

**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, September 17, 2015 in the Kinnelon Municipal Building.

There was a Salute to the Flag, after which the Acting Borough Clerk Karen Iuele stated this meeting is being held pursuant to the New Jersey Open Public Meeting Act. Adequate notice of this meeting was given by advertising in the January 11, 2015 edition of the Trends and was provided to the Star Ledger, Daily Record and the North Jersey Herald News. Adequate notice was also posted on the municipal building bulletin board, filed with the Acting Borough Clerk and provided to those persons or entities requesting notification.

**ROLL CALL:**

The roll was called and present and answering were Councilpersons James Freda, Daniel O'Dougherty, Adam Barish, Carol Sventy and Clifford Giantonio. Absent was Councilman S. Cobell.

**TREASURER'S REPORT**

The Treasurer's Report for September 2015 indicated we started out with cash on hand as of July 31, 2015, in the amount of \$1,143,207.86. Receipts for the month of August 2015 totaled \$10,409,632.77 with disbursements amounting to \$4,986,979.76. The balance on hand as of August 31, 2015 was \$6,565,860.87.

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

Roll Call: J. Freda, Yes; D. O'Dougherty, Yes;  
A. Barish, Yes;  
C. Sventy, Yes; C. Giantonio, Yes.

**MAYOR'S REPORT:**

Mayor Collins stated that he asked Certified Valuations, which is conducting the revaluation in the borough, to hold two additional public meetings in an effort to address questions. One will be held in the Fayson Lakes Club house and the other in Smoke Rise.

**RECREATION**

Chairman James Freda; in his absence Councilman D. O'Dougherty reported:

- The blue grass sod is being delivered for installation. Recreation Director Melanie Schuckers and Field Maintainer Todd Vigneri met with the irrigation company to extensively test and be trained on the new system. Preparations are being made to fence off the new grass. Research is already being done as to what project could become phase 2.
- A pickle ball demonstration has been scheduled for October 1<sup>st</sup> at the Boonton Avenue Tennis Courts. All sports have begun with record numbers of registrants.

**PUBLIC WORKS & UTILITY**

Chairman Daniel O'Dougherty reported:

- Regarding salt for the upcoming winter season he stated that we are short and need to order. The DPW facility is moving along and will be open to the public in the middle of October. The inspections are going according to plan on the new DPW facility.

**PUBLIC SAFETY & TECHNOLOGY**

Chairman Adam Barish reported

September 17, 2015

- **Public Safety:** there is progress on Tanker 33, the specks will be delivered to our QPA for review. There were 14 calls for last month, this month has been very busy. The Kinnelon Volunteer Fire Company is still in desperate need of volunteers.
- **Technology;** the phones are in, there are still some issues with the phones, and we are addressing these issues. The mail server is up and running and we are in the processes of handing the boards and commission new emails. On the Kinnelon Police Department, the new server will be installed this week. Councilman Barish stated that the website is having new information posted every day.

#### **FINANCE**

Chairman Stephen Cobell; there was no report in his absence.

#### **COORDINATING & OPEN SPACE**

Councilwoman Carol Sventy spoke on the Coordinating and Open Space Advisory committees:

- Board of Adjustment was waiting for ordinance committee meeting to be arranged to discuss building ordinance.
- Board of Education, still requiring additional infiltration (perk) testing be done on the Kinnelon High School football field - the perk tests would cost an additional \$7,000.00.
- Board of Heath had no meeting in September.
- Kinnelon Library, the library board of trustees is coordinating with the Kinnelon Police Department on creating a seminar for internet scams targeting seniors. Their makerspace program is expanding to include a silhouette cameo cutter. Indieflix is now available through the library's website. The library has hired Cathy Presti to join their team in children's as their newest library assistant and there are several new programs coming up.
- Historical Commission; Phase II L'Ecole Restoration had a change order for contract with architect. This was additional work due to the bifurcation of the Phase II into two projects.
- Environmental Commission is looking forward to the introduction of the Tree Ordinance. And the Open Space Advisory Committee is still waiting for information regarding the award of the Federal Trail Grant application

#### **PERSONNEL & ORDINANCE**

Chairman Clifford Giantonio reported:

- That the personnel union contract between the Borough and the IBEW union were able to come to an agreement on signing the contract. He also reported that in the finance department, we are working on hiring additional staff in that department.
- Regarding ordinances, there has been no new developments from the Planning Board on the sign ordinance. We are looking into reintroducing the CCO ordinance.

