

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 August 18, 2011 in the Kinnelon Municipal Building.

There was a Salute to the Flag, after which the Borough 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, Daniel O'Dougherty, Gary Moleta, Stephen Cobell, Andrew SanFilippo and Ronald Mondello.

TREASURER'S REPORT

The Treasurer's Report indicates we started out with cash on hand as of July 1, 2011 in the amount of \$859,724.85. Receipts for the month of July totaled \$473,896.14, with disbursements amounting to \$1,213,800.58. The new balance on hand July 31, 2011 was \$119,820.41 and has been reconciled with various bank balances.

MAYOR'S REPORT

The Mayor discussed several Consent Agenda items. The first was Resolution 8.21.11 which allows the Clerk to advertise for RFP's for a Qualified Assessing Firm to begin a Revaluation of the Borough. Because of the change in Equalized Valuations there have been a great number of Tax Appeals which ultimately affects everyone's taxes. This revaluation will help to spread the cost more evenly. The cost should be somewhere around \$250,000 and will have to be bonded.

Mayor Collins then discussed Resolution 8.13.11 which was sponsored by Senator Lautenberg and asks for a Joining the National Moment of Remembrance of the tenth Anniversary of September 11th. The Mayor stated the borough will be holding a Remembrance Celebration on that day at 1:30 p.m. He invited all to come on that day to remember those who were lost. The artifact which the borough received will also be dedicated on that day.

AUGUST 18, 2011

Next the Mayor said there is a resolution regarding the Company #2 Firehouse bids. He delayed conversation on that until later.

Mayor Collins said he asked the Public Utility Chairman, Councilman O'Dougherty to have a special meeting of the committee and the residents who would be affected by the possible water line installation to Sheep Rock Road prior to mailing a required survey. This will allow the approximately 136 homeowners to understand what the project would involve.

Mayor Collins discussed the results of the Best Practice Survey required by the state. This survey was implemented approximately two years ago and the results of the survey determine the amount of state aid available for the municipalities. The Borough did very well in the survey which is good news for the borough.

The Mayor discussed the soil disturbance ordinance which had been first discussed last year. At this time, Mayor Collins reported that the Superintendent of Public Works has announced that effective January 1, 2011 the Electronic Waste Recycling Act became effective banning the disposal of electronic waste into landfills. All electronic waste must be recycled. However, starting August 20th Kinnelon will be accepting E-Waste for all Kinnelon residents free of charge. The Borough will receive a detailed manifest and guarantee that the material listed has been properly recycled and disposed of in accordance with Federal EPA and State Environmental Conservation standards. The company will also certify that all hard drives and other data media has been physically destroyed. There is no charge for the collection container and the Borough receives .05 cents per pound for computers and .02 cents per pound for other items.

Mayor Collins said he was very proud and thankful for the Fire Company and Police escort they provided himself and Councilmen SanFilippo and Moleta to hanger 17 to retrieve our steel artifact which will be dedicated on the tenth anniversary ceremony on September 11th. He said Kinnelon did something remarkable that day and thanked the firemen, policemen and members of the Tri-Boro Ambulance Squad who made it such a memorable event.

Councilman Ron Mondello questioned Resolution 8.02.11 which states the council has reviewed the best practice survey. Mr. Mondello said he has not seen the results. The Clerk stated the CFO was directed to distribute. The Attorney stated due to certain time restraints it would be best for the Clerk to redistribute and for the resolution to be adopted "subject to the distribution".

RECREATION & ORDINANCE

Chairman James Freda reported all fall sports have begun. There is a fall baseball program this year, fall girls softball and several different lacrosse programs. He reached out to Eileen Swann from the Highlands Council to

AUGUST 18, 2011

discuss several topics; one of which is extra parking at the Boonton Avenue field.

Councilman Freda discussed the Soil Disturbance Ordinance stating it is to protect the homeowner from having contaminated soil brought into their property or their neighbor's property.

Mr. Freda also discussed the event to take place on October 2nd known as K-Fest at Lake Rickabear. You can access the information on the event through our borough website. By clicking on a link you can also register. It is for Kinnelon residents only and although it is free you do have to register. He said the council is very excited about this and will be participating in the event.

PUBLIC WORKS & UTILITIES

Chairman Daniel O'Dougherty added to the e-waste report that you will not be able to remove any items from the recycling center. He gave the DPW report and added that the Highlands Exemption has still not been received in order to start the DPW garage expansion.

Councilman O'Dougherty also read the Construction Report which stated there were fifty four new permits issued as well as four permit updates. There were no new permits issued for a new single-family dwelling. There was \$16,222.00 collected in permit fees. The total estimated and reported construction was \$1,450,825.00.

Reporting on Sheep Rock Road, Mr. O'Dougherty said we are unsure whether we will be proceeding with the installation of the water line at this time. A report received from our Tax Assessor, Bob Edgar, indicates there is no significant value to having the public water system; therefore, the residents would not be able to be assessed for the installation project. The burden of cost would be on all the residents in town. If that is the case, the borough may not be able to proceed. A discussion on this matter commenced. The problem with this project is there are only a dozen homes where the value would be substantial; the other hundred and twenty homes would have none. If there is any thought of proceeding, the council members agreed a meeting with all concerned would be held.

COORDINATING

Chairman Gary Moleta reported he has been looking into saving some money with our telephone supplier as well as the telephone equipment. A meeting is set up for early September. Mr. Moleta reported the back pack program provided twenty three back packs to students thanks to Melissa Giacoio, KESHA and the Board of Health. The health department continues to

AUGUST 18, 2011

provide food for the needy. The Knights of Columbus also will be doing food drives in August.

Mr. Moleta stated the Environmental Commission is very active in providing more recycling programs. He commended the volunteers for the Environmental Commission, Historical Commission who give up their time for the town. He said the schools are already involved in the anti-bullying program.

FINANCE & OPEN SPACE

Chairman Stephen Cobell reported the at the last Open Space meeting, ANJEC gave a presentation and laid out the time line and steps necessary to update our open space plan. The fee is \$14,000. The Borough will get \$7,000 back towards that fee. The land conservancy rep completed the mapping and review of possible tax title lien properties for the council to review in order to decide which of those properties we may be interested in. There will be a site visit to look at them as possible use for the borough.

Finance – CFO presented the council with an analysis of our Capital debt structure in order to work on a five year Capital Plan. The borough does not have a lot of debt; however, with the rates being as low as they are, the Finance Committee will be looking at ways to save as well as beginning the 2012 budget in conjunction with a long range plan.

Resolution 8.15.11 refers to the municipal audit which was received. The Corrective Action Plan was reviewed and will be submitted to the State also.

PUBLIC SAFETY

Chairman Andrew SanFilippo reported the Morris County OEM has established designated heat relief centers and Mr. SanFilippo said he will ask Councilman Gary Moleta to put them on the website.

Mr. SanFilippo also reported there was a deep woods search with OEM, Kinnelon Police and the Fire Department.

The bend in Fayson Lakes Road near Dam Road is being reviewed by the police and engineer as well as the speed at that section. There were 2131 calls for service, 260 summonses, eleven adult arrests, nine juvenile arrests, eight arrests for dangerous controlled substances and one dui. Mr. SanFilippo also thanked the police officers, members of the fire department and first responders who accompanied us to pick up the World Trade Center artifact.

AUGUST 18, 2011

Thanked Johnson family for their continued support of the Kinnelon Volunteer Fire Company with their annual Fourth of July car wash event. He also thanked the Fire Department themselves who volunteered their time for Safety Town and Smoke Rise Days.

Councilman SanFilippo said he hoped Councilman O'Dougherty was misquoted in wanting to do a shared service with the Butler Fire Department. He said anyone who has ever served on the fire department would know that having response from the Bartholdi Fire House which houses only one fire truck. He also said the residents' homeowner's rates would increase dramatically from not having the response for fire services in town, as well as the timing of that response is very frightening.

Mayor Collins said exploring shared services opportunities is never inappropriate, but the reality of the matter is that this would not be practical.

Mayor Collins also extended his condolences for the passing of former Firefighter, Joe Pavlak and said he was a fine firefighter and will be sorely missed. He asked Joe's son, Keith to pass the condolences to his family.

PERSONNEL

Chairman Ronald Mondello complimented Attorney Bernie Bacchetta for successfully argued a case brought against the Board of Adjustment.

Mr. Mondello also said he has an item for which he would like to go into Closed Session at the end of the meeting.

The Mayor reported he reached out to the Morris County Community Development to inquire about extending the Block Grant we received for \$80,000 towards the Company #2 Firehouse.

HEARING FROM THE PUBLIC

Alex Merlucci, 168 Kiel Avenue and Jim Bosch, 28 Dogwood Trail discussed the lowest responsive bid received for the Company 2 Firehouse project. They discussed their concerns that if the Borough goes back out to bid, the lowest bidder will not resubmit the same bid. They said they realize the Fire Company agreed to the \$900,000 estimate which they had received a few years ago. However, knowing they needed to keep the amount low, the original specifications were purposely skimmed down to the bare bones. They indicated it would not be possible to remove anything from the original specs.

AUGUST 18, 2011

Alex Merlucci and Jim Bosch asked respectfully for the council to reconsider increasing the original bonding amount in order to award the bid to the lowest bidder at this time.

Councilman SanFilippo inquired of the Borough Attorney how the increase to the bond would be handled. He said we will have to ask Bond Council.

Councilman O'Dougherty said since the Fire Company did say they would downsize the building, he suggested the specs be changed to house only two fire trucks. He also said many firefighters from Butler live close to Kinnelon. Mr. Merlucci said if we downsize the building we would have to add on in a few years. Mr. O'Dougherty said due to the highlands we will not be building more homes. Mr. SanFilippo explained that although that is true, people are expanding their homes. He also said it is unfortunate that a three year old estimate was used.

Councilman Gary Moleta asked what the third bay will be used for. Chief Bosch said they may move one of the engines over there from Company 1. Eventually we may need an aerial devise. One of the reasons for the training room was to house the volunteers during a blizzard. Councilman O'Dougherty asked if men sleep there. Councilman SanFilippo said during bad weather the teams stay to eliminate the risk of getting to the firehouse. Chief Bosch said he doesn't think it is unreasonable to provide space for those volunteers to be comfortable during storm situations.

Councilman Mondello said he agrees that the equipment is expensive and should be housed. He said he doesn't think the need for the renovation is the problem. Mr. Mondello said he feels the council was rushed to pass the original bonding without further information being obtained and asked how much it would cost to bond the extra amount. Mr. Madaio said we would have to get that information from the engineer and bond counsel. He also added that we would not be rebonding, just adding to the amount. The engineer has stated the lowest bid received was probably the best we are going to get. Councilman Cobell said the committee who met last night thought it was possible we could get lower numbers.

Mayor Collins said he served several years fifteen years ago in Company 2. We have expensive fire apparatus. He disagreed with Mr. O'Dougherty's assessment that the response time would be equal from Butler, saying time is the greatest enemy when fighting fires. The Mayor said there is no one here who does not agree the firehouse needs to be replaced. He asked Alex Merlucci what the cost per square foot. Mr. Merlucci said it would be about \$225.

Councilman SanFilippo stated he is concerned about the safety of the fire fighters who are members of Company 2. Councilman Moleta added he would like to give the fire company the support of the governing body. Councilman

AUGUST 18, 2011

O'Dougherty suggested eliminating a bay, the meeting room or using a steel building in order to bring the price under the original \$900,000. He said he is concerned the tax payers are going to say enough is enough.

Mr. Merlucci stated the architect's primary business is doing plans for affordable housing. It is designed to be built off site, prefabricated and assembled at the location. There is five consecutive days of crane services extended to the fire company and we are trying to take advantage of that savings. It would take a week. Chief Bosch said, could we remove a bay; yes. It still would not decrease the cost by \$400,000.00. The low bidder has done four or five firehouses over the last few years. We know he is a responsible contractor.

Mayor Collins ended the conversation by saying the governing body has a challenging responsibility.

Carla Mecionis, 7 Ricker Road, asked that, if the Tax Assessor has determined there is no added assessment value to having a public water line added to your home, what is left to discuss on this matter.

Mr. Madaio said we have to look at several matters. The first would be to look at the justification of having all the taxpayers pay for the line installed. The second would be to question the Assessor again as far as his letter, because you are not comparing apples to apples. You are not comparing a home with a good working well vs. a home with public water. Some of these homes do not have good working wells. Mr. Madaio said he feels in order to be fair to everyone, we reach out to Mr. Edgar and look at it in that way. Once we hear back from him a further discussion can commence as to whether the council wants to proceed. He assured Mrs. Mecionis that the survey would be held off until after the information is received from the assessor and then the Utility Committee would discuss it and hold a public meeting to inform all the residents involved. Mrs. Mecionis was assured that she was entitled to copies of the draft survey and the letter from the assessor as they are public documents.

