSL line.

Mayor Collins reported for the Kinnelon Library Board and stated the state is requiring the library portion of the tax rate be broken out on the tax bills. The library will be closed on Sundays for summer hours.

Councilman Andrew SanFilippo arrived at 8:30 p.m.

Mayor Collins also stated Councilman Moleta has been busy working with the Board of Ed and the State on an "Anti Bullying Program" and Councilman Moleta has been recognized by the State for his work in that regard.

### **FINANCE & OPEN SPACE**

Chairman Stephen Cobell reported he attended the Open Space Meeting and brought the information regarding tax title lien properties for them to discuss. The properties we take title to, should be looked at by a committee to see what the best use of the properties would be in the community. Some uses could be a community garden or for recreational use of some kind. The Open Space Advisory Committee will be prioritizing their objectives.

The Finance Committee has a proposed budget and will be meeting with the balance of the governing body on May 3<sup>rd</sup> to review and finalize the budget for introduction. They are a few dollars under the tax levy cap of \$7.8 million. While developing the 2011 budget the Committee realized that 2012 will be an even tougher year because of our reserves. We will have to look at interlocal agreements and other ways to save dollars.

Mr. Cobell said that an error was found to be in last year's signed PBA contract. He received a call from PBA president and was told that the PBA appreciates the positive relationship they have with council and will correct the error even though they could hold the council to it. They know what the original intent was and the correction will be made.

### **PUBLIC SAFETY**

Chairman Andrew SanFilippo apologized for his tardiness and explained he had been in church. Mr. SanFilippo commented on the new police officer who was sworn in earlier saying there have been many compliments given to him about Mark and about how he fits in well with the department.

The Police Report states there were 2327 calls for service with thirteen adult arrests, one juvenile arrest, three arrests for having a controlled dangerous substance, two DWI's and 341

summonses were issued. Mr. SanFilippo said the Chief has requested several new vehicles in his budget. Some of the cars are constantly in for repairs because they are old.

Councilman SanFilippo reported the Fire Department responded to eleven alarms. The Fire Chief reports the members will have to replace some of their turn out gear because PEOSHA is inspecting all fire houses and issuing penalties for old gear. The cost is \$1,800 per fire fighter. The replacements will have to be made or we will be fined. He also reported that the tanker has a leak and will need to have the tank replaced.

### **PERSONNEL**

Chairman Ronald Mondello said the Ordinance for the Amendment of our Personnel Policy is up for adoption tonight. It has not been updated since 2005 and now reflects several new laws. He mentioned several items which will be discussed under closed session.

Mayor Collins made mention that because the Borough has no Administrator, the governing body members as well as former Mayor Sisco are hands on, taking care of borough business. He thanked Councilman Mondello for his time in revising the borough handbook.

### **HEARING FROM THE PUBLIC**

Cheryl Canale was present as a member of the Triboro Animal Welfare. The purpose of her comments was to notify the governing body that the organization was originally organized to provide services for Kinnelon, Butler and Bloomingdale. A few years ago, Bloomingdale members formed their own shelter known as BASS. The current members of Triboro Animal Welfare have now decided to separate and form individual organizations for each of the towns, namely Butler and Kinnelon. Ms. Canale said the name of the new Kinnelon organization will be the Kinnelon Volunteer Animal Shelter. Nothing will change except for the organization's structure. She thanked the governing body for their support over the years.

Richard Werner, Chilhowie Drive, commented on a road condition on Boonton Avenue which is caused by an underground water source. He said he realizes it is a County road, but feels Kinnelon should do something as well. Mr. Werner said he left a message for the road department but has not received a call back as yet.

Mr. Werner referred to the budget preparation and suggested the council consider preparing two year budgets. Mayor Collins said that the governing body has already committed to that at the beginning of the year. He said we are going to develop a business plan as well which is in accordance with the Governor's Best Practice Plan. Mr. Werner asked that the Health Department give periodic reports of the food pantry program in terms of usage and how significant it is in town. He said it is important for the people to know how important the food pantry is to some residents in town. Mayor Collins agreed and said he will speak with the Board of Health about giving a quarterly report. Councilman Moleta assured Mr. Werner he would check on the road issue with the Public Works.



BOROUGH OF KINNELON  
Check Register By Check Date

4/21/11  
1:11:39

of Checking Accts: First to Last Range of Check Dates: 03/18/11 to 04/21/11  
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 Number
GENERAL		General Account			
		Account Payab			
6646	03/22/11	GART1 GARTH LLEWELLYN	72.00		4184
6647	04/04/11	BOR11 BOROUGH OF BLOOMINGDALE	5,301.50		4187
6648	04/05/11	NOR17 NORTH JERSEY MUNICIPAL	1,500.00		4188
6649	04/08/11	FIN04 FINCH FUEL OIL CO. INC.	7,304.01		4190
6650	04/14/11	PRB01 P.R.B.R.S.A.	81,693.00		4191
6651	04/15/11	LAW01 LAWMEN SUPPLY COMPANY	202.40		4192
6652	04/21/11	AC A.C. DAUGHTRY INC.	28.41		4193
6653	04/21/11	ACCO4 ACC BUSINESS	294.77		4193
6654	04/21/11	ALL04 ALLIED OIL COMPANY	11,807.43		4193
6655	04/21/11	AME07 AMERICAN SEWER SERVICE LLC	950.00		4193
6656	04/21/11	AMPM A.M./P.M. SERVICES	198.00		4193
6657	04/21/11	ANJ01 ANJEC	280.00		4193
6658	04/21/11	BAB01 BABE RUTH HEADQUARTERS	1,099.00		4193
6659	04/21/11	BAS03 BASEBALL BATTING CAGES	1,641.00		4193
6660	04/21/11	BOO01 BOONTON ELECTRIC SUPPLY CORP.	272.78		4193
6661	04/21/11	BOR BOROUGH OF BUTLER	25,136.55		4193
6662	04/21/11	BOR01 BOROUGH OF BUTLER ELECTRIC	6,497.90		4193
6663	04/21/11	BR01 B&R UNIFORMS	100.00		4193
6664	04/21/11	BSN01 BSN SPORTS	2,118.51		4193
6665	04/21/11	BUR02 CHRISTOPHER BURNS	25.00		4193
6666	04/21/11	BUS01 BUSINESS GRAPHICS	1,422.40		4193
6667	04/21/11	BUZ01 THE BUZAK LAW GROUP, LLC.	5,787.14		4193
6668	04/21/11	CAR10 Cartridge World	336.97		4193
6669	04/21/11	CLI01 CLIFFSIDE BODY CORP.	281.80		4193
6670	04/21/11	COO03 COOPERATIVE COMMUNICATIONS INC	2,175.18		4193
6671	04/21/11	D2L D2L ASSOCIATES, INC.	8,751.00		4193
6777	04/21/11	Alignment Check		VOID	
6778	04/21/11	DAI02 DAILY RECORD - LEGAL AD	43.32		4193
6779	04/21/11	DAR01 DARMOFALSKI ENGINEERING ASSOC.	575.00		4193
6780	04/21/11	DEE01 DEER PARK SPRING WATER	100.64		4193
6781	04/21/11	DEL05 DELUXE INTERNATIONAL TRUCK INC	164.65		4193
6782	04/21/11	DEL08 DELTA DENTAL OF NEW JERSEY INC	7,716.14		4193
6783	04/21/11	DEP04 DEPARTMENT OF COMMUNITY AFFAIR	736.00		4193
6784	04/21/11	DIN01 DINN BROTHERS	1,305.25		4193
6785	04/21/11	ELE03 ELECTRO BATTERY SYSTEMS INC.	94.60		4193
6786	04/21/11	ENF01 ENFORSYS FIRE SYSTEMS, INC.	3,445.00		4193
6787	04/21/11	ESC03 E.S.C. ENTERPRISES INC.	400.00		4193
6788	04/21/11	ETD01 ETD DISCOUNT TIRE CENTERS, INC	1,149.90		4193
6789	04/21/11	FAL03 FALCON AUTO PARTS INC	358.92		4193
6790	04/21/11	FAV01 RALPH M. FAVA, ATTORNEY AT LAW	3,425.00		4193
6791	04/21/11	FAY01 FAYSON LAKES WATER COMPANY	11,088.00		4193
6792	04/21/11	FDR01 FDR North LLP	98.80		4193
6793	04/21/11	FED01 FED-EX	20.17		4193
6794	04/21/11	FED03 FEDERAL PUBLISHING LIMITED INC	278.50		4193
6795	04/21/11	FOR04 FORD MOTOR CREDIT COMPANY	1,380.85		4193
6796	04/21/11	GART1 GARTH LLEWELLYN	72.00		4193
6797	04/21/11	GATE1 GATEWAY TITLE AGENCY, LLC	3,813.60		4193
6798	04/21/11	GRA02 GRAMCO	1,534.00		4193
6799	04/21/11	HER05 HERB'S SPORT SHOP INCORPORATED	965.10		4193