#### **HEARING FROM THE PUBLIC**

Mayor Collins asked if anyone from the public wishes to be heard.

- Keri Spitz from Towaco and the Coalition Against Pilgrim Pipeline, spoke on the pipeline and carrying the most explosive oil. This will affect the public health and safety of each and every home owner along with their drinking water. We are asking the Boro to pass and ordinance tonight to opposing the pipeline and its prohibited uses. Five other municipalities have passed this ordinance. We look forward to working with you to support its passage.
- Randy Charles, 69 Green Hill Road, spoke on the follow up with the workshop meeting where we provide for the council the 2013 and 2015 data surveys. This takes about two to three year to turn around. This is very important to move on it. The ranking has really slipped with the Board of Education.

September 17, 2015

- Robert Lewis, 37 Gravel Hill Road, spoke on the minutes and agendas being posted to the borough website, because he had no idea that this was spoken about at the work shop. Councilman Barish stated that there is an audio file of the workshop and regular council meetings now available on the website.
- Jack Glazer, 68 Green Hill Road, spoke on the education raking that has dropped in the New Jersey Monthly. 2012 our school was 5<sup>th</sup> best in the state.
- Camille Gaines, Wilshire Court, spoke about trying to not have the school meeting and the council meeting not meeting on the same night. Councilwoman Sventy stated that she has made the suggestion to the Board of Education several time in the past three years, but to no avail.

Mayor Collins asked if anyone else from the public wishes to be heard, hearing none Mayor Collins closed this portion of meeting to the public.

**PAYMENT OF BILLS AS SUBMITTED BY THE TREASURER**

A motion was offered by Councilman D. O'Dougherty and seconded by Councilwoman C. Sventy for the payment of bills dated September 17, 2015.

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

Roll Call:        J. Freda; Yes;                                D. O'Dougherty, Yes;  
                      A. Barish, Yes;  
                      C. Sventy, Yes;                                C. Giantonio, Yes.

Mayor Collins spoke on Resolution 9.11.15 "Capital Improvements for the Installation of Boiler at the L'Ecole Museum. Attorney Madaio stated that this resolution was separated from Ordinance 10-15.

**CONSENTAGENDA:**

A motion was offered by Councilwoman C. Seventy and seconded by Councilman A. Barish, the following motions and resolutions were offered for approval.

- a. Resolution: 9.01.15 Authorize Mayor to sign Agreement between the County of Morris and Kinnelon Municipal Alliance (Memorialized 9/10/15)
- b. Resolution: 9.02.15 Refund 2<sup>nd</sup> & 3<sup>rd</sup> Qtr. 2014 Property Taxes, Block 91 Lot 19.05 – 15 Elizabeth Drive - \$3,367.68
- c. Resolution: 9.03.15 Refund Tax Sale Certificate No. 11-000015, Block 56403 Lot 108 – 38 Round Hill Road-\$500.00
- d. Resolution: 9.04.15 Redemption Tax Sale Certificate No. 11-000015, Block 56403 Lot 108-38 Round Hill Road \$2,700.61