Lila Helu, 8 Daniel Lane, asked if there is a way the Fire Company could raise the money through fund raisers for the firehouse. The Mayor said the Borough annually appropriates \$80,000 towards the operation of the Fire Company. She asked how much they raised at the pancake breakfast? Chief Bosch said they got about \$5,000 at the last one and it is a lot of work. He also said the Fire Company tried to raise the money themselves before coming to the Borough for help.

18/17/11
5:11:32

BOROUGH OF KINNELON
Check Register By Check Date

Range of Check Dates: 07/22/11 to 08/18/11
 Range of Checking Accts: First to Last Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y
 Report Type: All Checks

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Number
GENERAL		General Account Payab		
7340	07/28/11	CAPO1 GEORGE CAPODAGLI	7,777.53	4240
7341	08/09/11	KIN09 KINNELON BOARD OF EDUCATION	500,000.00	4241
7342	08/18/11	AC A.C. DAUGHTRY INC.	155.00	4246
7343	08/18/11	ACC04 ACC BUSINESS	336.01	4246
7344	08/18/11	ADO01 ADORAMA, INC.	205.04	4246
7345	08/18/11	AIA01 AIA CORPORATION	2,627.52	4246
7346	08/18/11	AIR03 AIR GROUP	963.52	4246
7347	08/18/11	ALL04 ALLIED OIL COMPANY	4,977.02	4246
7348	08/18/11	ART01 ARTHUR SPEED % MCELROY,	889.33	4246
7349	08/18/11	ATL06 ATLANTIC TACTICAL OF	1,190.83	4246
7350	08/18/11	ATL07 ATLANTIC ENVIROMENTAL	19,935.00	4246
7351	08/18/11	BAC01 BERNARD BACCETTA ESQ.	9,471.00	4246
7352	08/18/11	BEY01 BEYER BROS. CORP.	39.00	4246
7353	08/18/11	BOO01 BOONTON ELECTRIC SUPPLY CORP.	12.46	4246
7354	08/18/11	BOR BOROUGH OF BUTLER	7,000.00	4246
7355	08/18/11	BOR01 BOROUGH OF BUTLER ELECTRIC	7,779.70	4246
7356	08/18/11	BOR02 BOROUGH OF KINNELON	47.00	4246
7357	08/18/11	BOR04 BOROUGH OF BUTLER SEWER	40,071.72	4246
7358	08/18/11	BRE04 RENATE BRESKO	140.00	4246
7359	08/18/11	BUS01 BUSINESS GRAPHICS	406.00	4246
7360	08/18/11	BUZ01 THE BUZAK LAW GROUP, LLC.	1,648.01	4246
7361	08/18/11	CAB01 CABLEVISION	149.80	4246
7362	08/18/11	CAM05 CAMPBELL FOUNDRY COMPANY	855.00	4246
7363	08/18/11	COO03 COOPERATIVE COMMUNICATIONS INC	2,535.95	4246
7364	08/18/11	COP03 LOUIS COPPA	230.00	4246
7365	08/18/11	CUR02 MICHAEL CURATOLO	159.99	4246
7366	08/18/11	D2L D2L ASSOCIATES, INC.	7,583.12	4246
7367	08/18/11	DAR01 DARMOFALSKI ENGINEERING ASSOC.	5,405.00	4246
7368	08/18/11	DEE01 DEER PARK SPRING WATER	61.52	4246
7369	08/18/11	DEL08 DELTA DENTAL OF NEW JERSEY INC	3,899.69	4246
7370	08/18/11	DRA02 DRAEGER SAFETY DIAGNOSTICS, INC	366.95	4246
7371	08/18/11	ECO02 ECONOMY HANDICRAFTS	969.82	4246
7372	08/18/11	EFI01 EFINGER SPORTING GOODS	8,995.00	4246
7373	08/18/11	EHR01 MARK J. EHRENBURG	74.98	4246
7374	08/18/11	EME02 EMERGENCY MEDICAL PRODUCTS INC	440.30	4246
7375	08/18/11	ETD01 ETD DISCOUNT TIRE CENTERS, INC	341.00	4246
7376	08/18/11	FAL03 FALCON AUTO PARTS INC	262.97	4246
7377	08/18/11	FAY01 FAYSON LAKES WATER COMPANY	94.54	4246
7378	08/18/11	FE CHECK F & E Check Protector Sales Co	766.70	4246
7379	08/18/11	FIN04 FINCH FUEL OIL CO, INC.	1,315.84	4246
7380	08/18/11	FOR04 FORD MOTOR CREDIT COMPANY	2,876.70	4246
7381	08/18/11	GIL03 GILBY'S SCREEN PRINTING	20.00	4246
7382	08/18/11	GRA01 GRAINGER INC.	56.11	4246
7383	08/18/11	GRAC1 GRACE GOSPEL CHURCH PATERSON	6,073.60	4246
7384	08/18/11	HAW03 HAWTHORNE AUTOMOBILE SALES CO.	893.71	4246
7385	08/18/11	HEF01 PATRICK HEPNER	597.50	4246
7386	08/18/11	HOM02 HOME DEPOT CREDIT SERVICE	1,029.78	4246
7387	08/18/11	JER03 JERSEY PAPER PLUS	397.76	4246
7388	08/18/11	JIN01 NIDHI JINDAL	120.00	4246

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Number
7389	08/18/11	JOH04 JOHN JOHNSON	235.87	4246
7390	08/18/11	KB ASSOC KB ASSOCIATES	7,593.18	4246
7391	08/18/11	KIN08 KINNELON VOLUNTEER FIRE CO.	4,000.00	4246
7392	08/18/11	KLS01 KLSR SUPPLY	615.85	4246
7393	08/18/11	KNA03 KNAPP, TRIMBOLI & PRUSINOWSKI,	148.50	4246
7394	08/18/11	LAW07 LAWSOFT INC.	4,000.00	4246
7395	08/18/11	LOE01 LOEFFELS WASTE OIL SERVICE	60.00	4246
7396	08/18/11	MAC1 MICHAEL & DEBORAH MAC MILLAN	4,070.15	4246
7397	08/18/11	MAD03 LAW OFFICE OF MARK D. MADAIO	6,010.96	4246
7398	08/18/11	MCI02 MCI COMM SERVICE	12.37	4246
7399	08/18/11	MED01 MEDICAL ASSOCIATES OF NJ P.A.	3,450.00	4246
7400	08/18/11	MGL01 M.G.L. FORMS SYSTEM	121.00	4246
7401	08/18/11	MON08 Montague Tool & Supply Co, Inc	266.99	4246
7402	08/18/11	MOR03 MORRIS CO. ASSESSOR'S ASSN.	125.00	4246
7403	08/18/11	MOR08 MORRIS COUNTY FIRE FIGHTERS &	20.00	4246
7404	08/18/11	MOR21 MORRIS COUNTY M.U.A.	41,092.10	4246
7405	08/18/11	MUC01 CHRISTOPHER MUCCI	90.00	4246
7406	08/18/11	NIM01 Nimco, Inc.	443.52	4246
7407	08/18/11	NJC01 NJ CONFERENCE OF MAYORS	50.00	4246
7408	08/18/11	NJD07 NJ DEPT HEALTH & SENIOR SERV	19.80	4246
7409	08/18/11	NJLM01 N.J. LEAGUE OF MUNICIPALITIES	170.00	4246
7410	08/18/11	NOR02 NORTH JERSEY NEWSPAPER	42.96	4246
7411	08/18/11	ONE02 One Call Concepts, INC.	75.04	4246
7412	08/18/11	ONU01 JERRY & CAROLINE ONUFROW	520.10	4246
7413	08/18/11	OXF01 OXFORD HEALTH PLANS	72,283.40	4246
7414	08/18/11	PAE01 PAETEC COMMUNICATIONS, INC.	147.24	4246
7415	08/18/11	PEI01 PEIRCE/ EAGLE EQUIPMENT	237.15	4246
7416	08/18/11	PEQ02 PEQUANNOCK TOWNSHIP	43,750.00	4246
7417	08/18/11	PIT06 PITNEY BOWES- RESERVE ACCOUNT	2,056.03	4246
7418	08/18/11	PIT07 PITNEY BOWES	1,697.99	4246
7419	08/18/11	PK01 P&K OFFICIATING	260.00	4246
7420	08/18/11	POM01 POMPTON PLUMBING & HEATING CO,	160.34	4246
7421	08/18/11	PRI06 PRIME UNIFORM SUPPLY, INC	478.60	4246
7422	08/18/11	PSE01 P.S.E. & G.	123.02	4246
7423	08/18/11	QUA01 QUALITY AUTOMOTIVE	293.47	4246
7424	08/18/11	RIV06 Riverdale Environmental	915.00	4246
7425	08/18/11	ROU01 ROUTE 23 AUTO MALL	65.00	4246
7426	08/18/11	ROY01 ROYAL COMMUNICATIONS INC.	600.77	4246
7427	08/18/11	SCH03 SCHMITZ SAFE & LOCK COMPANY	5.26	4246
7428	08/18/11	SER02 SERVICE SUPPLY LLC	36.62	4246
7429	08/18/11	SHE03 SHERWIN WILLIAMS CO.	453.68	4246
7430	08/18/11	SMA01 SMART STOP STATE RT 23	262.00	4246
7431	08/18/11	SMD01 SMOKE RISE CLUB	2,690.38	4246
7432	08/18/11	SPO05 SPOT-A-WAY	225.00	4246
7433	08/18/11	SS01 S AND S	3,356.51	4246
7434	08/18/11	STA05 STATE OF NEW JERSEY PWT	28.34	4246
7435	08/18/11	STA19 Leszek Stala	378.75	4246
7436	08/18/11	STO01 STORR TRACTOR COMPANY	97.85	4246
7437	08/18/11	SUB03 SUBURBAN DISPOSAL	34,694.44	4246
7438	08/18/11	THY01 THYSSENKRUPP ELEVATOR	1,230.00	4246
7439	08/18/11	TIL01 TILCON NEW YORK INC.	3,024.43	4246
7440	08/18/11	TRE09 Treasurer, State of New Jersey	360.00	4246
7441	08/18/11	UST02 U.S. TOY	232.45	4246
7442	08/18/11	VER01 VERIZON	37.13	4246

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
7443	08/18/11	VER06 VERIZON WIRELESS	424.33		4246
7444	08/18/11	VFI01 VFIS BENEFITS DIVISION	749.95		4246
7445	08/18/11	WBM01 W.B. MASON COMPANY INC.	533.51		4246
7446	08/18/11	XTR01 XTREME GRAPHICS LLC	2,450.00		4246
7447	08/18/11	YOR01 YORK MOTORS INC.	95.98		4246
7448	08/18/11	KIN09 KINNELON BOARD OF EDUCATION	1,758,395.00		4247
7449	08/18/11	STA02 STAPLES CREDIT PLAN	65.91		4249

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	110	0	0.00	2,658,373.94
Direct Deposit:	0	0	0.00	0.00
Total:	110	0	0.00	2,658,373.94

PUBLIC ASSIST 1					
1030	08/16/11	BOR01 BOROUGH OF BUTLER ELECTRIC	940.90		4248

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	1	0	0.00	940.90
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	0.00	940.90

WIRES		WIRES		Amount Paid	Ref Number
1266	08/12/11	BOR02 BOROUGH OF KINNELON	176,719.45		4242
1267	08/12/11	BOR02 BOROUGH OF KINNELON	142.89		4245
1269	08/12/11	BOR02 BOROUGH OF KINNELON	421.26		4250
1359	08/12/11	BOR02 BOROUGH OF KINNELON	296.46		4244
1377	08/12/11	BOR02 BOROUGH OF KINNELON	170,637.56		4243
1378	08/17/11	BOR02 BOROUGH OF KINNELON	306.83		4251

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	6	0	0.00	348,524.45
Direct Deposit:	0	0	0.00	0.00
Total:	6	0	0.00	348,524.45

Report Totals	Paid	Void	Amount Void	Amount Paid
Checks:	117	0	0.00	3,007,839.29
Direct Deposit:	0	0	0.00	0.00
Total:	117	0	0.00	3,007,839.29

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND APPROPRIATIONS	0-01	1,409.43	0.00
CURRENT FUND APPROPRIATIONS	1-01	2,872,052.58	0.00
WATER FUND	1-05	21,808.57	0.00
SEWER FUND	1-07	51,859.24	0.00
Year Total:		2,945,720.39	0.00
	C-04	26,958.83	0.00
DOG TAX	D-13	62.56	0.00
STATE AND FEDERAL GRANTS	G-02	2,166.45	0.00
PUBLIC ASSIST 2	P-18	940.90	0.00
RECREATION SPECIAL	R-16	26,874.81	0.00
	T-23	3,263.05	0.00
	V-27	442.87	0.00
Total of All Funds:		3,007,839.29	0.00