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C	#	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Number
	6800	04/21/11	HOM02 HOME DEPOT CREDIT SERVICE	342.24	4193
	6801	04/21/11	HOR04 Horizon Office Equipment	552.00	4193
	6802	04/21/11	IND02 INDIAN SPRING \CULLIGAN WATER	129.00	4193
	6803	04/21/11	INT06 INTERNATIONAL SALT COMPANY,LLC	18,274.67	4193
	6804	04/21/11	JER03 JERSEY PAPER PLUS	533.75	4193
	6805	04/21/11	JES01 JESCO, INC.	455.55	4193
	6806	04/21/11	JJK01 J.J. KELLER ASSOCIATES, INC.	98.22	4193
	6807	04/21/11	KEE02 KEEP AMERICA BEAUTIFUL	320.60	4193
	6808	04/21/11	KEH01 KEHSA	100.00	4193
	6809	04/21/11	KIC01 KICKS "N" STICKS, INC.	540.00	4193
	6810	04/21/11	KIN09 KINNELON BOARD OF EDUCATION	1,500,000.00	4193
	6811	04/21/11	KIN10 KINEMATIC CONSULTANTS, INC	900.00	4193
	6812	04/21/11	KIN25 KINNELON JR. WRESTLING	1,075.00	4193
	6813	04/21/11	KNA03 KNAPP, TRIMBOLI & PRUSINOWSKI,	1,332.23	4193
	6814	04/21/11	LIF02 LIFESAVERS, INC.	197.34	4193
	6815	04/21/11	LOE01 LOEFFELS WASTE OIL SERVICE	61.00	4193
	6816	04/21/11	MAD03 LAW OFFICE OF MARK D. MADAIO	7,779.17	4193
	6817	04/21/11	MAG01 THOMAS MAGILL	108.00	4193
	6818	04/21/11	MCA01 MCAA OF NEW JERSEY	90.00	4193
	6819	04/21/11	MCA03 MCAA OF NJ - SPRING CONFERENCE	75.00	4193
	6820	04/21/11	MCI01 MCI EASTERN SECURITY	490.00	4193
	6821	04/21/11	MCI02 MCI COMM SERVICE	12.28	4193
	6822	04/21/11	MGL01 M.G.L. FORMS SYSTEM	40.00	4193
	6823	04/21/11	MON10 MONTVILLE RECREATION	300.00	4193
	6824	04/21/11	MOR04 MORRIS CO. REGISTRA ASSOC.	25.00	4193
	6825	04/21/11	MOR08 MORRIS COUNTY FIRE FIGHTERS &	10.00	4193
	6826	04/21/11	MOR17 MORRIS CTY TAX COLL/TREAS ASSC	20.00	4193
	6827	04/21/11	MOR21 MORRIS COUNTY M.U.A.	24,122.29	4193
	6828	04/21/11	MOT03 MOTOROLA	3,307.20	4193
	6829	04/21/11	NJD05 NJ DEPARTMENT OF TREASURY	2,000.00	4193
	6830	04/21/11	NJD07 NJ DEPT HEALTH & SENIOR SERV	580.80	4193
	6831	04/21/11	NJI01 NJ INTERGOVERNMENTAL INS. FUND	2,548.71	4193
	6832	04/21/11	NOR02 NORTH JERSEY NEWSPAPER	205.31	4193
	6833	04/21/11	OD02 DAN O'DOUGHERTY	8,385.82	4193
	6834	04/21/11	ONE02 One Call Concepts, INC.	25.68	4193
	6835	04/21/11	OXF01 OXFORD HEALTH PLANS	73,447.61	4193
	6836	04/21/11	PAE01 PAETEC COMMUNICATIONS, INC.	522.58	4193
	6837	04/21/11	PAL02 PALOS SPORTS	156.37	4193
	6838	04/21/11	PEE01 PEERLESS CONCRETE PRODUCTS CO.	345.00	4193
	6839	04/21/11	PEQ02 PEQUANNOCK TOWNSHIP	19,546.50	4193
	6840	04/21/11	PHI02 ROBERT T PHILLIPS, CPA	100.00	4193
	6841	04/21/11	PIT02 PITNEY BOWES, INC.	1,152.00	4193
	6842	04/21/11	PIT06 PITNEY BOWES- RESERVE ACCOUNT	1,500.00	4193
	6843	04/21/11	PRI06 PRIME UNIFORM SUPPLY, INC	382.88	4193
	6844	04/21/11	PRO15 PROFESSIONAL INSURANCE	8,350.00	4193
	6845	04/21/11	PSE01 P.S.E. & G.	2,296.90	4193
	6846	04/21/11	QUA01 QUALITY AUTOMOTIVE	1,025.78	4193
	6847	04/21/11	RIC05 RICOH CORPORATION	319.79	4193
	6848	04/21/11	RID03 RIDGEWOOD PRESS	85.00	4193
	6849	04/21/11	RIV03 RIVERDALE POWER MOWER INC.	23.66	4193
	6850	04/21/11	ROY01 ROYAL COMMUNICATIONS INC.	378.77	4193
	6851	04/21/11	SAN03 Tony Sanchez, LTD	603.00	4193
	6852	04/21/11	SC001 BOB SCORZO	760.55	4193
	6853	04/21/11	SCH03 SCHMITZ SAFE & LOCK COMPANY	37.00	4193