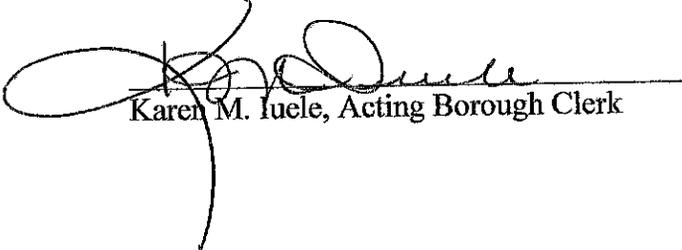
RESOLUTION 9.01 .15

AUTHORIZATION FOR MAYOR TO  
SIGN AGREEMENT FOR FISCAL  
YEAR 2016 AND CALENDAR YEAR  
2015 SUPPLEMENTAL GRANT

WHEREAS, it is necessary for the Mayor to sign said Grant Application for the Fiscal Year 2016 and Calendar Year 2015 supplemental grant in the amount not to exceed \$2,000.00;

NOW, THEREFORE, BE IT RESOLVED the Mayor is hereby authorized to sign the letter of Agreement between the County of Morris and Kinnelon Municipal Alliance with the calendar year 2015 supplemental grant in the amount not to exceed \$2,000.00

Dated: 9/10/15



Karen M. Iuele, Acting Borough Clerk

RES. # 9.02.15

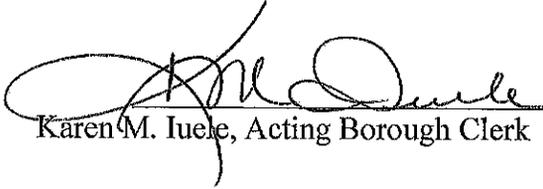
BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Kinnelon, New Jersey, that a warrant be drawn to Ridgeback Ventures LLC in the amount of \$3,367.68 representing refund for overpayment of 2<sup>nd</sup> and 3<sup>rd</sup> qtr. 2014 property taxes for Block 91 Lot 19.05, also known as 15 Elizabeth Drive, Kinnelon, New Jersey.

ROLL CALL:

September 17, 2015  
Lisa A. Kimkowski, C.T.C.  
Tax Collector  
BOROUGH OF KINNELON

I, Karen M. Iuele, Acting 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 September 17, 2015.

DATE: 9/17/15

  
Karen M. Iuele, Acting Borough Clerk

RESOLUTION # 9.03.15

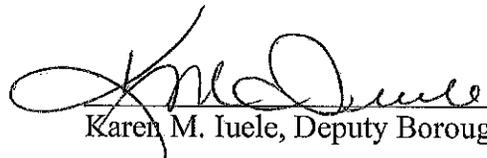
**BE IT RESOLVED**, by the Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to MTAG Svc. Cust. ATCFII in the amount of \$500.00 for refund of premium on Tax Sale Certificate No. 11-00015, Block 56403 Lot 108 also known as 38 Round Hill Road, Kinnelon, New Jersey.

ROLL CALL:

September 17, 2015  
Lisa Kimkowski, C.T.C.  
Tax Collector  
Borough of Kinnelon

I, Karen M. Iuele, Deputy Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council on September 17, 2015.

DATE: 07/15/15

  
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Karen M. Iuele, Deputy Borough Clerk

RESOLUTION # 9.04.15

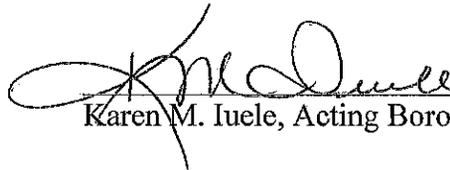
**BE IT RESOLVED**, by the Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to MTAG Svc. Cust. ATCFII in the amount of \$2,700.61 for redemption of Tax Sale Certificate No. 11-00015 Block 56403 Lot 108, also known as 38 Round Hill Road, Kinnelon, New Jersey.

ROLL CALL:

September 17, 2015  
Lisa Kimkowski, C.T.C.  
Tax Collector  
Borough of Kinnelon

I, Karen M. Iuele, Acting Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council on September 17, 2015.