AUGUST 18, 2011

- B. RESOLUTION: 8.01.11 – Request to Include Woodland Court in Cutlass Rd. Paving Project (Action taken 8/11) (Attached)
- C. RESOLUTION: 8.02.11 – Results of Best Practice Survey and Certification (Upon inspection by Council) (Attached)
- D. RESOLUTION: 8.03.11 – Emergency Appropriation – Forge Road (Attached)
- E. RESOLUTION: 8.04.11 – Release of Driveway Bond for 285 Brookvalley Rd (Attached)
- F. RESOLUTION: 8.05.11 – Release of Driveway Bond 42 So. Glen Road (Attached)
- G. RESOLUTION: 8.06.11 – Authorize Extension of August 1 Tax Payments Until September 6, 2011. (Attached)
- H. RESOLUTION: 8.07.11 – Authorize Refund of 2010 Tax Overpayment 791 West Shore Drive (Attached)
- I. RESOLUTION: 8.08.11 – Authorize Refund of 1st Q 2009 Taxes – 1 Felkay Court (Attached)
- J. RESOLUTION: 8.09.11 – Authorize Refund of 2009 Taxes Block 89, Lot 108 Brookvalley Road (Attached)
- K. RESOLUTION: 8.10.11- Authorize Refund of 2010 Taxes Block 44, Lot 13.02 Dogwood Trail (Attached)
- L. RESOLUTION: 8.11.11 – Authorize Refund of 2009 Taxes 814 W. Shore Dr. (Attached)
- M. RESOLUTION: 8.12.11 – Authorize Borough to Enter into a Cooperative Pricing Agreement – Middlesex Regional (Attached)
- N. RESOLUTION: 8.13.11 – Joining the Nat'l Moment of Remembrance of the Tenth Anniversary of 9-11 (Attached)
- O. RESOLUTION: 8.14.11 – Authorize Refund of 2009 Overpayment to KB Associates at Various Locations (Attached)
- P. RESOLUTION: 8.15.11 – Governing Body Certification of 2010 Annual Audit (Attached)
- Q. RESOLUTION: 8.16.11 – Refund of Various Escrow Accounts

8.01.11

RESOLUTION NO. 8.07.11

BOROUGH OF KINNELON, COUNTY OF MORRIS, NEW JERSEY

WHEREAS, the Borough of Kinnelon originally applied for Municipal Aid funding for the NJDOT Fiscal Year 2011 to construct improvements to Cutlass Road between Boonton Avenue and NJ Route 23 and the State of New Jersey Department of Transportation approved an allotment in the amount of \$200,000.00, and

WHEREAS, the Borough of Kinnelon wishes to include in the scope and limits improvements to Woodland Court, and

WHEREAS, Woodland Court is directly connected to the original project limits and is in immediate need of pavement resurfacing, and

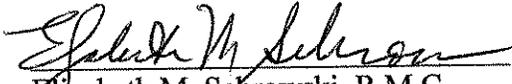
WHEREAS, the Borough Engineer estimates the additional cost for the modified project is \$66,000.00.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kinnelon that the Borough Engineer and Municipal Clerk are hereby authorized to apply to the State of New Jersey Department of Transportation for an "Incidental Modification to Project Scope/Limits" to include a portion of the funds set aside for the Cutlass Road between Boonton Avenue and NJ Route 23 to also be utilized for resurfacing Woodland Court, and

ALSO BE IT RESOLVED, that the Engineer and Borough Clerk are authorized to sign and seal a document entitled "Incidental Modification to Project Scope/Limits" and forward three signed and sealed copies along with a certified copy of this resolution to the State of New Jersey Department of Transportation for their approval.

APPROVED: August 11, 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 August 11, 2011.


Elizabeth M. Sebrowski, R.M.C.
Municipal Clerk

RESOLUTION 8.02.11

BOROUGH OF KINNELON
MORRIS COUNTY, NEW JERSEY

WHEREAS, the State's Fiscal Year 2012 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services (Division) to determine how much of each municipality's final 5% allocation of its CMTRA and ETR aid will be disbursed based upon the results of a Best Practice Inventory (the Inventory) to be completed by each municipality; and

WHEREAS, the Inventory is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS, perfect scores are not required to receive the final 5% State aid payments and credit is provided where municipalities are acting in good faith to prospectively implement practices; and

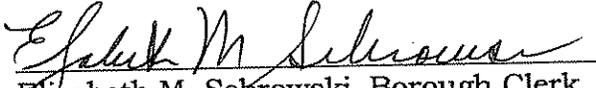
WHEREAS, the Borough has completed the 2012 Best Practices Inventory and has reviewed said Inventory at a public meeting of the Kinnelon Mayor and Council held on August 18, 2011.

NOW, THEREFORE, BE IT RESOLVED the Clerk of the Borough is hereby authorized to certify the Inventory Form and file the Best Practice Inventory as instructed in the Local Finance Notice 2011-18.

I, Elizabeth M. Sebrowski, 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 August 18, 2011.

Dated:

8/18/11


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 8.03.11

UNDER 3% Emergency Appropriation (NJS 40A: 4 – 48)
RESOLUTION

WHEREAS, an emergency has arisen with respect to increase in the employer's contribution rate for unemployment compensation compared to prior years and no adequate provision was made in the 2011 Current Fund Budget for the aforesaid purpose, and NJS 40A: 4 – 46 provides for the creation on an emergency appropriation for the purpose mentioned above;

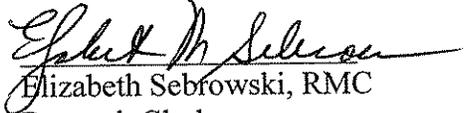
WHEREAS, the total amount of the emergency appropriation created, including the appropriation to be created by this resolution is \$5,000 and three (3) percent of the total operating appropriations in the budget for the year 2011 is \$264,354.33 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operating appropriations) in the budget for 2011.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Kinnelon in the County of Morris (not less than two – thirds of all members thereof affirmatively concurring) that in accordance with NJS 40A: 4 – 48:

1. An emergency appropriation is hereby made for Unemployment Compensation Insurance in the amount of \$5,000.00
2. That said emergency appropriation shall be provided in full in the 2012 Budget and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of the resolution be filed with the Director of Local Government Services.

Dated: August 18, 2011


Elizabeth Sebfowski, RMC
Borough Clerk

CERTIFICATION FOR EMERGENCY APPROPRIATION FORM
CHIEF FINANCIAL OFFICER

Purpose of Emergency Appropriation:

Increase in the employer's contribution rate for unemployment compensation compared to prior years

Date of Happening: July 31, 2011

Have any contracts been awarded or purchase orders placed in connection with this emergency appropriation?

No

Date August 18, 2011

Signature 
Chief Financial Officer

Municipality Borough of Kinnelon

RESOLUTION 8.04.11

TO REFUND DRIVEWAY BOND
FOR 285 BROOK VALLEY ROAD

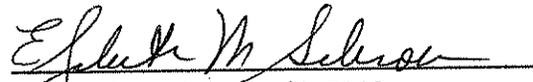
WHEREAS, Jessica Daisy was required to submit a \$200.00 driveway bond for permit #1642 in order to alter an existing driveway located at 285 Brook Valley Road; and

WHEREAS, the driveway was installed, inspected and approved by the Public Works Foreman; and

WHEREAS, it is deemed appropriate to refund the driveway bond to Jessica Daisy, 285 Brook Valley Road, Kinnelon, New Jersey, in the amount of \$200.00

NOW< THEREFORE, BE IT RESOLVED the chief Financial officer is hereby authorized to refund a check in the amount of \$200.00 payable to Jessica Daisy.

Dated


Elizabeth M. Sebrowski, RMC
Borough Clerk

RESOLUTION 8.05.11

TO REFUND DRIVEWAY BOND
MICHAEL AND MICHELLE SCIARRA
42 SOUTH GLEN ROAD, KINNELON,
NEW JERSEY, 07405

WHEREAS, Michael and Michelle Sciarra was required to submit a \$2,500.00 driveway bond for 42 South Glen Road, and

WHEREAS, upon recommendation of the Borough Engineer, Darmofalski Engineering Associates, Inc., is to release the driveway bond in the amount of \$2,500 to Michael and Michelle Sciarra, 42 South Glen Road, Kinnelon, New Jersey 07405; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the said account be closed and a check in the amount of \$2,500.00 be returned to Michael and Michelle Sciarra, 42 South Glen Road, Kinnelon New Jersey.

Dated: August 18, 2011


Elizabeth M. Sebrovski
Borough Clerk, RMC

RESOLUTION *8.06.11*

BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Kinnelon, New Jersey, that tax bills for 2011-2012 are being sent to taxpayers 84 days past the required mailing date of June 14, 2011.

BE IT FURTHER RESOLVED, for the Mayor and Council to compensate the taxpayers for this lateness extending the third quarter grace period date to September 6, 2011.

APPROVED BY MAYOR AND COUNCIL: August 17, 2011

Submitted by:

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

RES. # 8. 07. 11

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Borough of Kinnelon; and

WHEREAS, Total 2010 property taxes have been paid on this property, and

WHEREAS, this reduction in assessment has resulted in an overpayment of 2010 property taxes,

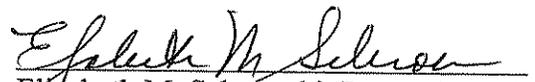
NOW, THEREFORE, BE IT RESOLVED, that the Borough of Kinnelon be authorized to issue a refund check to Michael and Deborah Mac Millan, in the amount of \$4,070.15 for overpayment of 2010 property taxes. Block 30, Lot 1.54 also known as 791 West Shore Drive.

ROLL CALL:

August 17, 2011
Lisa A. Kimkowski, CTC
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 August 17, 2011.

DATE: 08/17/11


Elizabeth M. Sebrowski, Borough Clerk

RES. # 8.08.11

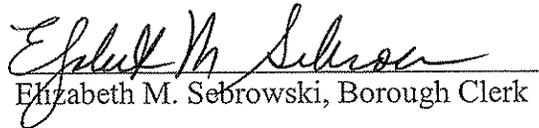
BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Kinnelon, New Jersey, that a warrant be drawn to Grace Gospel Church of Paterson., in the amount of \$6,073.60 representing refund for overpayment of 1st Quarter 2008 property taxes for Block 300.08, Lot 18, also known as 1 Felkay Court, Kinnelon, New Jersey.

ROLL CALL:

August 18, 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 August 18, 2011.

DATE: 08/18/11


Elizabeth M. Sebrowski, Borough Clerk

RES. # 8.09.11

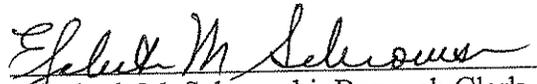
BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Kinnelon, New Jersey, that a warrant be drawn to Arthur Speed, in the amount of \$889.33 representing refund for overpayment of 2009 property taxes for Block 89, Lot 108, also known as Brook Valley Road.

ROLL CALL:

August 17, 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 August 17, 2011.

DATE: 08/17/11


Elizabeth M. Sebrowski, Borough Clerk

RES. # 8.10.11

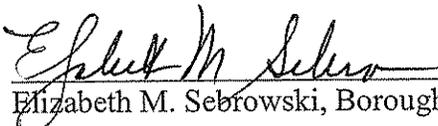
BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Kinnelon, New Jersey, that a warrant be drawn to Jerry & Caroline Onufrow, in the amount of \$520.10 representing refund for overpayment of 2010 property taxes for Block 44, Lot 13.02, also known as Dogwood Trail.

ROLL CALL:

August 17, 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 August 17, 2011.

DATE: 08/17/11


Elizabeth M. Sebrowski, Borough Clerk

RES. # 8.11.11

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Borough of Kinnelon; and

WHEREAS, Total 2009 property taxes have been paid on this property, and

WHEREAS, this reduction in assessment has resulted in an overpayment of 2009 property taxes,

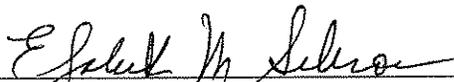
NOW, THEREFORE, BE IT RESOLVED, that the Borough of Kinnelon be authorized to issue a refund check to George Capodagli, in the amount of \$7777.53 for overpayment of 2009 property taxes. Block 39, Lot 1.40 also known as 814 West Shore Drive.

ROLL CALL:

August 17, 2011
Lisa A. Kimkowski, CTC
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 August 17, 2011.

DATE: 8/17/11


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 8. 12.11

A RESOLUTION AUTHORIZING THE
BOROUGH OF KINNELON TO ENTER
INTO A COOPERATIVE PRICING
AGREEMENT

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

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on August 18, 2011 the governing body of the Mayor and Council, County of Morris, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Kinnelon

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor Robert W. Collins is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

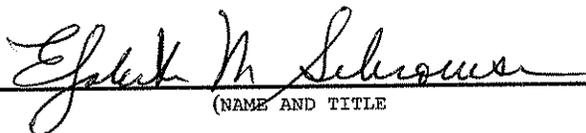
I Hereby, certify that the above resolution was adopted by the Mayor and Council of the Borough of Kinnelon at a meeting of said governing body held on August 18, 2011.