BOROUGH OF KINNELON  
Check Register By Check Date

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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
6854	04/21/11	SHO01	SHOTMEYER BROS. FUEL CORP.	1,371.59	4193
6855	04/21/11	SMA01	SMART STOP STATE RT 23	524.00	4193
6856	04/21/11	SOLE1	JOHN & GINA SOLENSKY	1,814.23	4193
6857	04/21/11	SPA04	SPARCTECH SOLUTIONS LLC	2,138.97	4193
6858	04/21/11	SPO05	SPOT-A-WAY	225.00	4193
6859	04/21/11	SS01	S AND S	1,058.29	4193
6860	04/21/11	STA05	STATE OF NEW JERSEY PWT	18.23	4193
6861	04/21/11	STA22	STADIUM SYSTEM	251.50	4193
6862	04/21/11	SUB03	SUBURBAN DISPOSAL	37,194.44	4193
6863	04/21/11	TAN02	NU-LOOK CONTRACTING	130.00	4193
6864	04/21/11	THE09	THE HARTFORD STEAM & BOILER	110.00	4193
6865	04/21/11	TRE02	TREASURER, STATE OF NEW JERSEY	150.00	4193
6866	04/21/11	TRE05	TREAS. STATE OF NEW JERSEY	830.00	4193
6867	04/21/11	TUR01	TURN-OUT FIRE AND SAFETY	180.97	4193
6868	04/21/11	UNI04	UNIVERSAL JOINT DRIVE SERVICE	174.50	4193
6869	04/21/11	UNI12	UNITED AUTOMATIC FIRE SPRINKLR	250.00	4193
6870	04/21/11	VER01	VERIZON	149.30	4193
6871	04/21/11	VER06	VERIZON WIRELESS	428.29	4193
6872	04/21/11	VFI01	VFIS BENEFITS DIVISION	1,499.90	4193
6873	04/21/11	WAT01	WATER WORKS SUPPLY COMPANY	84.50	4193
6874	04/21/11	WBM01	W.B. MASON COMPANY INC.	0.00	04/21/11 VOID 0
6875	04/21/11	WBM01	W.B. MASON COMPANY INC.	1,054.78	4193
6876	04/21/11	WHR01	PETER WHRITENOUR ELECTRIC CO.	215.00	4193
6877	04/21/11	WIL09	WILLIAM F. ZIMMERLY & ASSOC.	700.00	4193
6878	04/21/11	XTR01	XTREME GRAPHICS LLC	1,650.00	4193
6879	04/21/11	ALI04	ALLIED OIL COMPANY	4,857.18	4196
6880	04/21/11	DAR01	DARMOFALSKI ENGINEERING ASSOC.	230.00	4196
6881	04/21/11	FIN04	FINCH FUEL OIL CO. INC.	1,789.64	4196
6882	04/21/11	SPA04	SPARCTECH SOLUTIONS LLC	3,000.00	4196

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	130	2	0.00	1,952,192.75
Direct Deposit:	0	0	0.00	0.00
<b>Total:</b>	<b>130</b>	<b>2</b>	<b>0.00</b>	<b>1,952,192.75</b>

PLANNING 2	Columbia Bank			
1536	04/21/11	CAR15	WILLIAM J. CARROLL	655.00 4195
1537	04/21/11	DAR01	DARMOFALSKI ENGINEERING ASSOC.	2,645.00 4195

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	2	0	0.00	3,300.00
Direct Deposit:	0	0	0.00	0.00
<b>Total:</b>	<b>2</b>	<b>0</b>	<b>0.00</b>	<b>3,300.00</b>

WIRES	WIRES			
547	03/28/11	BOR02	BOROUGH OF KINNELON	239,223.79 4185
548	03/28/11	BOR02	BOROUGH OF KINNELON	250.93 4186
605	04/06/11	BOR02	BOROUGH OF KINNELON	183,979.03 4189
638	04/21/11	BOR02	BOROUGH OF KINNELON	185,073.43 4194

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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
<b>Checking Account Totals</b>					
			<u>Amount Void</u>	<u>Amount Paid</u>	
Checks:	4	0	0.00	608,527.18	
Direct Deposit:	0	0	0.00	0.00	
<b>Total:</b>	<b>4</b>	<b>0</b>	<b>0.00</b>	<b>608,527.18</b>	
<b>Report Totals</b>					
			<u>Amount Void</u>	<u>Amount Paid</u>	
Checks:	136	2	0.00	2,564,019.93	
Direct Deposit:	0	0	0.00	0.00	
<b>Total:</b>	<b>136</b>	<b>2</b>	<b>0.00</b>	<b>2,564,019.93</b>	

NO. 161                      APRIL 21, 2011  
 BOROUGH OF KINNELON  
 Check Register By Check Date

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Description	Fund	Budget Total	Revenue Total
CURRENT FUND APPROPRIATIONS	0-01	11,047.80	0.00
WATER FUND	0-05	18.23	0.00
SEWER FUND	0-07	4,536.63	0.00
Year Total:		15,602.66	0.00
CURRENT FUND APPROPRIATIONS	1-01	2,336,377.30	0.00
WATER FUND	1-05	28,084.83	0.00
SEWER FUND	1-07	92,887.99	0.00
Year Total:		2,457,350.12	0.00
ACCUMULATED ABSENSE TRUST	A-24	47,630.00	0.00
	C-04	7,122.00	0.00
DOG TAX	D-13	6,251.63	0.00
STATE AND FEDERAL GRANTS	G-02	4,420.60	0.00
HISTORICAL TRUST FUND	H-14	700.00	0.00
	O-06	1,650.00	0.00
RECREATION SPECIAL	R-16	15,094.71	0.00
	T-23	1,697.66	0.00
	V-27	2,745.00	0.00
RECYCLE FUND	Y-21	455.55	0.00
Total of All Funds:		2,560,719.93	0.00

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Project Description	Project No.	Project Total
125 Kiel Ave	1338	230.00
8 CEDAR TRAIL	1352	655.00
5 BIRCHWOOD TRAIL	1353	345.00
15 GALLOWAY TERRACE	1356	460.00
1 HOLLY TRAIL	1357	345.00
1 MARIA LANE	1358	345.00
COHEN, 7 MAGDALENA, #300018	300018	230.00
38 Kiel Avenue	338	345.00
65 DENISE DRIVE	884532	345.00
Total of All Projects:		<u>3,300.00</u>

- B. Approval of Minutes January 17 (Special Meeting) and March 17, 2011 (Regular Meeting)  
NO. 163 APRIL 21, 2011
- C. RESOLUTION 4.01.11 – Refund for Overpayment of Sewer Payment – 80 Garden Place  
(Attached)
- D. RESOLUTION 4.02.11 – Refund of Overpayment of 3<sup>rd</sup> Quarter 2010 Taxes – 11 Hilltop Rd  
(Attached)
- E. RESOLUTION 4.03.11 – Refund of Taxes Due to Reduced Assessments on Various Properties  
owned by the Borough of Butler (Attached)
- F. RESOLUTION 4.04.11 – Granting Utilization of Dedicated Land as Driveway & Execution  
of Driveway Agreement (Attached)
- G. RESOLUTION 4.05.11 – In Support of A-3412 Sharing of Burden of Tax Appeals by School  
and County (Attached)
- H. RESOLUTION 4.06.11 – Bicycle Touring Club of North Jersey Request - Use Municipal Grounds  
(Attached)
- I. RESOLUTION 4.07.11 – Award of Professional Service Contract – DMC for Cutlass Road  
Surveying (Attached)
- J. RESOLUTION 4.08.11 – Award of Professional Service Contract – Atlantic for  
Environmental Issues - Underground Storage Tanks at DPW (Attached)
- K. RESOLUTION 4.09.11 – Authorize Clerk to Advertise for RFQ/RFP for Municipal Planner  
(Attached)
- L. RESOLUTION 4.10.11 – Cancel Unexpended Water Utility Balances Retroactive to 12/31/10  
(Attached)
- M. RESOLUTION 4.11.11 – Interlocal Agreement to Renew Shared Service of CFO (Attached)
- N. RESOLUTION 4.12.11 – Authorizing Borough Engineer to Act on Matters Relating to  
Stormwater Regulation (Attached)
- O. RESOLUTION 4.13.11 – Authorize Execution of Interlocal Agreement with Boonton Twp. for  
Stormwater Services (Attached)
- P. RESOLUTION 4.14.11 – Approving Morris County Multi-Jurisdictional Hazard Mitigation Plan  
(Attached)
- Q. RESOLUTION 4.15.11 – Refund of Planning Board Escrow Account – 8 Cedar Trail (Attached)
- R. PROCLAMATION – CLICK IT OR TICKET CAMPAIGN – MAY 23 THROUGH JUNE 5  
(Attached)