DATE: 09/17/15

  
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Karen M. Iuele, Acting Borough Clerk

RES. # 9.05.15

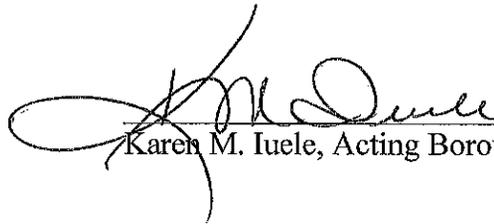
BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Kinnelon, New Jersey, that a warrant be drawn to Manuel Bello in the amount of \$2,970.98 representing refund for overpayment of 3<sup>rd</sup> qtr. 2015 property taxes for Block 56101 Lot 115, also known as 210 Boonton Avenue, Kinnelon, New Jersey.

ROLL CALL:

September 17, 2015  
Lisa A. Kimkowski, C.T.C.  
Tax Collector  
BOROUGH OF KINNELON

I, Karen M. Iuele, Acting 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 September 17, 2015

DATE: 09/17/15

  
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Karen M. Iuele, Acting Borough Clerk

RESOLUTION # 9.06.15

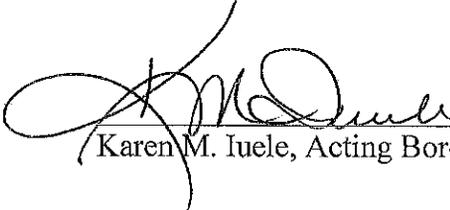
**BE IT RESOLVED**, by the Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to Ridgeback Ventures, LLC in the amount of \$15,885.39 for redemption of Tax Sale Certificate No. 13-00013 Block 91 Lot 19.05, also known as 15 Elizabeth Drive Road, Kinnelon, New Jersey.

ROLL CALL:

September 17, 2015  
Lisa Kimkowski, C.T.C.  
Tax Collector  
Borough of Kinnelon

I, Karen M. Iuele, Acting Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council on September 17, 2015.

DATE: 09/17/15

  
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Karen M. Iuele, Acting Borough Clerk

RESOLUTION # 9.07.15

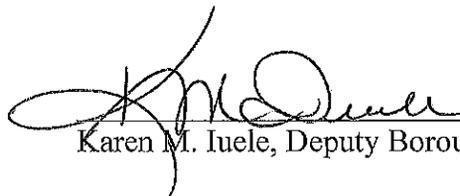
**BE IT RESOLVED**, by the Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to Ridgeback Ventures LLC in the amount of \$10,000 for refund of premium on Tax Sale Certificate No. 13-00013, Block 91 Lot 19.05 also known as 15 Elizabeth Drive, Kinnelon, New Jersey.

ROLL CALL:

September 17, 2015  
Lisa Kimkowski, C.T.C.  
Tax Collector  
Borough of Kinnelon

I, Karen M. Iuele, Deputy Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council on September 17, 2015.

DATE: 09/17/15

  
\_\_\_\_\_  
Karen M. Iuele, Deputy Borough Clerk

RESOLUTION 09.08.15

RETRO CORRECTION RESOLUTION FOR  
FOUR DPW MAINTAINERS

WHEREAS, an error calculation was made on retro pays for four (4) DPW maintainers.

BE IT RESOLVED by the Kinnelon Mayor and Council that the following retro correction pays be paid and issued to the following DPW Maintainers.

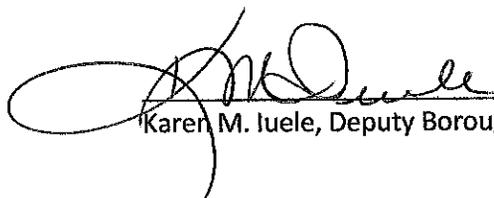
DEPARTMENT

Retro Correction

DPW Maintainers

Leszek Stala	\$1,144.52
William Allen	\$1,132.00
Lester Barr	\$1,130.98
Steve Paulson	\$891.65