BY:



(NAME AND TITLE)

ATTEST BY:



(NAME AND TITLE)

RESOLUTION 8.13.11

The Borough of Kinnelon is Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of The Borough of Kinnelon expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of The Borough of Kinnelon:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the

innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the Borough of Kinnelon calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of the Borough of Kinnelon encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

RES. # 8.14.11

WHEREAS, certain properties were reduced in assessment in 2009, and

WHEREAS, Total 2009 property taxes have been paid on this property, and

WHEREAS, this reduction in assessment has resulted in an overpayment of 2009 property taxes for the following properties:

Block	Lot	Address	Amount
133	8.01	Kinnelon Rd.	6,229.99
133	14	Route 23	1,250.84
133.01	8.01	Kinnelon Rd.	<u>112.35</u>
			7,593.18

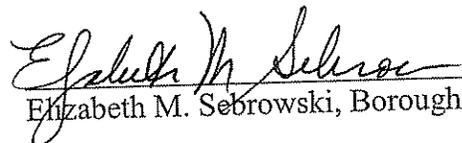
NOW, THEREFORE, BE IT RESOLVED, that the Borough of Kinnelon be authorized to issue a refund check to KB Associates, in the amount of \$7,593.18 for overpayment of 2009 property taxes.

ROLL CALL:

August 17, 2011
Lisa A. Kimkowski, CTC
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 August 17, 2011.

DATE: 8/17/11


Elizabeth M. Sebrowski, Borough Clerk

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
RESOLUTION 8.15.11

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Kinnelon, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON AUGUST 18, 2011.


Elizabeth M. Sebrovski, Borough Clerk

RESOLUTION 8./6.11

REFUND OF VARIOUS ESCROW
ACCOUNTS

WHEREAS, the Borough Treasurer has certain escrow accounts which were to be held until the appropriate projects were completed; and

WHEREAS, the Borough Engineer has authorized the refund of several of the escrow accounts.

NOW, THEREFORE, BE IT RESOLVED that the Borough Engineer hereby authorizes the Treasurer to close and refund the following various escrow accounts:

Name	Address	Amount
Robert Grant	16 Ridge Trail, Kinnelon,NJ	\$62.00
Garden State Sunrooms	17 Perimeter Road, Kinnelon,NJ	\$560.14
Michael & Carol Elstien	11 Kentbrook Terrace, Kinnelon,NJ	\$1,050.78
Coastal Outdoor Advertising	1167 NJSH Rt. 23 South, Kinnelon,NJ	\$1,426.43
Kinnelon Home & School Assoc.	121 Kinnelon Road, Kinnelon,NJ	\$649.05
William Cardone	17 Woodland Court, Kinnelon,NJ	\$195.12
Ernest Barbaris	15 Nicholas Drive, Kinnelon,NJ	\$1,10.00
Judith Schmidt	53 Lakeside Trail, Kinnelon,NJ	\$335.00
Alhambra Estates LLC	216 South Glen Road, Kinnelon,NJ	\$180.00

I, Elizabeth M. Sebrowski, Borough Clerk, do hereby certify this to be a true copy of a resolution which was duly adopted at the regular meeting of the Kinnelon Mayor and Council held on August 18, 2011.

August 18, 2011


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 8.17.11

AUTHORIZE MAYOR TO SIGN AN
AGREEMENT WITH THE LAND
CONSERVANCY OF NEW JERSEY
TO COMPLETE THE UPDATE TO
THE BOROUGH'S OPEN SPACE AND
RECREATION PLAN

WHEREAS, the Borough of Kinnelon has been awarded a grant from the Association of New Jersey Environmental Commissions (ANJEC) to update the Borough's Open Space and Recreation Plan; and

WHEREAS, the Borough wishes to partner with the Land Conservancy of New Jersey to complete the update to the Borough's Open Space and Recreation Plan; and

WHEREAS, it is necessary for the Mayor to sign an agreement with the Land Conservancy of New Jersey; and

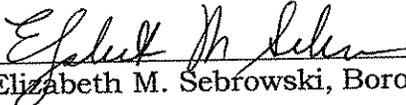
WHEREAS, payment shall be made by the Borough to the Conservancy for a fee of fourteen thousand dollars (\$14,000.00) payable in equal installments at the execution of this Agreement and at the delivery of one (1) copy of the final version of the Open Space and Recreation Plan Update.

NOW, THEREFORE, BE IT RESOLVED by the Kinnelon Mayor and Council that the Mayor is hereby authorized to sign an agreement with the Land Conservancy of New Jersey to complete the update to the Borough's Open Space and Recreation Plan which will include updated digital mapping, incorporation of public meetings and workshops to determine the community's goals for open space preservation, and an updated inventory and analysis of the Borough's land base and need for recreation and conservation of lands; and

BE IT FURTHER RESOLVED the Treasurer is hereby authorized to issue equal installments totaling fourteen thousand dollars (\$14,000.00) at the execution of this Agreement and at the delivery of one (1) copy of the final version of the Open Space and Recreation Plan Update to the Land Conservancy of New Jersey.

I, Elizabeth M. Sebrowski, do hereby certify this to be a true copy of a resolution which was duly adopted at the regular meeting of the Kinnelon Mayor and Council held on August 18, 2011.

Dated:


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 8.18.11

A RESOLUTION AUTHORIZING
THE MAYOR TO SIGN THE DDEF
GRANT APPLICATION 2011

WHEREAS, the Borough desires to apply to the State of New Jersey Department of Law and Public Safety Division of Highway Traffic Safety for a Drunk Driving Enforcement Fund Grant; and

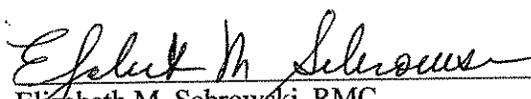
WHEREAS, the grant application is based upon Drunk Driving Enforcement Fund Expenditures for the period of July 1, 2010 through June 30, 2011.

WHEREAS, said Grant Application must be signed by the Mayor and Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Kinnelon Borough Governing Body, the Mayor and Chief Financial Officer are hereby authorized to sign the said Drunk Driving Enforcement Fund Application for the Borough of Kinnelon.

I, Elizabeth M. Sebrowski, hereby certify this to be a true copy of a resolution which was duly adopted at the regular meeting of the Kinnelon Mayor and Council held on August 18, 2011.

August 18, 2011


Elizabeth M. Sebrowski, RMC
Borough Clerk

RESOLUTION 8.1/9.11

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 (Pay-to Play Legislation) does apply; and

WHEREAS, the Borough of Kinnelon has a need to acquire the professional services of 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 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 exceed \$17,500; and

WHEREAS, the listed professional has completed and submitted a Business Entity Disclosure Certification which certifies that neither they, nor their professional firms have made any reportable contributions to a political or candidate committee in the Borough of Kinnelon in the previous one year, and that the contract will prohibit the professional services of the firms from making any reportable contributions through the term of the contract; and

WHEREAS, said below listed individual has completed and submitted a Political Contribution Disclosure Certification and a Business Registration Certificated; and

WHEREAS, this contract was not awarded through a "fair and open process" pursuant to N.J.S. 19:44A-20.4 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.

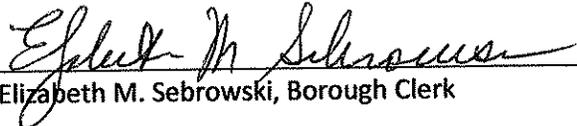
5. The Mayor and Borough Clerk, together with all appropriate officers, employees, professionals and staff of the Borough are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.

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 August 18, 2011.


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 8.20.11
BOROUGH OF KINNELON
MORRIS COUNTY, NEW JERSEY

WHEREAS, the Borough of Kinnelon desired to renovate the Kinnelon Volunteer Fire Company Firehouse #2, located on Boonton Avenue, Kinnelon, New Jersey; and

WHEREAS, in order to renovate said building a Morris County Soil Conservation Application must be submitted as part of the construction requirements.

NOW, THEREFORE, BE IT RESOLVED the Mayor is hereby authorized to execute said Morris County Soil Conservation Application and submit to Morris County with the appropriate fee.

RESOLUTION 8.21.11
BOROUGH OF KINNELON
MORRIS COUNTY, NEW JERSEY

WHEREAS, the Borough of Kinnelon desires to initiate a property revaluation for all properties within the Borough; and

WHEREAS, the Borough desires to advertise for a Professional Service for a Certified Valuation Company to undertake the task of revaluation of properties; and

NOW, THEREFORE, BE IT RESOLVED, that the Kinnelon Mayor and Council do hereby authorize the Clerk of the Borough to advertise for Request for Proposals for a Professional Service Contract for a Certified Valuation Company to perform a Revaluation of all properties of the Borough of Kinnelon.

**RESOLUTION 8.22.11
BOROUGH OF KINNELON
MORRIS COUNTY, NEW JERSEY**

WHEREAS, the Borough of Kinnelon has authorized the preparation of plans and specifications for the construction of a new Fire House; and

WHEREAS, upon the completion of such plans and specifications the Borough Clerk has undertaken the public bidding process and has sought bids for the construction of the proposed Fire House; and

WHEREAS, 13 bids were received by the Kinnelon Borough Clerk on August 11, 2011 for the construction of a new Fire House; and

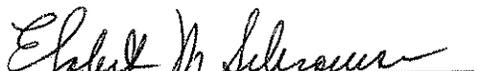
WHEREAS, the Borough Council has reviewed the aforesaid bids and the recommendations made by the Borough Attorney and Borough Engineer on said bids; and

WHEREAS, all bids substantially exceed the Borough's appropriation for said construction.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Kinnelon, County of Morris, State of New Jersey, that all bids received be and hereby are rejected.

BE IT FURTHER RESOLVED that upon the revision of Plans by the Project Professionals, the Borough Clerk is hereby authorized to rebid and advertise for new bids for the project as soon as practicable upon the redesign of a structure consistent with funds appropriated.

I hereby certify that this Resolution consisting of one page was adopted at a meeting of the Borough Council of the Borough of Kinnelon this 18th day of August, 2011.


Elizabeth Sebrovski, Borough Clerk


Robert Collins, Mayor

RESOLUTION 8.23.11

RESOLUTION TO ACCEPT THE
CORRECTIVE ACTION REPORT
FOR RECOMMENDATIONS
MADE ON THE AUDIT FOR THE
FISCAL YEAR 2010.

WHEREAS, the Borough of Kinnelon has received the Annual Report of Audit for the year 2010 which was filed by the Registered Municipal Accountant with the Borough Clerk; a copy of which was received by each member of the governing body; and

WHEREAS, there were general comments and recommendations made on said Report of Audit; and

WHEREAS, a Corrective Action Plan was prepared by the Chief Municipal Financial Officer and included in the Synopsis of Audit published in the legal newspaper of the Borough; and

WHEREAS, a Corrective Action Report was prepared by the Chief Municipal Finance Officer to be submitted with the Report of Audit and placed on file to be made available for public inspection in the Borough Clerk's office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kinnelon that the Corrective Action Plan listed in the Corrective Action Report prepared by the Chief Municipal Finance Officer be hereby approved.

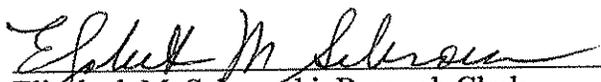
Date: 8/18/2011



Robert W. Collins, Mayor

CERTIFIED TO BE A TRUE COPY of a resolution which was duly passed at a regular meeting of the Kinnelon Mayor and Council held on August 18, 2011.

Date 8/18/2011



Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION NO. 8.24.11

**RESOLUTION RELEASING A PERFORMANCE
GUARANTEE AND REQUIRING A MAINTENANCE
GUARANTEE OF \$488,389.00 FOR A PERIOD OF
TWO YEARS FOR CENTEX HOMES, LLC
REGARDING SOUTH GLEN ESTATES-SECTION 3
A/K/A GRANDVIEW ESTATES**

WHEREAS, Centex Homes, LLC ("Developer") constructed the development known as South Glen Estates-Section 3 a/k/a Grandview Estates in the Borough of Kinnelon ("Borough"); and

WHEREAS, the site improvements have been satisfactorily completed according to the Borough Engineer; and

WHEREAS, the Developer is therefore entitled to the return of its performance guarantee in the amount of \$1,462,253.00 (\$146,225.00 in cash and \$1,316,028.00 in a surety bond), plus any accrued interest on the cash portion subject to the posting of a maintenance guarantee in the amount of \$488,389.00.

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 performance guarantee, in the amount of \$1,462,253.00 (plus any accrued interest on the cash portion) posted by the Developer is hereby released **subject to** (1) the posting of a maintenance guarantee in the amount of \$488,389.00 in a manner acceptable under the terms of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. with the form of such security subject to review by the Borough Attorney and (2) compliance with Items Nos. 1 through 3 of the "Additional Requirements for Bond Release" Section in Thomas A. Boorady's of Darmofalski Engineering Associates, Inc., Borough Engineer, letter dated June 10, 2011 regarding the as-built surveys, replenishment of the escrow account, and the posting of the aforementioned maintenance guarantee.

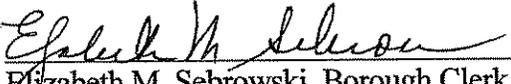
2. The Borough shall hold the maintenance guarantee for the required two-year period.

3. The Mayor and Borough Clerk together with all other appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

4. 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 August 18, 2011.