RES. # 4. 01. 11

BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon that a warrant be drawn to Garth Llewellyn in the amount of \$72.00 representing refund for overpayment of sewer utility for Block 133, Lot 16 also known as 80 Garden Place.

ROLL CALL:

April 21, 2011  
Lisa A. Kimkowski, C.T.C.  
Tax Collector  
Borough of Kinnelon

I, Elizabeth M. Sebrowski, Borough Clerk, Borough of Kinnelon, hereby certify this to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council on April 21, 2011.

DATE: 4/21/11

  
Elizabeth M. Sebrowski, Borough Clerk

RES. # 4.02.11

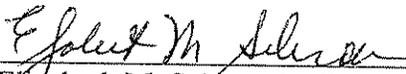
BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Kinnelon, New Jersey, that a warrant be drawn to John & Gina Solensky, in the amount of \$1,814.23, representing refund for overpayment of 3<sup>rd</sup> Qtr 2010 property taxes for Block 26.02, Lot 115.11, also known as 11 Hilltop Rd., Kinnelon, New Jersey.

ROLL CALL:

April 21, 2011  
Lisa A. Kimkowski, C.T.C.  
Tax Collector  
BOROUGH OF KINNELON

I, Elizabeth M. Sebrowski, Borough Clerk, Borough of Kinnelon, hereby certify this to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council on April 21, 2011.

DATE: 04/21/11

  
Elizabeth M. Sebrowski, Borough Clerk

## RESOLUTION # 4.03.11

**WHEREAS**, the Tax Assessor of The Borough of Kinnelon has reduced assessments on certain properties in the Borough of Kinnelon; and

**WHEREAS**, the reduced assessments created an overpayment of taxes for the year 2010 on certain properties:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Refund Amount</u>
34	92	Borough of Butler	\$ 2,650.97
34	183.02	Borough of Butler	805.36
34	184.01	Borough of Butler	926.94
37	18	Borough of Butler	588.54
38	1	Borough of Butler	1,049.85
57	1	Borough of Butler	2,656.75
57	93	Borough of Butler	2,652.66
58	116	Borough of Butler	9,268.45

Total \$ 20,599.52

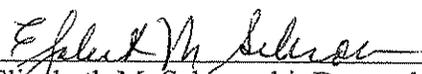
**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Kinnelon be authorized to draw a check in the amount of \$20,599.52 made payable to the Borough of Butler.

## ROLL CALL:

April 21, 2011  
 Lisa A. Kimkowski, C.T.C.  
 Tax Collector  
 Borough of Kinnelon

I, Elizabeth M. Sebrowski, Borough Clerk, Borough of Kinnelon, hereby certify this to be a true copy of the resolution duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council on April 21, 2011.

DATE: 4/21/2011

  
 Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION NO. 4.04.11

GRANTING LICENSE TO ALLOW  
UTILIZATION OF DEDICATED LAND  
AS DRIVEWAY AND AUTHORIZING  
EXECUTION OF DRIVEWAY LICENSE  
AGREEMENT

WHEREAS, certain real property located at the intersection of Strong Drive and Derrygally Circle, in the Borough of Kinnelon, was dedicated by Deed dated December 28, 1955 to the Borough of Kinnelon ("Borough") for public use; and

WHEREAS, the aforementioned dedicated land abuts certain real property identified on the Official Tax Map of the Borough of Kinnelon as Block 59, Lot 3, otherwise known as 23 Derrygally Circle; and

WHEREAS, John Venade and Elisa Sassone ("Owners") are the Owners of Block 59, Lot 3, which contains a single-family dwelling in which the Owners reside; and

WHEREAS, the Owners have requested permission from the Borough to utilize a portion of the land dedicated to the Borough by Deed of December 28, 1955, as a driveway to provide access to Block 59, Lot 3 from Derrygally Circle; and

WHEREAS, The Borough wishes to accommodate the Owner's request but does not wish to convey any interest in the real property which has been dedicated to the Borough.

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

1. A license is hereby granted to the Owners to permit Owners, their agents and invitees to cross over and to pave the surface of that portion of the lands dedicated to the Borough and described in certain Driveway License Agreement by and Between the Borough of Kinnelon and John Venade and Elisa Sassone, in order to provide access to Block 59, Lot 3 on the Official Tax Map of the Borough of Kinnelon, The terms and conditions of said license are as set forth in the aforementioned Driveway License Agreement, which terms and conditions are hereby approved and ratified.

2. Upon execution of the Driveway License Agreement by the Owners, the appropriate Borough officials are hereby authorized and directed to execute the Driveway License Agreement on behalf of the Borough.

3. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of the Resolution.

4. This Resolution shall take effect immediately.

DATED: *April 21, 2011*

CERTIFICATION

I, Elizabeth M. Sebrowski, RMC, 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 Kinnelon at a April advertised and convened meeting held on *April 21, 2011.*

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Elizabeth M. Sebrowski, RMC  
Borough Clerk

## RESOLUTION 4.05.11

RESOLUTION SUPPORTING A-3412  
SHARING THE BURDEN OF PROPERTY  
ASSESSMENT APPEAL REFUNDS

**WHEREAS**, when County Tax Board appeals are granted the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

**WHEREAS**, the municipal tax collector makes the adjustment from the appeal as a credit on the 4<sup>th</sup> quarter tax bill resulting in the municipality's fund balance for the preceding year to diminished, if not completely depleted; and

**WHEREAS**, a recent League of Municipalities' survey has measured the extent to which residents have filed and won tax appeals in 2010; and

**WHEREAS**, one hundred fifty (150) municipalities, representing all both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

**WHEREAS**, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

**WHEREAS**, a municipality often experiences an increase in tax appeals because they have conducted a revaluation, however, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations; and

**WHEREAS**, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

**WHEREAS**, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

**WHEREAS**, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

**WHEREAS**, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

**WHEREAS**, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions, which were granted by County Tax Boards in 2010, will have a multiplier effect when neighbors learn of their neighbor's tax

reduction, which will likely increase the appeals and in the alternative, Tax Assessors could be forced to adjust property values, based upon the appeal information; and

**WHEREAS**, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the School district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the full cost of any re-imburements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County governments and School systems; and

**WHEREAS**, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

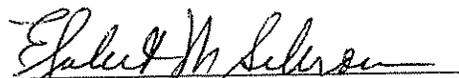
**WHEREAS**, Assemblyman Carroll has recently introduced A-3412, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