Dated 09/17/15

  
\_\_\_\_\_  
Karen M. Iuele, Deputy Borough Clerk

RESOLUTION 9.09.15

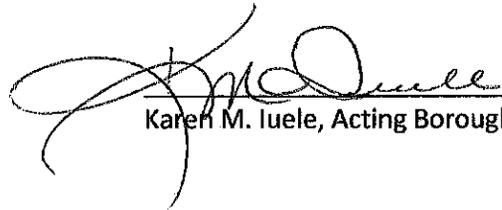
CONNOLLY & HICKEY  
L'ECOLE MUSEUM  
CHANGE ORDER IN THE AMOUNT  
OF \$8,000.00

WHEREAS, Precision Contractors are asking for a change order for the Phase II Exterior Restoration; and

WHEREAS, the change order for the L'Ecole Museum is in the amount of \$8,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby authorize the Mayor of the Borough of Kinnelon to sign the approved change order in the amount of \$8,000.00 for Connolly & Hickey.

Dated: 9/17/2015



Karen M. Iuele, Acting Borough Clerk



31 August 2015

Robert W. Collins, Mayor  
Borough of Kinnelon  
130 Kinnelon Road  
Kinnelon, NJ 07405

**Re:** Contract Amendment for Phase II Exterior Restoration  
Bidding and Contract Administration  
L'Ecole Kinnelon Museum  
Kinnelon, NJ

Dear Mr. Collins:

Congratulations on the receipt of a Morris County Historic Preservation Trust Fund grant to restore the roof at L'Ecole Kinnelon Museum. Per our existing contract with the Borough, this letter serves as an amendment to add bidding and contract administration services for the Phase II Exterior Restoration. Per the proposal, the services shall include the following:

- Contractor Pre-Qualification
  - Assistance in soliciting contractor qualification statements through the approved processes developed by the New Jersey Department of Community Affairs
  - Preparation of pre-qualification questionnaire for contractors
  - Review of contractor qualifications
- Bidding
  - Assistance in obtaining at least three bids from qualified contractors
  - Conduct pre-bid conference and issue addenda as required
  - Tabulation of bids, review of bids, and issuance of bid-finding letter
  - Assistance in any negotiations with successful bidder
- Contract Administration
  - Pre-Construction Meeting
  - Review of project submittals including product literature, shop drawings, samples, mock-ups and other documents
  - Attend periodic site visits and conduct project meetings to observe work in progress
  - Review contractor's Applications for Payment
  - Issue Certification of Substantial Completion
  - Prepare list of incomplete or unacceptable work items
  - Approve final payment to the contractor

2 N. Union Avenue  
P.O.Box 1726  
Cranford, NJ 07016  
973.746.4911 tel.  
973.746.2080 fax  
chhistoricalarchitects.com

ARCHITECTURAL DESIGN  
HISTORIC PRESERVATION  
REHABILITATION  
CULTURAL RESOURCE  
MANAGEMENT

Robert W. Collins  
Borough of Kinnelon  
Bidding and Contract Administration  
L'Ecole Kinnelon Museum

CONTRACT AMENDMENT PROFESSIONAL FEES:

- Phase IIA: Roof	
- Pre-Qualification	\$ 1,250
- Bidding and Negotiation	\$ 1,250
- Contract Administration Services (Including Close-Out)	\$ 5,500
<hr/>	
<b>SUB-TOTAL FOR PHASE IIA:</b>	<b>\$ 8,000</b>

**Total Costs for Bidding and Contract Administration** **\$ 8,000**

Please sign both copies of the Contract Amendment, and return one (1) to our office at your convenience. Thank you and we look forward to continuing to work with you.

Agreed to:



Thomas B. Connolly, AIA, Principal Architect  
Connolly & Hickey Historical Architects, LLC  
Dated: 8/31/15

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Robert W. Collins, Mayor  
Borough of Kinnelon  
Dated:

**BOROUGH OF KINNELON**

**RESOLUTION NO. 2015- 9.10.15**

**WHEREAS**, the Borough Council of the Borough of Kinnelon entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

**WHEREAS**, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; an

**WHEREAS**, the Borough Council of the Borough of Kinnelon recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

**WHEREAS**, the Borough Council of the Borough of Kinnelon has determined that it is in the best interests of the citizens of the Kinnelon to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Kinnelon, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of Kinnelon hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Kinnelon with Econsult Solutions, Inc.