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 8.25.11

AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GIRL SCOUTS OF NORTHERN NEW JERSEY AND THE BOROUGH OF KINNELON

WHEREAS, the Girl Scouts of Northern New Jersey ("Girl Scouts") have requested that the Borough of Kinnelon ("Borough") act as a co-borrower for a loan to Girl Scouts under the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003 ("Act") to fund the restoration and repair of the Lake Rickabear Dam; and

WHEREAS, pursuant to the Act, loans will only be granted for the restoration of dams owned by private entities such as the Girl Scouts, if a local government entity acts as co-borrower with the private entity; and

WHEREAS, on February 24, 2006 the Borough executed a co-borrower's agreement for a loan in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for a low interest loan under the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003 ("Act") to fund the restoration and repair of the Lake Rickabear Dam; and

WHEREAS, the project, when completed, had an additional cost of Three Hundred Nineteen Thousand Dollars (\$319,000); and

WHEREAS, the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("NJDEP"), approved the application for an additional low interest loan in the amount of Three Hundred Nineteen Thousand Dollars (\$319,000); and

WHEREAS, the Borough desires to further the public interest by co-signing for a loan from the NJDEP to the Girl Scouts for the additional cost in the amount of Three Hundred Nineteen Thousand (\$319,000), plus interest and costs to fund the rehabilitation of the Lake Rickabear Dam; and

WHEREAS, simultaneously herewith, the Borough shall consider adoption of a Bond Ordinance authorizing the Borough to incur debt as a co-borrower on the Loan Agreement and authorizing a special assessment for the Lake Rickabear Dam restoration project pursuant to the Act; and

WHEREAS, as co-borrower, the Borough may incur certain financial and substantive obligations and liability in the event of a financial or other default of the primary borrower (Girl Scouts); and

WHEREAS, the Borough and Girl Scouts desire to enter into the Co-Borrower Agreement to adequately indemnify the Borough for all financial and other obligations which the Borough shall and may incur and to set forth the rights and responsibilities of the parties.

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 Mayor is authorized to execute a loan agreement as the co-borrower with NJDEP for a loan in the amount of Three Hundred Nineteen Thousand Dollars (\$319,000.00), plus principal, interest and costs to be made to the Girl Scouts of Northern New Jersey and to execute any amendments thereto.

2. The general terms and conditions of the Loan Agreement between the State of New Jersey acting through the Department of Environmental Protection, Girl Scouts and the Borough are hereby approved.

3. In the event of a default by the Girl Scouts, the Borough authorizes and agrees to complete the dam restoration project and reimburse the NJDEP in accordance with the terms of the Loan Agreement.

4. The Borough agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance to the Loan Agreement.

5. The general terms and conditions of the Co-borrower Agreement by and between the Girl Scouts of Northern New Jersey and the Borough of Kinnelon are hereby approved. The Mayor, together with the Borough Clerk, are hereby authorized to execute said Co-Borrower's Agreement after execution of the same by the Girl Scouts.

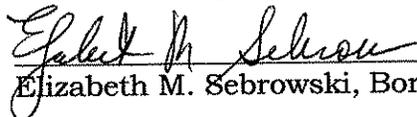
6. The Borough hereby authorizes and approves any non-substantive modifications to the Loan Agreement and/or Co-Borrower Agreement as may be recommended and approved by the Borough Attorney prior to execution.

7. The Mayor and Borough Clerk together with all other appropriate officers, employees, consultants and professionals of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this resolution.

8. 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 August 18, 2011.



Elizabeth M. Sebrowski, Borough Clerk

LICENSE FOR: Raffle License No. RL-723 -KB
(Insert Bingo or Raffles) Identification No. 238-5-20619
Insert Name (Display this license conspicuously
Of Municipality BOROUGH OF KINNELON During the conduct of the games)
Insert Name of
Licensee HSA Kinnelon High School

Address 121 Kinnelon Road, Kinnelon NJ 07405

1. This license allows the licensee to conduct (cross out line which) Bingo (not to Exceed 35 games),
Raffles of the kind stated,
The winner to be determined on each of the dates, at the places and during the hours shown below:
Kind of Game Date Place During hours
50/50 Premises 11/17/2011 Kinnelon High School 6:45PM - 10:00PM
117 KIEL AVE, Kinnelon NJ

2. The value and character of the prizes authorized to be offered and given on each date are:
50 %

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose
Kinnelon High School Class of 2012 Project Graduation and Scholarship fund

4. The names and addresses of the members under whom the games will be held, operated and conducted are:

Names	Addresses
<u>Jennifer Huber</u>	<u>21 North Road, Kinnelon NJ</u>
<u>Maryellen Wunsch</u>	<u>8 Maple Trail , Kinnelon NJ</u>

Issued by order of MAYOR AND COUNCIL ON August 18, 2011

(SEAL)


(Signature of Municipal Clerk)

Games must be played in accordance with the rules of the Control Commission.
See Parts VI, VII and VIII of Rules and Regulations.

LICENSE FOR: Raffle
(Insert Bingo or Raffles)

License No. RL-724 -KB

Identification No. 238-5-20619

Insert Name
Of Municipality BOROUGH OF KINNELON
Insert Name of
Licensee HAS Kinnelon High School

(Display this license conspicuously
During the conduct of the games)

Address 121 Kinnelon Road, Kinnelon NJ 07405

(cross out line which) Bingo (not to Exceed 35 games),
Raffles of the kind stated,
1. This license allows the licensee to conduct
The winner to be determined on each of the dates, at the places and during the hours shown below:
Kind of Game Date Place During hours
On premises Raffle 11/17/2011 Kinnelon High School 6:45PM – 10:00PM
117 KIEL AVE, Kinnelon NJ

2. The value and character of the prizes authorized to be offered and given on each date are:
50 Baskets @ \$50.00 Each

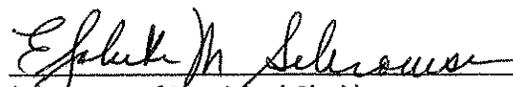
3. This license is valid only if the entire net proceeds are devoted to the following specific purpose
Kinnelon High School Class of 2012 Project Graduation and Scholarship fund

4. The names and addresses of the members under whom the games will be held, operated and conducted are:

Names	Addresses
<u>Jennifer Huber</u>	<u>21 North Road, Kinnelon NJ</u>
<u>Maryellen Wunsch</u>	<u>8 Maple Trail , Kinnelon NJ</u>

Issued by order of MAYOR AND COUNCIL ON August 18, 2011

(SEAL)


(Signature of Municipal Clerk)

Games must be played in accordance with the rules of the Control Commission.
See Parts VI, VII and VIII of Rules and Regulations.

LICENSE FOR: Raffle
(Insert Bingo or Raffles)

License No. RL-725 -KB

Identification No. 238-5-20619
(Display this license conspicuously
During the conduct of the games)

Insert Name
Of Municipality BOROUGH OF KINNELON
Insert Name of
Licensee HSA Kinnelon High School

Address 121 Kinnelon Road, Kinnelon NJ 07405

1. This license allows the licensee to conduct (cross out line which) Bingo (not to Exceed 35 games),
Raffles of the kind stated,
The winner to be determined on each of the dates, at the places and during the hours shown below:
Kind of Game Date Place During hours
Off premises 11/17/2011 Kinnelon High School 6:45PM - 10:00PM
117 KIEL AVE, Kinnelon NJ

2. The value and character of the prizes authorized to be offered and given on each date are:
American Express Gift Card \$500.00 Flat Screen T.V. \$300.00
Target Gift Card \$150.00

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose
Kinnelon High School Class of 2012 Project Graduation and Scholarship fund

4. The names and addresses of the members under whom the games will be held, operated and conducted are:

Names	Addresses
<u>Jennifer Huber</u>	<u>21 North Road, Kinnelon NJ</u>
<u>Maryellen Wunsch</u>	<u>8 Maple Trail, Kinnelon NJ</u>

Issued by order of MAYOR AND COUNCIL ON August 18, 2011

(SEAL)


(Signature of Municipal Clerk)

Games must be played in accordance with the rules of the Control Commission.
See Parts VI, VII and VIII of Rules and Regulations.

AUGUST 18, 2011

The foregoing motions and resolutions were approved (with the exception of Resolution 8.22.11) by the following roll-call vote:

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

RESOLUTION 8.22.11 – REJECTION OF BIDS CO. 2 FIREHOUSE

Mayor Collins asked if any of the Council Members wished to speak on this matter at this time.

Councilman Jim Freda said it is very difficult to be up here and represent the tax payers and have the fire company in the audience. He said Jim Bosch is a friend of his as well as the Chief of the Fire Company. Sitting up here listening to Councilman SanFilippo who is passionate about this, Councilman Freda said it is hard for him because sometimes he can't find the words to say. He assured them that they appreciate what they do; but he feels from the start this project was rushed and due diligence was not done. He doesn't understand why it was rushed. The machinery is safe in there and felt with the right timing the governing body wouldn't be against it.

Councilman O'Dougherty said the firemen are the best you can have. No one is saying they don't do a fantastic job. We do need to house the equipment.

Councilman Cobell said the firehouse needs to be replaced. The problem is the governing body did what they were asked for and now are being asked for more.

What's the problem, whose going to fix it and when. The problem is we assumed the \$900,000 would be enough. It's not. How do you fix it? You can't pare down the project. Who's going to fix it? We all have to. As a group, we have to discuss the question of do we send bids out again as they are and hope there are contractors out there who will come in under the bond amount and cut their profit margin. Or do we add to the additional money through a bond. Councilman Cobell said we could combine it with another bond pending if there are any.

Councilman SanFilippo said he said he is worried about losing the \$80,000. The engineer has recommended we go with the lowest bidder. If we go back out to bid and it comes back the same or higher, then what do we do?

Councilman Mondello agreed with Councilman Freda that we were rushed and now we are stuck with it. He said he feels we have to go back out to bid and hope that the contractors understand that those numbers were too

AUGUST 18, 2011

high. However, with the understanding that if the numbers come in high again we go forward.

There was a discussion that followed explaining the process if the bids are rejected and the timing of a possible award in that case. It was suggested the finance committee contact the CFO to see if there are any balances from old bond ordinances available.

A motion to adjourn this resolution until the September work session was offered by Councilman R. Mondello. This motion was seconded by Councilman G. Moleta.

RESOLUTION 8.26.11 -

Councilman R. Mondello offered a motion for the adoption of the following resolution. Councilman G. Moleta seconded this motion.

**BOROUGH OF KINNELON
Morris County, New Jersey**

**A RESOLUTION OF THE BOROUGH TO CO-SPONSOR K-FEST AND EXTEND THE
BOROUGH'S INSURANCE TO KAMELOT AND THE K-FEST COMMITTEE FOR
SUCH PURPOSE**

WHEREAS, the Borough of Kinnelon is a member of the Morris County Municipal Joint Insurance Fund a public entity providing property and casualty coverages integral to the operation of the Municipality; and

WHEREAS, the Borough of Kinnelon is desirous of supporting the efforts of the Kinnelon Alliance Committee (a.k.a Kamelot) and their work with the K-Fest Committee in celebrating K-Fest on October 2, 2011 as an event that embodies the positive spirit and sense of community inherent to the Borough of Kinnelon and its citizens; and

WHEREAS, Kamelot is a creation of the Borough, with members of the Committee appointed by the Mayor and Council and funding provided by the County of Morris for the purpose of planning, developing and coordinating the implementation programs focused on the problems experienced by our youth; and

WHEREAS, the Borough, Kamelot and the K-Fest Committee will co-host the event planned for October 2, 2011.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, County of Morris, State of New Jersey that the Borough hereby recognizes Kamelot and the K-Fest Committee for their dedicated efforts and the inherent benefit to the community of the dedicated volunteer work performed by the respective Committees; and

**ORDINANCE NO. 9-11 AN ORDINANCE TO AMEND CHAPTER 199, WATER, OF
THE CODE OF THE BOROUGH OF KINNELON**

WHEREAS, Chapter 199-25 of the Code of the Borough of Kinnelon ("Borough") currently provides a schedule which sets forth the water rates for all users; and

WHEREAS, the Borough desires to amend said schedule found at Chapter 199-25 B(4) and B(5), the fees for Water Shutoff and Turn-on; and

WHEREAS, Chapter 199-21 of the Code of the Borough of Kinnelon permits the Governing Body of the Borough of Kinnelon ("Governing Body") to amend said schedule by resolution; and

WHEREAS, the Governing Body desires to adopt a resolution to amend said schedule.

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

1. Chapter 199-25B(4) Shutoff fee shall be amended to \$75.00.
2. Chapter 199-25B(5) Turn-on fee shall be amended to \$75.00 during normal business hours (weekdays between 7:00 a.m. and 3:00 p.m.) and \$150.00 at all other times.