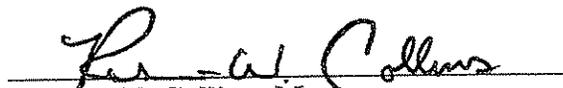
**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Kinnelon hereby urge the swift passage and signing of A-3412; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

**Dated: April 21, 2011**

**Attest:**

  
Elizabeth M. Sebrovski, RMC

  
Robert W. Collins, Mayor

RESOLUTION 4.06.11

AUTHORIZING THE BICYCLE CLUB OF NORTH  
JERSEY TO USE THE MUNICIPAL BUILDING  
GROUNDS AS A REST STOP AND REFRESHMENT  
AREA ON AUGUST 14, 2011

WHEREAS, the Bicycle Club of North Jersey will be holding their fourteenth annual Ramapo Rally which will attract over 1,000 riders of all abilities to ride routes from twelve to one hundred and twenty five miles; and

WHEREAS, one such route will lead the riders from Campgaw through the Borough of Kinnelon between the hours of 8:00 a.m. and 11:00 a.m.; and

WHEREAS, the Bicycle Club of North Jersey is a proud sponsor of Camp Sunshine and Camp Snowflake which provides special activities for multiply-disabled children and young adults for both Monday through Friday activities during the summer and Saturdays during the school year.

WHEREAS, the Club has again requested to set up refreshment tables and port-o-johns in the municipal parking area for the bicyclists; and

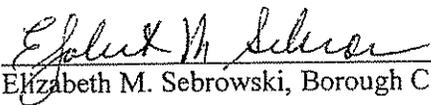
WHEREAS, the Club has assured the Borough they will provide a \$1,000,000.00 insurance certificate with the Borough as insured and will treat the municipal grounds with their greatest respect.

NOW, THEREFORE, BE IT RESOLVED that the Kinnelon Mayor and Council hereby approve the use of the municipal parking area for a refreshment and rest stop for those bicyclists who participate in the Ramapo Rally on Sunday August 14, 2011; and

BE IT FURTHER RESOLVED that the Bicycle Club of North Jersey shall provide an insurance certificate to the Borough in the amount of \$1,000,000.00; and

BE IT FURTHER RESOLVED that the Chief of Police be provided with a traffic plan, estimate of riders as well as an estimated time of arrival and departure.

Dated: April 21, 2011

  
Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION NO. 4.07.11

RESOLUTION AUTHORIZING THE  
EXECUTION OF A CONTRACT FOR  
CUTLASS ROAD IMPROVEMENTS WITH  
DMC ASSOCIATES FOR A TOTAL COST  
OF \$9,200.00

WHEREAS, the Borough of Kinnelon ("Borough") is required by the New Jersey Department of Transportation to prepare an as-built conditions for Cutlass Road, an as-built survey of existing conditions of Brook Valley Road improvements; and

WHEREAS, the Borough desires to award a contract to DMC Associates ("DMC"), located at 211 Main Street, Butler, New Jersey 07405 for the total price of \$9,200.00 , in accordance with the Proposal of Services dated April 21, 2011 prepared by DMC; and

WHEREAS, the total contract price does not exceed the Borough's bid threshold and, therefore, this contract can be awarded without public bidding; and

WHEREAS, the contract with DMC for said survey is for a total contract price which does not exceed \$17,500, therefore, the requirements of N.J.S.A. 19:44A-20.5 (Pay to Play Legislation) do not apply; and

WHEREAS, the Borough desires to enter into the contract referenced above with DMC.

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

1. The Borough hereby hires employs and retains DMC, located at 211 Main Street, Butler, New Jersey 07405, to provide professional surveying services as provided in detail in the Proposal of Services dated April 21, 2011, prepared by DMC for a total price of \$9,200.

2. The total contract price is less than the Borough's bid threshold and is therefore exempt from the bidding requirements under the Local Public Contract Law, N.J.S.A. 40A:11-1 et seq.

3. The Mayor and Borough Clerk are hereby authorized to execute the Agreement and together with all appropriate officers, employees, professionals and staff of the Borough are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.

4. The award is also subject to compliance with the Equal Employment Opportunity Requirements pursuant to N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27. The foregoing award is further subject to the certification of availability of funds by the appropriate officers of the Borough.

5. It is hereby directed that Notice of Award of this Contract shall be published once in the official designated newspaper of the Borough within ten (10) days of the date hereof.

6. This Resolution shall take effect immediately.

CERTIFICATION

I, Elizabeth M. Sebrowski, Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_, 2011.

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Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 4.08.11

AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO ATLANTIC ENVIRONMENTAL SOLUTIONS, INC FOR ENVIRONMENTAL SERVICES IN CONNECTION WITH THE KINNELON DPW BLOCK 11, LOT 49.02 BY THE BOROUGH OF KINNELON

WHEREAS, the Borough of Kinnelon ("Borough ") has agreed to retain Atlantic Environmental Solutions, Inc. located at , 5 Marine View Plaza, Hoboken, New Jersey 07030 to provide the necessary environmental services as specifically outlined in the March 15, 2011 proposal submitted by Jeffrey Anderson, CHMM, LSRP, Vice President; and

WHEREAS, the contract with Environmental Solutions, Inc for said environmental services is for a total amount not to exceed Thirty Seven Thousand Four Hundred Thirty Five Dollars (\$37,435.00) therefore the requirements of N.J.S.A 19:44A-20.5 (/abut Oat-to Play Legislation) do not apply; and

WHEREAS, there are funds available for the retention of such professional services; and

WHEREAS, said professional services may be retained without competitive bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

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

1. The Borough hereby hires, employs and retains Atlantic Environmental Solutions, Inc located at 5 Marine View Plaza, Hoboken, New Jersey 07030 to provide environmental services in connection with Block 11, Lot 49.02 as specifically outlined in the proposal submitted to the Borough dated March 15, 2011 by Jeffrey Anderson, CHMM, LSRP, Vice President.
2. Atlantic Environmental Solutions, Inc. shall be compensated at the rate as provided in the Proposal for a total contract amount not to exceed Thirty Seven Thousand, Four Hundred Thirty Five Dollars (\$37,435.00).
3. The contract with said Atlantic Environmental Solutions, Inc. firm is for professional services and exempt from the bidding requirements under the Local Public Contracts Law, N.J.S.A. 40A11-1 et seq.
4. The award is also subject to compliance with the Equal Employment Opportunity Requirements pursuant to N.J.S.A 10:5-31 et seq. and N.J.A.C. 17:27.
5. The Mayor and Borough Clerk, together with all appropriate officers, employees, professionals and staff of the Borough are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.

6. It is hereby directed that Notice of Award of this Contract shall be published one in the official designated newspaper of the Borough within ten (10) days of the date hereof.

7. This resolution shall take effect immediately.

CERTIFICATION

I, Elizabeth M. Sebrowski, 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 April 21, 2011.

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Elizabeth M. Sebrowski, Borough Clerk

**BOROUGH OF KINNELON  
MORRIS COUNTY, NEW JERSEY  
NOTICE OF AWARD OF CONTRACT**

The Borough of Kinnelon has awarded a Contract for professional service without competitive bidding in accordance with N.J.S.A. 40A:11-5(1)(A)(I). The Contract and Resolution awarding it are available for public inspection at the Office of the Borough Clerk, Borough of Kinnelon, Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey 07405.