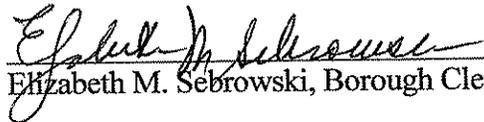
SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding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

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

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

ATTEST:

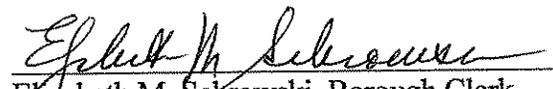
BOROUGH OF KINNELON


Elizabeth M. Sebrowski, Borough Clerk


Robert Collins, Mayor

CERTIFICATION

I, Elizabeth M. Sebrowski, 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 July 21, 2011 and adopted by the Governing Body at a regular meeting of the Borough held on Aug 18, 2011.


Elizabeth M. Sebrowski, Borough Clerk

Draft 7.18.11

ORDINANCE NO. 10-11 AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE RENEWAL OF A CABLE TELEVISION FRANCHISE TO CABLEVISION OF OAKLAND, LLC FOR THE SUPPLYING OF CABLE TELEVISION SERVICES IN THE BOROUGH OF KINNELON, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, by Ordinance 7-73, as amended, the Mayor and Council of the Borough of Kinnelon (the "Borough") granted a non-exclusive franchise for cable television services to Micro Cable Communications Corp., d/b/a UA-Columbia Cablevision of New Jersey ("UACC"), for a period of fifteen (15) years; and

WHEREAS, by Ordinance 7-89, as amended, the Mayor and Council of the Borough, granted a non-exclusive consent for the renewal of the cable television franchise to UACC for a period of ten (10) years; and

WHEREAS, on June 25, 1990, the cable operator became United Artists Cable of New Jersey; in 1991 the cable operator became United Artists Cable Company, a TCI Company; in November 1992, the cable operator became TCI of Northern New Jersey; and, as of March 4, 1998, the cable system was transferred to Cablevision of Oakland, Inc. and on December 26, 2001 the cable system was transferred to Cablevision of Oakland, LLC (the "Company"); and

WHEREAS, by Ordinance 8-99, as amended, the Mayor and Council of the Borough granted a non-exclusive consent for the renewal of the Cable Television Franchise to the Company for a period of ten (10) years; and

WHEREAS, the Company has filed with the Borough of Kinnelon an Application for Municipal Consent for the renewal of the non-exclusive cable television franchise in accordance with the law; and

WHEREAS, on March 19, 2009 and April 16, 2009 a public hearing concerning the renewal of the franchise for the placement, operation and maintenance of a cable television system was duly held, after proper public notice, pursuant to the terms and conditions of the Communications Act of 1934 and its amendments (47 U.S.C. 521, et seq. and N.J.A.C. 14:18-1, et seq.), the New Jersey Cable Television Act (N.J.S.A. 48:5A-1, et seq.) and administrative regulations promulgated thereunder (N.J.A.C. 14:17-1.1, et seq.), and other applicable law; and all comments and presentations regarding the qualifications of the Company for renewal of the franchise having been received and considered; and

WHEREAS, the Borough, by its governing body, hereby makes and finds the following determinations with respect to the Application for Municipal Consent (the "Application") of the Company:

- a. The Company has substantially complied with the material terms of the existing franchise and applicable law;
- b. The quality of the Company's service has been reasonable in light of community needs;
- c. The Company possesses the financial, legal, and technical ability to provide the services, facilities and equipment set forth in its Application and proposal, the terms of which are incorporated herein;
- d. The Company's Application and proposal is reasonable to meet the future cable-related community needs and interest, taking into account the cost of meeting such needs and interests.

WHEREAS, the Borough desires to grant the renewal of the franchise for cable television services to the Company under the terms and conditions as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. GRANT OF NON-EXCLUSIVE FRANCHISE. The Borough hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over and under

the highways, streets, alleys, sidewalks, public ways, and public places in the Borough poles, wires, cables, and fixtures necessary for the maintenance and operation in the Borough of a cable television system or other communications facilities and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 2. DEFINITIONS. For the purposes of the Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission, F.C.C. Rules and Regulations 47 C.F.R. Subsection 76.1 et seq.; the Cable Communications Policy Act, 47 U.S.C. 521 et seq., as amended; and the Cable Television Act, N.J.S.A. 48:5A-1 et seq. and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

- a. "Borough" is the Borough of Kinnelon, County of Morris, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Cablevision of Oakland, LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, Section 48:5A-1, et seq.
- d. "Federal Act" is the Communications Act of 1934, and its amendments, 47 U.S.C. 521, et seq., and the Communications Act of 1996, and its amendments.
- e. "Board" is the New Jersey Board of Public Utilities of the State of New Jersey or its successor agency.
- f. "Office of Cable Television" is the New Jersey Board of Public Utilities, Office of Cable Television.
- g. "Application" is the Application for Municipal Consent, Borough of Kinnelon, dated December 17, 2008 and received by the Borough on December 22, 2008, submitted by Cablevision of Oakland, LLC.

h. "Standard Installation" shall mean the installation of drop cable to a customer's premises where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.

SECTION 3. STATEMENT OF FINDINGS. On March 19, 2009 and April 16, 2009, a public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearings having been held and fully open to the public, and the Borough having received all comments regarding the qualifications of the Company to receive this consent, the Borough hereby finds the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE. The consent herein granted shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL. If the Company seeks a successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and Certificate of Approval in accordance with N.J.S.A. 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Borough and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any Certificate of Approval) into a system-wide franchise.

SECTION 6. FRANCHISE FEE. Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Borough or any amount mandated by the Cable Television Act or otherwise required by law in excess thereof. The Company will charge the franchise fee to users as permitted by law.

SECTION 7. TERRITORY. The consent granted herein to the Company shall apply to

the entirety of the Borough and any property hereafter annexed.

SECTION 8. PROVISION OF SERVICE. The Company shall be required to proffer service along any public right-of-way to any person's residence located in those areas of the franchise territory described herein, in accordance with the proposal for the provision of services as described in the Application. Commercial entities will be proffered service in accordance with the Company's commercial line extension policy as identified in the Application.

SECTION 9. CONSTRUCTION REQUIREMENTS. Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall at its sole expense restore and replace such places or things so disturbed in as good condition as existed prior to the commencement of said work.

If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough, shall remove, re-lay and relocate its equipment, at the expense of the Company.

Upon at least 14 days' notice, the Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, machinery or in other similar circumstances. The expense shall be borne by the party requesting such action except when requested by the Borough, in which case the Company shall bear the costs.

During the exercise of its rights and privileges under this franchise, the Company, upon notice to the Borough Clerk, emergency situations excepted, shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 10. TECHNICAL AND CUSTOMER SERVICE STANDARDS. Cablevision shall comply with the technical and customer service standards established for the cable industry

under applicable State and federal laws, rules and regulations.

SECTION 11. LOCAL OFFICE. During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office or agent for the purpose of receiving, investigating, and resolving all complaints regarding the quality of service, equipment malfunctions and similar matters as prescribed in N.J.S.A. 48:5A-26(d). Such local business office shall be open between 9:00 a.m. and 5:00 p.m. Monday through Friday, with the exception of Holidays.

SECTION 12. INSTALLATION OF SERVICES. The Company shall provide installation and service to any subscriber's residence within a reasonable time period under normal operating conditions in accordance with State and Federal regulations.

SECTION 13. QUALITY OF SIGNAL. The Company agrees to provide quality signals in accordance with State and Federal regulations.

SECTION 14. ALTERATION OF BASIC SERVICE. Subject to Federal Law, the Company shall not alter its basic service, including rate and channel changes, without prior notice to the Office of Cable Television and the Borough as required by applicable State law.

SECTION 15. ANNUAL SYSTEM STATUS REPORT. Upon request by the Borough, but no more than one time per year, a company representative shall attend a Borough Council meeting to discuss any changes, improvements, new procedures or to answer any concerns the Borough may have with the provision of cable television service in the Borough.

SECTION 16. MUNICIPAL COMPLAINT OFFICER. The Office of Cable Television is hereby designated as the complaint officer for the Borough, pursuant to N.J.S.A. 48:5a-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 17. PERFORMANCE BOND. During the life of the franchise the company shall maintain a bond with the Borough in the amount of \$25,000.00. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application and incorporated herein.

SECTION 18. CABLE RATE. The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 19. FREE INSTALLATION AND SERVICE. The Company shall provide the installation of one outlet and basic monthly cable television reception service at no charge in the Municipal Building, Department of Public Works, Kinnelon Free Public Library, Police Department, all Fire Department buildings and all public and private accredited K-12 school buildings in the Borough provided they are standard installations. Each additional outlet installed, if any, shall be paid for, by the institution requesting the same on a materials plus labor basis.

SECTION 20. ACCESS CENTER; MODULATOR LOCATION. The Borough has agreed to have access capability at the Kinnelon High School Studio Facility. The Borough and the Company have agreed to utilize the High School as the designated modulator location within the Borough and the High School Studio Facility will be the Borough's Access Center and will be used by the Police Department and Fire Department for emergency announcements. All access programming shall be of a non-commercial nature.

SECTION 21. ADMINISTRATION OF ACCESS CENTER. The mechanism for scheduling use of the Borough's Access Center shall be established by the Kinnelon Board of Education with the advice and consent of the Borough. The policy and rules and regulations with regard to the operation of the Borough's Access Center and programming availability guidelines, including by way of example and not limitation, scope of announcements, program schedule, use of facilities by various groups and organizations, advocacy of legislative, budgetary or other issues, equal time and fairness doctrines shall be established solely by the Borough. Such guidelines and policy shall be strictly applied to the operation of the Borough's Access Center by the Kinnelon Board of Education. All programming produced at the Borough's Access Center shall be of a non-commercial nature. Users of the Borough's Access Center shall comply with Cablevision's public educational and government access ("PEG") Guidelines to the extent applicable.

SECTION 22. FREE INTERNET SERVICE. Upon written request from the Borough, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Borough, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem

service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Borough, the Company shall provide to (1) one municipally owned facility, without charge, the following: (1) one standard installation; (2) one cable modem per installation; and (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

SECTION 23. SENIOR DISCOUNTS. The Company voluntarily offers a discount for senior citizens meeting the eligibility requirements pursuant to the State's Pharmaceutical Aid for the Aged and Disabled program. The Company reserves the right to alter or discontinue the discount at any point during the term of this Ordinance.

SECTION 24. INSURANCE. The Company agrees to maintain and keep in full force and effect at its sole expense at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of \$1.5 million combined single limit for bodily injury or death to one person or resulting from any one accident and for property damage resulting from any one accident. The Company shall also provide workers compensation insurance at the State mandated limited. The insured will protect, defend, indemnify, and hold harmless, the Borough from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees, or other expenses or liabilities arising out of or resulting from the operation, construction or maintenance of the cable system provided that any such claims, damage, loss, or expense is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of the tangible property including the loss of the use resulting therefrom and is caused in whole or in part by any negligent or willful act or omission of the Company.

SECTION 25. EMERGENCY USES AND SERVICES. The Borough shall adhere to the State Emergency Plan as established in accordance with Part 11 of the FCC regulations.

SECTION 27. LEVEL PLAYING FIELD. In the event that the Borough approves or permits a cable system to operate in the Borough on terms more favorable or less burdensome than those contained in this ordinance, then such more favorable or less burdensome terms shall be applicable to this franchise, pursuant to approval of a petition to amend the Certificate of Approval filed with the Board of Public Utilities as provided for under N.J.A.C. 14:17-6.7.

SECTION 28. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS.

A. Cablevision shall continue to make available non-commercial public, educational and governmental ("PEG") access services available to the residents of the Borough as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.

B. The Borough agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Borough is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Borough's provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in Section 21 of this Ordinance.

D. In consideration for the rights granted in this Ordinance, the Company shall provide the Borough with a grant in the amount of Thirteen Thousand Dollars (\$13,000.00). Cablevision shall provide an initial grant payment of Four Thousand Dollars (\$4,000.00) within ninety (90) days of the issuance of the Certificate of Approval by the Board of Public Utilities. The remaining grant of Nine Thousand Dollars (\$9,000.00) shall be provided in annual installments of One Thousand Dollars (\$1,000.00) upon written request by the Borough. The Annual Grant may be used by the

Borough for any cable and/or other telecommunications related purpose as the Borough, in its discretion, might deem appropriate. Cablevision shall not be obligated to make any additional payments beyond year ten (10) of the franchise. Notwithstanding the foregoing, should Cablevision apply for a system-wide certification or otherwise convert its municipal consent to a system-wide certification in accordance with applicable law, it shall be relieved of any payments due and owing after the date of such conversion or award of a state-wide franchise. The Borough agrees that all amounts provided pursuant to this Section, shall be used for the exclusive support of PEG access equipment and facilities.

E. The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1.

SECTION 29. REQUEST FOR NON-FRANCHISED COMPETITIVE RELIEF. In the event that a non-franchised multi-channel video programmer provides service to residents of the Borough, the Company shall have a right to request amendments to this Ordinance and any Certificates of Approval that relieve the Company of regulatory burdens that create a competitive disadvantage to the Company. In requesting amendments, the Company shall file with the Board a petition for approval seeking to amend the ordinance. Such petition shall: i) indicate the presence of a non-franchised competitor(s), ii) identify the basis for the Company's belief that certain provisions of the Certificate of Approval place the Company at a competitive disadvantage, and iii) identify the regulatory burdens to be amended or repealed in order to eliminate the competitive disadvantage. The Borough shall not unreasonably object to granting the Company's petition and so amending the franchise ordinance, subject to approval of the petition by the Board of Public Utilities filed hereunder pursuant to N.J.A.C. 14:17-6.7.

SECTION 30. REMOVAL OF FACILITIES. Upon the expiration, termination or revocation of this franchise, the Company, at its sole cost and expense and upon the direction of the Borough, shall remove the cables and appurtenant devices herein, unless the Company, its affiliated entities or assigns, should within six (6) months after such expiration, termination or revocation,

obtain certification from the FCC to operate an Open Video System, or any other federal or state certification to provide telecommunication services. The Company shall seek approval from the Board of Public Utilities prior to dismantling its cable system in the Borough.

SECTION 31. INCORPORATION OF APPLICATION. All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be considered a part hereof by reference as long as they do not conflict with state or federal law.

SECTION 32. CONFLICTING PROVISIONS. In the event any portion of the Application or this Ordinance is in conflict with the provisions of the Cable Television Act (N.J.S.A. 48:5A-1, et seq.), the Cable Communications Policy Act and its amendments (47 U.S.C. 521, et seq.), and/or F.C.C. Rules and Regulations (76.1, et seq.), as amended, such portion shall not be construed as effective and shall be severable. The remainder of the Application and/or this Ordinance not so affected shall remain in full force and effect.

SECTION 33. 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.

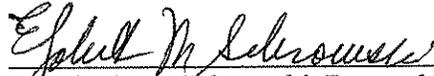
SECTION 34. INCONSISTENT ORDINANCES. Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

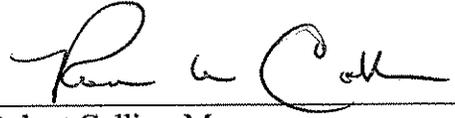
SECTION 35. EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication according to law and the Company's written acceptance thereof within ten (10) days. If the Company does not accept the terms and conditions hereof, then the actions of the Borough and Company shall be governed by and subject to the provisions of the Act, the regulations related

thereto and the actions of the Board and Office of Cable Television.

ATTEST:

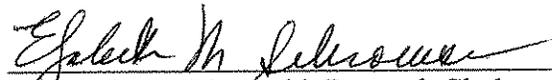
BOROUGH OF KINNELON


Elizabeth M. Sebrowski, Borough Clerk


Robert Collins, Mayor

CERTIFICATION

I, Elizabeth M. Sebrowski, 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 July 21, 2011 and adopted by the Governing Body at a regular meeting of the Borough held on Aug 18, 2011.


Elizabeth M. Sebrowski, Borough Clerk

7/19/11

ORDINANCE # 11-11

BOND ORDINANCE APPROPRIATING \$160,000, AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Kinnelon, in the County of Morris, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$160,000 including the aggregate sum of \$8,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$160,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$152,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the

issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$152,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase of new and additional computer equipment for use by the Police Department of the Borough and the Administration Department of the Borough, together with all accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$22,000	\$20,900
(b) Acquisition of new and additional of vehicular equipment for use by the Police Department of the Borough, including without limitation two (2) utility vehicles, together with all attachments, appurtenances and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	85,000	80,700
(c) Improvement of municipally-owned facilities and grounds in and by the Borough, including the Department of Public Works facilities by the removal of underground fuel storage tanks, together with all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	<u>53,000</u>	<u>50,400</u>
Totals	\$160,000	\$152,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.59 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$152,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$22,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed

in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

7/19/11

ORDINANCE # 12-11

ORDINANCE AMENDING A BOND ORDINANCE OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, HERETOFORE ADOPTED ON MARCH 17, 2011 (#2-11) RELATING TO THE IMPROVEMENT OF CUTLASS ROAD.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The bond ordinance of the Borough of Kinnelon, in the County of Morris, New Jersey, heretofore adopted by the governing body thereof on March 17, 2011 and entitled: "Bond ordinance providing for the improvement of Cutlass Road in and by the Borough of Kinnelon, in the County of Morris, New Jersey, appropriating \$465,000 therefor and authorizing the issuance of \$452,000 bonds or notes of the Borough for financing such appropriation" (#2-11) is hereby amended to the extent and with the effect that Section 3(a) thereof shall read as follows (revised text is underscored):

"Section 3(a). The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the reconstruction and resurfacing of Cutlass Road, from Boonton Avenue to State Route 23 and all or portions of Woodland Court to provide a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including all curbing, drainage facilities, landscaping, guide rails, traffic markings, signage, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and heretofore and hereby approved."

Section 2. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by the Local Bond Law of New Jersey.

7/19/11

ORDINANCE # 13-11

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$175,000 THEREFOR, CONSTITUTING PROCEEDS OF BOND ANTICIPATION NOTES OF THE BOROUGH HERETOFORE ISSUED.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement described in Section 2 of this ordinance has heretofore been and is hereby authorized to be made or acquired by the Borough of Kinnelon, New Jersey, as a general improvement, and there is hereby appropriated therefor the sum of \$175,000, said sum constituting proceeds of bond anticipation notes of the Borough heretofore issued and not necessary for financing the purposes for which issued and now available for financing the said improvement or purpose.

Section 2. The improvement or purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the improvement of various roads in and by the Borough, including Miller Road, Pheasant Run, Carl Place, Siek Road, Alpine Drive and Whitty Road, by the construction or reconstruction therein of roadway pavements, at least equal in useful life or durability to a roadway pavement of Class B reconstruction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including the construction or reconstruction of curbs, walkways and sidewalks, the reconstruction and installation of pedestrian safety improvements and the installation of lighting, signage and other structures, together with all drainage facilities, landscaping, equipment, site

work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and heretofore and heretofore and hereby approved.

Section 3. It is the opinion of the Borough Council of the Borough, as the governing body thereof, that it is in the best interest of the Borough that \$175,000 constituting proceeds of bond anticipation notes of the Borough heretofore issued under Ordinance Nos. 9-08 (\$70,000) and 12-10 (\$105,000) shall be appropriated to and used to finance costs, including incidental expenses, of the improvement or purpose above described in Section 2 of this ordinance.

Section 4. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 5. This ordinance shall take effect after final passage as provided by law.

ORDINANCE NO. 14-11 AN ORDINANCE TO AMEND CHAPTER 169, SOIL REMOVAL, OF THE CODE OF THE BOROUGH OF KINNELON, NEW JERSEY

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 Chapter 169, Soil Removal, 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 ONE. Chapter 169, Soil Removal, of the Code of the Borough of Kinnelon, New Jersey, shall be revised to read as follows:

CHAPTER 169 SOIL DISTURBANCE

§169-1 DEFINITIONS.

Person shall mean any developer, organization, individual, company, corporation, partnership, limited liability company, limited liability partnership, or any other form of business entity.

Site shall mean the Block(s) and Lot(s) that is named on the application form and is the location of the project.

Soil disturbance shall mean any movement of soil including, movement of soil within one (1) site or movement of soil from one site to another site regardless of its destination. This also includes movement of soil on land disturbed previously as a result of a previous project or development.

Soil exportation shall mean removing soil from one (1) site to any location off-site.

Soil importation shall mean bringing soil to the site from any location off-site.

Soil movement shall mean the transfer of soil within a site.

Topsoil shall mean soil, that, in its natural state, constitutes the top layer of earth, and is composed of two (2%) percent or more, by weight, of organic matter and has the ability to support vegetation.

§169-2 GRADING PLANS REQUIRED.

Any soil disturbance that results in a change in grade or elevation of two (2') feet or more but does not fall within the limits set forth below in §169-3, shall require approval from the Borough Engineer. A grading plan shall be prepared and submitted to the Borough Engineer for approval, along with a minimum escrow amount of \$1,000.00. Applicant shall also file a Building Permit Application with the Building Department and pay the appropriate fee. The Borough Engineer may request additional escrow funds as warranted.

Grading plans shall be prepared by a licensed professional engineer and shall be accompanied by a signed and sealed topographic survey prepared by a licensed professional and surveyor. Grading plans involving the construction of new retaining walls or the repair/reconstruction of existing retaining walls, regardless of height, shall require the prior review and approval by the Borough Engineer. In cases where retaining walls exceed a height of four (4) feet and in cases involving tiered walls, structural calculations prepared by a licensed professional engineer shall be submitted for review and approval by the Borough Engineer to confirm the standards are met for sliding, overturning and global stability. Upon completion of work shown on the lot grading plans and retaining wall plans, the applicant shall submit a topographic as-built survey prepared by a licensed professional land surveyor for review and approval by the Borough Engineer. Routine inspections are required by both the applicant's Design Engineer and the Borough Engineer to ensure all work conforms with the approved plans. A certified report of completion is required to be submitted to the Borough Engineer by the design engineer to ensure retaining walls were constructed in substantial conformance with the approved plans. In cases involving rock cuts, the Borough Engineer may require the applicant to obtain a certification from a professional engineer familiar with geotechnical matters to ensure the safety and stability of such rock cuts.

§169-3 SOIL DISTURBANCE PERMIT REQUIRED.

- a. Any soil disturbance within the Borough of Kinnelon involving fifty (50) cubic yards volume of soil or more on one (1) site shall comply with the provisions of this Soil Disturbance Chapter. Any soil disturbance within the Borough of Kinnelon involving fifty (50) cubic yards volume of soil or more on one (1) site requires first obtaining a soil disturbance permit, as provided herein, to be approved by the Borough Council. This section shall not apply to soil disturbance by the Borough or its contractors.
- b. This section shall also apply to soil disturbance incident under a permit issued by the Construction Official for the construction of a single family dwelling and its accessory structures (such as garage, shed, swimming pools, cabana houses, driveway, etc.).
- c. The soil disturbance permit shall expire after one (1) year from the date it is issued. In the event the soil disturbance activity for which the permit was issued is not completed

within one (1) year, the applicant may apply to the Borough Council for an extension of said permit. Approval of said extension shall not be unreasonably withheld.

- d. All applications shall include a soil erosion and sediment control plan as set forth in Chapter 167, Soil Erosion and Sediment Control, of the Borough of Kinnelon Code Book. In addition, certification may be required from the Morris County Soil Conservation District.
- e. All applications for lot grading plan or soil disturbances shall include a report from a qualified environmental professional which confirms the presence or absence of freshwater wetlands, wetlands transition areas, flood hazard areas, category-1 watercourses, riparian buffers, and which confirms the applicability of the state Highlands Water Protection and Planning Act, the state Flood Hazard Area Control Act, Freshwater Wetlands Act, or any other state regulations protecting environmental resources which could be impacted by the proposed work. Copies of any necessary state permits shall be submitted prior to the final approval of any lot grading or soil disturbance plan.
- f. Exemptions from Permit Requirements. In cases involving minor soil moving, as set forth below, no Permit is required:
 - 1. Removal of less than 50 cubic yards.
 - 2. Spreading of topsoil for a lawn, provided that there is not a buildup of more than four inches and the areas filled are within the property line.
 - 3. Filling of holes left by rock or tree stump removal.
 - 4. Filling of sunken backfill areas, provided that such filling does not take place more than two years after the completion of the original backfill.
 - 5. Importation of less than 50 cubic yards, provided that the change in elevation is no more than two feet at any point and the source of fill material is identified and approved by the Construction Official.
 - 6. Cut and fill operations over an area less than 400 square feet that result in no more than a two-foot change in elevation at any point.
 - 7. Notwithstanding the foregoing, no exemption should be given in cases where stormwater facilities are being constructed or in cases where grading will redirect runoff which could potentially adversely affect neighboring properties or public and private roads.

§169-4 APPLICATION AND CONTOUR MAP.