<b>AWARDED TO:</b>	Atlantic Environmental Solutions Inc. 5 Marine View Plaza Suite 303 Hoboken, NJ 07030
<b>SERVICES:</b>	Prepare remedial Action Workplan For Monitored Natural Attenuation of underground storage tanks
<b>COMPENSATION:</b>	NOT TO EXCEED - \$37,435.00  BOROUGH OF KINNELON COUNTY OF MORRIS, STATE OF NEW JERSEY

Dated: April 21, 2011

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Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 4.09.11

AUTHORIZE CLERK TO ADVERTISE  
FOR RFQ/RFP – BOROUGH PLANNER  
PROFESSIONAL SERVICE AGREEMENT

WHEREAS, it is necessary for the Borough of Kinnelon to have a Borough Planner to assist with the preparation of the reexamination of the Master Plan as well as advising the governing body on the rules and regulations of the Council on Affordable Housing requirements; and

WHEREAS, the appointment of the Municipal Planner is through a Professional Service Agreement; and

WHEREAS, the Borough of Kinnelon has a need to acquire professional services pursuant to N.J.S.A. 40A:11-5 (1)(a)(i) utilizing a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the CMFO has determined and certified in writing that the value of the services will not exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, the governing body of the Borough of Kinnelon has certified that the professional services for the Kinnelon Mayor & Council provided by the below listed professionals will not exceed \$17,500.

NOW, THEREFORE, BE IT RESOLVED by the Kinnelon Mayor and Council that the Municipal Clerk is hereby authorized to advertise on the Borough's website for Request for Qualifications and Request for Proposals for the position of Borough Planner due to the retirement of the current appointed individual.

Dated: April 21, 2011

  
Elizabeth M. Sebrovski, Borough Clerk

**RESOLUTION 4.10.11**

**A RESOLUTION TO CANCEL  
UNEXPENDED WATER UTILITY  
OTHER EXPENSE BALANCES  
RETROACTIVE TO DECEMBER 31,  
2010**

**WHEREAS**, there existed an unexpended 2010 Water Utility Other Expenses Emergency at December 31, 2010; and

**WHEREAS**, there were no outstanding commitments against said emergency; and

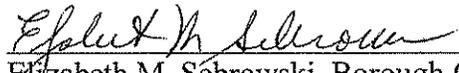
**WHEREAS**, it is necessary to formally cancel said balance retroactive to December 31, 2010, so the emergency previously authorized will be reduced by fifty percent

**NOW, THEREFORE, BE IT RESOLVED**, that the following unexpended emergency authorization be cancelled:

Water Utility, Emergency Authorization	\$35,000.00
--	-------------

**BE IT FURTHER RESOLVED**, that the required Deferred Charge appropriation for 2011 be reduced to \$35,000 and that a certified copy of this resolution be sent to the Division of Local Government Services with the 2011 introduced budget.

I hereby certify this is a true copy of a resolution canceling unexpended emergency authorization adopted by the governing body on the 21<sup>st</sup> of April, 2011.

  
 \_\_\_\_\_  
 Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 4.11.11

AUTHORIZATION TO RENEW SHARED SERVICE  
AGREEMENT WITH BOONTON TOWNSHIP  
FOR THE PURPOSE OF SHARING A PART TIME  
CHIEF MUNICIPAL FINANCIAL OFFICER

WHEREAS, N.J.S.A. 40A:9-140.10 requires that in every municipality there shall be a Chief Financial Officer ("CFO"); and

WHEREAS, the Borough of Kinnelon entered into an Interlocal Agreement for Shared Service of a part-time Chief Financial Officer with the Township of Boonton; and

WHEREAS, the Borough desires to renew the agreement for a one year term and authorize the Mayor to execute said Agreement; and

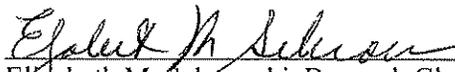
WHEREAS, the Interlocal Agreement has been reviewed by the governing body and Borough Attorney and find the Agreement to be acceptable.

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

1. The terms and conditions of a certain Interlocal Services Agreement for the Services of a Chief Financial Officer ("CFO") to be provided to the Borough of Kinnelon ("Borough") by the Township of Boonton ("Township") be and the same are hereby approved, ratified and confirmed by the Borough.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the Interlocal Services Agreement with the Township of Boonton under the terms and conditions set forth herein, and furthermore, said officers, along with all other appropriate officers, employees and independent contractors of the Borough 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, Elizabeth M. Sebrovski, R.M.C., Borough Clerk of the Borough of Kinnelon, do hereby certify this to be a true copy of a resolution adopted by the governing body of the Borough of Kinnelon at its meeting on April 21, 2011.

  
Elizabeth M. Sebrovski, Borough Clerk

RESOLUTION 4.12.11

AUTHORIZING BOROUGH ENGINEER TO ACT AS  
RESPONSIBLE OFFICIAL ON MATTERS RELATING  
TO MUNICIPAL STORMWATER REGULATION PROGRAM

WHEREAS the State of New Jersey Department of Environmental Protection (NJDEP) requires the Borough of Kinnelon to submit annual reports and other supporting documentation in connection with the Municipal Stormwater Regulation Program which regulates the discharge of stormwater from municipal separate storm sewers; and,

WHEREAS the NJDEP requires such annual reports and other supporting documentation to be signed by a "Responsible Official" in accordance N.J.A.C. 7:14A-4.9; and,

WHEREAS the "Responsible Official" for government agencies are defined as a ranking elected official; or a senior executive officer such as an Administrator; or a duly authorized representative; and,

WHEREAS the Borough Engineer is the Stormwater Program Coordinator of the Borough's Stormwater Pollution and Prevention Plan (SPPP) and is the most familiar with the reporting requirements of the Municipal Stormwater Regulation Program and other compliance matters relating to the Borough's stormwater discharge permit; and,

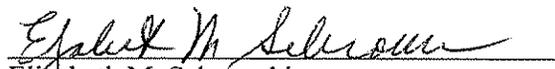
WHEREAS the Borough of Kinnelon wishes to recognize the position of Borough Engineer as being a "duly authorized representative" of Borough of Kinnelon in matters involving the Municipal Stormwater Regulation Program.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kinnelon that the Borough Engineer is duly authorized to act as a responsible official for matters relating to the Municipal Stormwater Regulation Program and is authorized to sign annual reports and/or other documentation as may be necessary to comply with the NJDEP stormwater discharge permit requirements.

APPROVED: April 21, 2011

I, Elizabeth M. Sebrowski, R.M.C., Municipal Clerk of the Borough of Kinnelon, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council of the Borough of Kinnelon at a regular meeting held on April 21, 2011.

Dated: 4/21/11

  
Elizabeth M. Sebrowski

## RESOLUTION 4.13.11

AUTHORIZE EXECUTION OF AN INTERLOCAL  
SERVICES AGREEMENT BETWEEN THE  
BOROUGH OF KINNELON AND THE TOWNSHIP  
OF BOONTON TO PROVIDE STORMWATER  
MANAGEMENT SERVICES

WHEREAS, the Governing Body has learned that Boonton Township is in need of Stormwater Management Services in order to conform with the New Jersey Stormwater Regulations; and

WHEREAS, the Governing Body finds and declares that such services fall within the scope of the Interlocal Services Act ("Act"), N.J.S.A. 40:8A-1, et seq., which authorizes a municipality to contract with another governmental entity for the provision of a service that a municipality is empowered to render under state law; and

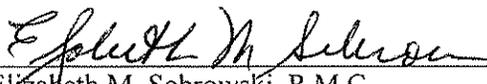
WHEREAS, the Governing Body further finds and declares that authorization of interlocal service agreements for stormwater management services would implement the Governing Body's declared intention of expanding the scope of its existing Interlocal agreements, which would be in the best interest of the fiscal health and integrity of the Borough's municipal government and the citizenry served thereby.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Kinnelon does hereby authorize any and all appropriate municipal officials to execute an Interlocal Services Agreement with the Township of Boonton in connection with providing stormwater management services, subject to review by the Mayor and Borough Attorney as to the form and content of said agreement.