- a. *Application.* Any disturbance of soil within the Borough of Kinnelon of five thousand (5,000) square feet surface area or more on one (1) site or fifty (50) cubic yards volume of soil or more on one (1) site requires the submission to the Borough Clerk of an application for a soil disturbance permit. In addition, an application fee in the amount of one hundred fifty (\$150.00) dollars must be submitted with the application if the applicant proposes to disturb fifty (50) to five hundred (500) cubic yards of soil. An application fee in the amount of five hundred (\$500.00) dollars must be submitted with the application if the applicant proposes to disturb five hundred one (501) or more cubic yards of soil. In the event soil is being exported from one (1) site within the Borough of Kinnelon and imported to another

site within the Borough of Kinnelon, then two (2) soil disturbance permits must be obtained, one (1) permit for the exportation and one (1) permit for the importation. Applications can be obtained by the Borough Clerk's office and shall be signed by the person intending to perform the soil disturbance and by the owner of the site where the soil is to be disturbed. In addition, the application must include a contour map of the site where the soil is to be disturbed, the appropriate fee and when the application involves the importation or exportation of soil, a traffic plan. Twenty-five (25) copies of the application shall be submitted if the application will be reviewed by the Borough Engineer and the Planning Board or Board of Adjustment, as set forth below. Four (4) copies of the application shall be submitted if only the Borough Engineer will review the application.

b. *Contour Map.* Accompanying the application shall be a contour map of the site where the soil is to be disturbed showing the proposed grades resulting from the intended soil disturbance in relation to the existing topography of the site. Twenty-five (25) copies of the map and earth work calculations shall be submitted if the application will be reviewed by the Borough Engineer and the Planning Board or Board of Adjustment, as set forth below. Four (4) copies of the map and earth work calculations shall be submitted if only the Borough Engineer will review the application. The map and earth work calculations must include not only the site where the soil is to be disturbed, but also all surrounding lands within two hundred (200') feet of the perimeter of the site. The map and earth work calculations shall be prepared and certified by a licensed professional engineer of the State of New Jersey. The map must be prepared using a scale of not less than one (1") inch to thirty (30') feet showing the site and its relation to all of the surrounding lands in the following manner:

1. The dimensions of the site and the lot and block number of the site and of each lot in the surrounding lands as shown on the Tax Assessment Map of the Borough.
2. The existing elevations of all lands with two (2') foot contour lines.
3. The existing elevations of all buildings, structures, streets, streams, bodies of water and watercourses (natural or artificial), as well as underground utilities, aboveground utilities, septic system components, potable wells, and irrigation wells.
4. All wooded areas.
5. The proposed final elevations where existing elevations shown on the map are to be changed as a result of completion of the proposed work.
6. Proposed slopes and lateral supports at the limits of the area upon completion of the soil disturbance operations.
7. Proposed provisions and facilities for surface water drainage and, where applicable, channels of natural or artificial drainage, including cross sections showing proposed channel widths, bank slopes and method of erosion and control thereof.

8. Accurate cross sections at intervals of not more than fifty (50') feet showing the locations and quantities, in cubic yards, of soil to be disturbed.
 9. All proposed elevations in enclosed rectangular boxes, and all existing elevations to be indicated without any kind of enclosure.
 10. If the application is before the Planning Board or Board of Adjustment, such other pertinent data as the Planning Board or Board of Adjustment may require.
- c. *Traffic Plan.* Accompanying all applications, which include the importation or exportation of soil, shall be a traffic plan which will indicate the following:
11. The specific trucking ingress and egress into the subject site.
 12. The proposed truck routes that will be used to service the site.
 13. The specific hours of operation.
 14. The maximum number of cubic yards that will be moved to or from the subject site during any twenty-four (24) hour period.
 15. The required traffic plan shall comply with the following requirements.
 - a. Except for emergencies, all soil shall be imported or exported from the subject site during the hours of 7:00 a.m. through 6:00 p.m. Eastern Standard Time on weekdays only (excluding holidays).
 - b. The scheduling of trucks used to move soil to and from the subject site shall be done in such a way as to minimize truck traffic within school zones during the morning and afternoon school hours.

Twenty-five (25) copies of the traffic plan shall be submitted if the application will be reviewed by the Borough Engineer and the Planning Board or Board of Adjustment. Four (4) copies of the traffic plan shall be submitted if only the Borough Engineer will review the application.

§169-5 REVIEW AND EXAMINATION OF APPLICATION

- a. Upon receipt of an application for a soil disturbance permit in conjunction with an application before the Planning Board or Board of Adjustment, the Borough Clerk shall send a copy of the same to the Planning Board or Board of Adjustment, as appropriate and the Borough Engineer, who shall review the application and submit their report and recommendations to the Borough Council. In the event a soil disturbance permit application is submitted in conjunction with soil disturbance on property that is not before the Planning Board or Board of Adjustment, the permit application shall be submitted to the Borough Clerk for distribution to the Borough Engineer. The Borough Engineer shall review the application and submit a report and recommendations to the Borough Council.

- b. The applicant has the right to be heard by the Borough Council at such time as the soil permit application is being considered by the Borough Council.
- c. The Borough Council shall grant or deny the application within forty-five (45) days after receipt of the reports and recommendations of the Planning Board or Board of Adjustment and/or Borough Engineer. The Planning Board or Board of Adjustment and/or Borough Engineer, in considering and reviewing the application and the contour map, shall take into consideration the public health, safety and general welfare, and shall give particular consideration to the following factors:
 - 1. The potential for soil erosion by water and wind.
 - 2. The prevention of silt and sediment from entering brooks, streams, ponds, lakes, rivers and other bodies of water
 - 3. The existing drainage of the site involved and any changes in drainage patterns that may result from the establishment of new contours.
 - 4. Types and fertility of the soil to be removed and the use to which it will be put.
 - 5. Lateral support slopes and grades of abutting streets and lands.
 - 6. Land values and uses of those properties affected directly or indirectly by the proposed disturbance of soil.
 - 7. Such other factors as may bear upon or relate to a coordinated, adjusted and harmonious physical development of the site in connection with the surrounding lands in accordance with the master plan for the development of the Borough.
- d. If after examining the application, the map provided, and the reports of the Planning Board or Board of Adjustment and/or Borough Engineer, the Borough Council shall be of the opinion that the proposed soil disturbance will not create conditions inimical to the public health, welfare and safety and will not result in the creation of any sharp declivities, pits or depressions, soil erosion, fertility problems or depressed land values, nor create any drainage or sewerage problems or other conditions of danger, permission to remove the soil shall be granted with any condition or demand deemed necessary by the Borough Council.

§169-6 FEES.

An application fee of one hundred fifty (\$150.00) dollars must be submitted with the application if the applicant proposes to disturb fifty (50) to five hundred (500) cubic yards of soil. An application fee in the amount of five hundred (\$500.00) dollars must be submitted with the application if the applicant proposes to disturb five hundred one (501) or more cubic yards of soil. In addition to the application fee stated herein, a minimum escrow of one thousand (\$1,000.00) dollars must be established. The Borough Engineer may request additional escrow funds as warranted.

Prior to issuance of a soil disturbance permit and approval of the same by the Borough Council, the permit applicant shall pay to the Borough a permit fee as per the following schedule:

Movement of soil within the same site	\$0.10 per cubic yard
Exportation of soil from the site irrespective of	\$0.25 per cubic yard (\$0.10 for

the destination of the soil	movement and \$0.15 for exportation)
Importation of soil from a location outside the site	\$0.25 per cubic yard (\$0.10 for movement and \$0.15 for importation)

If soil is imported and the applicant is charged twenty-five (\$0.25) cents per cubic yard and that soil is later moved within the site in connection with the same soil movement activity or construction of the same development, a further fee shall not be charged. In addition, if soil is moved within the site and the applicant is charged ten (\$0.10) cents per cubic yard and that soil is later exported from the site in connection with the same soil movement activity or construction of the same development, an additional charge of fifteen (\$0.15) cents shall be charged.

All soil volume calculations for the purposes of determining fees shall be initially calculated by the applicant and submitted to the Borough Engineer for approval.

§169-7 PERFORMANCE GUARANTEE.

Before any permit or permission for soil disturbance is granted or issued, the owner or applicant shall file with the Borough Clerk, in such amount as in the opinion of the Borough Engineer shall be sufficient, a performance guarantee, in a form satisfactory to the Borough Attorney, consistent with the guarantee form permitted under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. to insure the faithful performance of the work to be undertaken, pursuant to the permission granted by the Borough Council, pursuant to the provisions of this section. For those soil permit applications submitted in connection with an application before the Planning Board or Board of Adjustment, said performance guarantee may be included in the guarantee required by the Developer's Agreement. An as constructed contour map shall be filed and approved by the Borough Engineer prior to the release of any bond required

§169-8 SOIL PERMIT EFFECTIVE ONLY WHERE USE ERMITTED BY ZONING ORDINANCE.

Notwithstanding anything herein to the contrary, a soil disturbance permit shall not be granted pursuant to this chapter in conjunction or related to a use not permitted for or on the relevant property by the Borough Zoning Ordinance.

§169-9 CONDUCT OF OPERATION: INSPECTION.

- a. If permission to remove the soil is granted, the owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions and in such a manner that the area shall be properly leveled off, cleared of debris and graded to conform to the contour lines and grades as approved by the Borough Engineer
- b. For the purpose of administering and enforcing the provisions of this chapter any duly authorized officer, agent or employee of the Borough shall have the right to enter into and upon any lands in or upon which such soil disturbance operations are being conducted, in order to examine and inspect such lands and the operations thereon.

§169-10 REMOVAL OF TOP LAYER OF ARABLE SOIL PROHIBITED

The owner of the site or the person in charge of the disturbance of soil, when permission has been duly granted, shall not take away the top layer of arable soil to a depth of six (6") inches, but such top layer of arable soil to a depth of six (6") inches shall be set aside for retention on the site, and shall be respread over the site when the rest of the soil has been removed pursuant to levels and contour lines approved by the Borough Engineer.

§169-11 ENFORCEMENT.

The Borough Engineer is hereby designated as the officer whose duty it shall be to enforce the provisions of this chapter. The Borough Engineer shall from time to time, upon the Borough Engineer's own initiative and whenever directed by the Mayor or Council, inspect the site for which permits have been granted to ensure compliance with the terms of the permit of this section. In addition, once all soil disturbance is complete, the Borough Engineer shall inspect the site to determine whether the actual soil disturbed is consistent with the soil disturbance permit issued. In the event more soil is disturbed than authorized by the soil disturbance permit, the applicant shall submit the additional fees due. The additional fees due shall be calculated using the fee for the total soil disturbed minus the fees already paid. In no event shall fees paid for soil disturbance permit be refunded by the Borough.

§169-12 VIOLATIONS AND PENALTIES.

Any person violating any of the provisions of this chapter shall be subject, upon conviction, to the penalties stated in Chapter I, Section 14.

§169-13 SOIL IMPORTED FOR USE AS FILL.

- a. Soil to be Used as Fill. No person shall raise the level of any land or portion thereof within the Borough by adding any material or substance other than fill. This section is not applicable to the addition to the land of any material or substance in the ordinary course of farming, horticulture, gardening, quarrying and mining.
- b. Applicable Substances; Exceptions. Fill shall consist of topsoil, earth, rock, gravel, quarry process, or sand obtained solely from virgin sources. Concrete and asphalt cannot be used as fill. Topsoil is the exposed layer of the earth's surface, and earth is the layer of soil immediately beneath the topsoil and above rock. Rock excludes boulders, boulders being detached and rounded or worn pieces of rock, the greatest side of which is no less than six (6") inches. All other materials are excluded. Excluded materials include, but are not limited to, soil containing contaminates, muck, peat, timber, debris, stumps and roots of trees, demolished structures, construction materials or of any other refuse; provided, however that these excluded items shall not have been reprocessed so as to conform with the definition of "fill" herein provided. Muck is soft silt or clay, very high in organic content, which is usually found in swampy areas. Peat is soil composed principally of partially decomposed vegetative matter.

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 the 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 portion of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon final passage, approval, and publication as provided by law.

ATTEST: BOROUGH OF KINNELON

Elizabeth M. Sebrowski, Borough Clerk

Robert Collins, Mayor

CERTIFICATION

Elizabeth M. Sebrowski, 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 _____, 2011 and adopted by the Governing Body at a regular meeting of the Borough held on _____, 2011.

Elizabeth M. Sebrowski, Borough Clerk

Councilman Mondello thanked Councilman J. Freda and Mark Madaio for providing more clarity to the wording on this ordinance. There was no other desire to discuss this ordinance, and the Mayor asked the Clerk to call the roll on the passage thereof, and the vote was as follows:

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

WHEREAS, the above ordinance was introduced at this meeting held on July 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 August 18, 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 be and she is hereby directed to publish the proper notice thereof.

Councilman D. O'Dougherty then offered a motion to adopt the foregoing resolution. This motion was seconded by Councilman G. Moleta.

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;	S. Cobell, Yes;
	D. O'Dougherty, Yes;	A. SanFilippo, Yes;
	G. Moleta, 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 \$2,761,395.00 to the District School when funds become available was approved for payment.

RESIGNATION

Upon motion of Councilman R. Mondello , second by Councilman J. Freda, followed by the "yes" roll call vote of all Council Members present, the resignation of Karima Munem and Mary Fisher from the Open Space Advisory Committee was approved with the Mayor and Council's regrets.

AUGUST 18, 2011

TAX COLLECTOR'S REPORT

During the month of July the Tax Collector's Report indicates we collected \$143,491.34 in taxes.

INVESTMENT OFFICER

A total of \$691.75 was collected in interest for the month of July, 2011.

ADJOURNMENT

This meeting adjourned at approximately 10:00 p.m. on motion by Councilman A. SanFilippo and seconded by Councilman J. Freda with the unanimous affirmative voice vote of all present.

Respectfully submitted,


Elizabeth M. Sebrowski, Borough Clerk


Robert W. Collins, Mayor

cc: Mayor
All Councilmen
Chief Financial Officer
General Code
Police Dept.
Public Works Dept.
Tax Collector
Board of Health
Recreation
Attorney
Engineer
Auditor