Dated: 4/21/11

## CERTIFICATION

I, Elizabeth M. Sebrowski, Borough Clerk, hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Kinnelon at a regular meeting held on April 21, 2011.

  
Elizabeth M. Sebrowski, R.M.C.  
Borough Clerk, Borough of Kinnelon

## RESOLUTION 4.14.11

## APPROVING THE MORRIS COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Borough of Kinnelon is vulnerable to damages from natural hazard events which pose a threat to public health and safety and could result in property loss and economic hardship; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan ("The Plan") has been developed through the work of the Morris County Hazard Mitigation Planning Committee, the Borough of Kinnelon Hazard Mitigation Working Group and interested parties within the Borough; and

WHEREAS, the Plan recommends hazard mitigation actions that will protect people and property affected by natural hazards that face the Borough, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce the Borough's leadership in emergency preparedness efforts; and

WHEREAS, the Disaster Mitigation Act of 2000 (P.L. 106-390) (DMA 2000) and associated Federal Regulations published under 44 CFR Part 201 require the Borough to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities; and

WHEREAS, public meetings were held to receive comment on the Plan as required by DMA 2000.

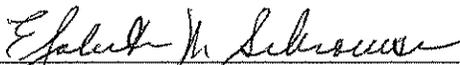
NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

1. That the Borough Council hereby adopts the Morris County, New Jersey, Multi-Jurisdictional Hazard Mitigation Plan, dated July 23, 2010 as this jurisdiction's official Natural Hazard Mitigation Plan and resolves to execute the actions in the Plan as an official plan of the Borough of Kinnelon; and
2. The Borough's officials identified in the Mitigation Action Plan (Section 9) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments and progress to the Borough's Hazard Mitigation Working Group and the Borough's Municipal Engineer; and
3. The Borough's Hazard Mitigation Working Group will provide annual progress reports on the status of implementation of the Plan to the Mayor. This report shall be submitted by February 1 of each year.

4. The Borough's Hazard Mitigation Working Group will undertake periodic updates of the Plan as indicated in the Plan Maintenance Program (Section 10), but no less frequent than every five years.
5. Members of the Borough's Local Emergency Planning Council (LEPC) shall also serve as the Borough's Hazard Mitigation Working Group for purposes of the Plan.

Dated: April 21, 2011

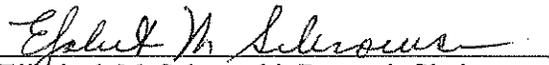
ATTEST:

  
Elizabeth M. Sebrowski, Borough Clerk

  
Robert W. Collins, Mayor

CERTIFICATION

I, Elizabeth M. Sebrowski, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey to hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Kinnelon Borough Mayor and Council at a meeting held on April 21, 2011.

  
Elizabeth M. Sebrowski, Borough Clerk

Morris County Multi-Jurisdictional Hazard Mitigation Planning Project

Statement of Intent

Borough of Kinnelon  
Municipality  
Morris County



We intend to participate in the multi-jurisdictional All-Hazard mitigation planning process and have reviewed the list of responsibilities required of participating municipalities.



We do not intend to participate in the multi-jurisdictional flood mitigation planning process. Furthermore, we understand that we will not be eligible for future federal flood mitigation assistance funds. We also understand that we will miss this unique opportunity to develop a regional flood mitigation plan which, with an additional measure of municipal effort and assistance by NJOEM, can be transformed into an All Hazards Mitigation Plan.

Signature of Local Official:

Glenn L. Sisco

01/10/08  
Date

GLENN L. SISCO  
Printed Name

MAYOR  
Title

Local Liaison (point of contact for the municipality):

Harry C. Hicks  
Name

EMC  
Title

HarryChicks@aol.com  
Email

973-838-5415  
Phone Number

4 Cherry Tree Lane  
Kinnelon, NJ 07405  
Address

Please return by fax or mail to Richard H. Loock, Deputy Coordinator  
Fax: (973-829-8604)  
Mail: Morris County O.E.M. PO Box 900, Morristown, NJ 07960-0900

RESOLUTION 4.15.11

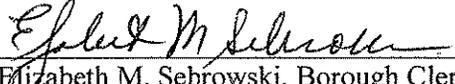
Closing Escrow Account  
8 Cedar Trail – Block 65, Lot 14

WHEREAS, the Borough of Kinnelon received a check from William J. Carroll in order to set up an escrow account for Planning Board II Escrow; and

WHEREAS, the office of the Borough of Kinnelon, Planning Board, has advised the Mayor and Council that the escrow account for William J. Carroll totaling \$655.00 for the property at 8 Cedar Trail is no longer needed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kinnelon that the said account be closed and a check in the amount of \$655.00 be returned to William J. Carroll at 8 Cedar Trail, Kinnelon, New Jersey 0740

Dated: April 21, 2011

  
Elizabeth M. Sebrovski, Borough Clerk

# PROCLAMATION

WHEREAS, there were 554 motor vehicle fatalities in New Jersey in 2010; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 23 – June 5, 2011 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 93.73% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

THEREFORE, be it resolved that the Borough of Kinnelon declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 23- June 5, 2011 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

Dated: APRIL 24, 2011



Robert W. Collins  
Mayor

The foregoing motions and resolutions were approved by the following roll-call vote:

Roll Call: J. Freda, Yes; Yes; S. Cobell, Yes;  
G. Moleta, Yes; A. SanFilippo, Yes;  
R. Mondello, Yes.

**ORDINANCE 3-11 – AMENDING CHAPTER 53- PERSONNEL POLICY**

The Mayor read the following notice and ordinance in full and stated that this ordinance was introduced and passed on first reading at a regular meeting of the governing body held on March 17, 2011.

**ORDINANCE NO. 3-11 AN ORDINANCE TO AMENDING CHAPTER 53, PERSONNEL POLICIES, SECTION 53-2 ADOPTION OF POLICY**

**WHEREAS**, the Borough Council of the Borough of Kinnelon ("Borough") desires to amend Chapter 53 Personnel Policies, Section 53-2, Adoption of Policy.

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

**SECTION 1.** Chapter 53, Personnel Policies, Section 53-2, Adoption of Policy, of the "Revised General Ordinances of the Borough of Kinnelon" is hereby amended to read as follows:

**§ 53-2. Adoption of Policy**

The Borough of Kinnelon Personnel Policy, dated March 2010, is hereby adopted by the Borough of Kinnelon, and its provisions as may be amended from time to time shall be deemed controlling with respect to all matters addressed therein, particularly the rights, duties, benefits, terms and conditions of employment and evaluation procedures for those employees specified in §53-1.

**SECTION 2. SEVERABILITY.** 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.



**ORDINANCE 4-11**  
**AN ORDINANCE TO SUPPLEMENT BOROUGH**  
**ORDINANCE 6-09 ENTITLED AN ORDINANCE**  
**TO AMEND AND SUPPLEMENT CODE 151**  
**PEDDLERS AND SOLICITORS, OF THE**  
**CODE OF THE BOROUGH OF KINNELON, NEW JERSEY,**  
**TO ALLOW PRIVATELY OWNED DONATION CLOTHING BINS**

WHEREAS, N.J.S.A 40:48-2 permits a municipality to make and amend an ordinance as it may deem necessary and proper for good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Borough Council of the Borough of Kinnelon ("Borough") desires to amend and supplement Chapter 151, Peddlers and Solicitors, of the Code of the Borough of Kinnelon, New Jersey.

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

**SECTION 1.** Chapter 151, Peddlers and Solicitors, of the Code of the Borough of Kinnelon, New Jersey, shall be supplemented to add the following:

**§111-3 Permit Required,** Section B shall be amended to add the word **OR** at the end of the section, and

**§111-3 Permit Required** shall be amended to add Section C as follows:

C. The Donation clothing bin is owned by a "for profit" entity that is in contract to pay a fee to the Borough.

**SECTION 2. SEVERABILITY.** 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 3. INCONSISTENT ORDINANCES.** Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon passage and publication according to law.

There was no desire to discuss this ordinance, and the Mayor asked the Clerk to call the roll on the introduction of Ordinance 4-11, and the vote was as follows:

Roll Call: J. Freda, Yes; Yes; S. Cobell, Yes;  
G. Moleta, Yes; A. SanFilippo, Yes;  
R. Mondello, Yes.

Councilman J. Freda then offered the following resolution, seconded by Councilman G. Moleta.

WHEREAS, the above ordinance was introduced at this meeting held on April 21, 2011 and read by title, and passed on first reading;

NOW, THEREFORE, BE IT RESOLVED That at the regular meeting to be held on May19, 2011 at 8:00 p.m., 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 Clerk of this Borough is hereby directed to publish the proper notice thereof.

The Mayor then asked the Clerk to call the roll on the passage of the above resolution, and the vote was as follows:

Roll Call: J. Freda, Yes; Yes; S. Cobell, Yes;  
G. Moleta, Yes; A. SanFilippo, Yes;  
R. Mondello, Yes.

**ORDINANCE 5-11 – CALENDAR YEAR 2011 TO EXCEED BUDGET & ESTABLISH CAP BANK**

Councilman G. Moleta introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman A. SanFilippo.

Thereupon, the ordinance was read by title:

**ORDINANCE #5-11**

**CALENDAR YEAR 2011**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to **2.0%** unless authorized by ordinance to increase it to **3.5%** over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Borough of Kinnelon in the County of Morris finds it advisable and necessary to increase its **CY 2011 budget by up to 3.5%** over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a **3.5 %** increase in the budget for said year, amounting to \$117,173.03 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Kinnelon in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the **CY 2011** budget year, the final appropriations of the Borough of Kinnelon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5 %**, **amounting to** \$273,403.73 and that the **CY 2011** municipal budget for the Borough of Kinnelon be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

There was no desire to discuss this ordinance, and the Mayor asked the Clerk to call the roll on the introduction of Ordinance 5-11, and the vote was as follows:

Roll Call:     J. Freda, Yes; Yes;     S. Cobell, Yes;  
                  G. Moleta, Yes;        A. SanFilippo, Yes;  
  R. Mondello, Yes.

Councilman J. Freda then offered the following resolution, seconded by Councilman G. Moleta.

**WHEREAS**, the above ordinance was introduced at this meeting held on April 21, 2011 and read by title, and passed on first reading;

NOW, THEREFORE, BE IT RESOLVED That at the regular meeting to be held on May19, 2011 at 8:00 p.m., 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 Clerk of this Borough is hereby directed to publish the proper notice thereof.

The Mayor then asked the Clerk to call the roll on the passage of the above resolution, and the vote was as follows:

Roll Call: J. Freda, Yes; Yes; S. Cobell, Yes;  
G. Moleta, Yes; A. SanFilippo, Yes;  
R. Mondello, Yes.

### **DISTRICT SCHOOL**

On motion of Councilman R. Mondello, and seconded by Councilman J. Freda, followed by the "yes" roll call vote of all Council Members present the payment of \$2,714,104.00 to the District School when funds become available was approved for payment.

### **APPOINTMENTS:**

Mayor Collins offered the name of Mayor Emeritus Glenn L. Sisco to fulfill the opening on the Library Board of Trustees. He stated Mr. Sisco had sent a letter in last month, but the appointment was postponed in order to post it on the municipal website. No one else has submitted a letter of interest to the Clerk.

Councilman A. SanFilippo offered a motion to appoint Glenn Sisco to the Library Board of Trustees. Councilman G. Moleta seconded the motion.

Councilman J. Freda offered a motion to postpone the former motion. The Mayor stated there is already a motion on the floor with a second. The Borough Attorney advised the council that Robert's Rules of Order allows for a motion to postpone for a definite time and he suggested the postponement to be for twenty eight days. It was determined that the next regular meeting will be in twenty eight days at which time the main motion could be heard.

Mayor Collins asked Councilman Freda why he wished to postpone Mr. Sisco's appointment. Councilman Freda stated it had only been posted on the website for seventeen days. Mayor Collins noted that in the past there was never a time limit set for the postings. Councilman Cobell seconded the motion to postpone until the next regular meeting.

Roll Call: J. Freda, Yes; G. Moleta, No;  
S. Cobell, Yes; A. SanFilippo, No;  
R. Mondello, Yes.

Upon motion of Councilman A. SanFilippo, and seconded by Councilman S. Cobell, followed by the "yes" roll call vote of all Council Members present, the appointment of Norm Dotti to the Environmental Commission was approved.

### **TAX COLLECTOR'S REPORT**

During the month of March the Tax Collector's Report indicates we collected \$374,792.90 in taxes.

### **INVESTMENT OFFICER**

A total of \$2,473.71 was collected in interest for the month of March, 2011.

### **RESOLUTION TO GO INTO CLOSED SESSION**

A motion was made by Councilman R. Mondello to go into closed session for the purposes of discussing legal matters. This motion was seconded by Councilman A. SanFilippo.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 - N.J.S.A. 10:4-12 - permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this Governing Body of the Borough of Kinnelon is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kinnelon, County of Morris, and State of New Jersey shall now go into closed session for the following reason:

#### LEGAL MATTERS

Disclosure of said matter will be revealed upon settlement. This meeting went into closed session at 9:00 p.m.

The meeting went back into open session at 9:58 p.m.

A motion was made by Councilman G. Moleta to direct our JIF attorneys to consummate a settlement offer with Officer Christopher Carbone pending approval by the JIF executive board. This motion was seconded by Councilman S. Cobell.

Roll Call:	J. Freda, Yes;	G. Moleta, Yes;
	S. Cobell, Yes;	A. SanFilippo, Abstained
	R. Mondello, Yes.	

**ADJOURNMENT**

This meeting adjourned at approximately 10:00 p.m. on motion by Councilman G. Moleta and seconded by Councilman R. Mondello with the unanimous affirmative voice vote of all present.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth M. Sebrowski, Borough Clerk



\_\_\_\_\_  
Robert W. Collins, Mayor

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

**ADJOURNMENT**