The Borough Council of the Borough of Kinnelon hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Kinnelon with the approval of the Kinnelon designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of the Borough of Kinnelon further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Borough of Kinnelon shall only be responsible for such funding if it authorizes same.

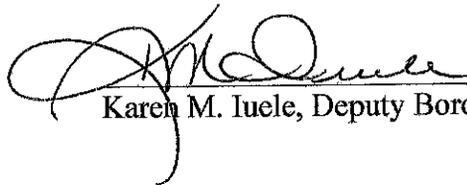
5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough.
6. This Resolution shall take effect immediately.

Dated: 9-18-15

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

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Mayor and Council at a regular meeting of the Borough held on September 17<sup>th</sup>, 2015.

Dated: 9-18-15

  
\_\_\_\_\_  
Karen M. Iuele, Deputy Borough Clerk

**AMENDMENT TO THE  
MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT**

This Amendment to the Municipal Shared Services Defense Agreement ("MSSDA") previously entered into in by the Members of the MSSDA in or after June, 2015,

WHEREAS several municipalities have previously entered into a MSSDA authorizing the retention of Rutgers University and its Principal Investigator, Dr. Robert Burchell to perform certain tasks as outlined therein, including, without limitation, the development of a reasonable position consistent with applicable law as the means by which the fair share of municipalities may be determined; and

WHEREAS, Dr. Burchell had a serious health event on or about July 27, 2015 that has impeded the goal of the MG to obtain such a report; and

WHEREAS, more specifically, Rutgers University (hereinafter "Rutgers") has indicated that Dr. Burchell is the only one at the University that could perform the work contemplated by the contract between the Municipal Group ("MG") and Rutgers, dated July 2015 (hereinafter "Rutgers Agreement"); and

WHEREAS, as result of the foregoing, Rutgers is not able to complete the work required by the Rutgers Agreement; and

WHEREAS, on September 11, 2015, Rutgers sent the representative of the MG a letter terminating the Rutgers Agreement; and

WHEREAS, even before receipt of the termination letter, vigorous efforts have been made to find an expert that can perform the services that Rutgers is no longer able to provide; and

WHEREAS, it has been determined that Econsult Solutions, Inc. ("Econsult") has the interest and capability to perform the services as expeditiously as possible; and

WHEREAS, it has been further determined that the MSSDA, as presently written, does not permit the MG to enter into an agreement with any other expert than Rutgers; and

WHEREAS, because of the foregoing, it has been determined that an amendment to the MSSDA is necessary to empower the MG to enter into an agreement with Econsult.

Now, therefore, in consideration of the mutual benefits that will be derived, the Members of the MG hereby agree as follows:

1. Section 1 of the MSSDA, titled "Purpose" is hereby amended as follows:

Section 1(b)-(d) shall be replaced with:

(b) collectively retain such experts and/or consultants, including but not limited to Econsult Solutions, Inc. as may be necessary,

(c) collectively work with experts or consultants that have been retained, including but not limited to Econsult, to conduct an analysis and report of the housing need for each region and the allocation of that need to the individual municipalities in the region;

(d) may elect, at the exclusive expense of any Member or group of Members, to rely upon and present such experts or consultants as a witness in the Litigation, including for any mediation, Alternative Dispute Resolution or other proceeding involving a determination of a Member's Affordable Housing Obligation;

2. Section 3 of the MMSDA titled "Retention of Burchell" is hereby amended and is titled as "Retention of Experts and/or Consultants." This section is amended to provide that the administrators of the MMSDA, shall retain such experts and/or consultants, including but not limited to Econsult, as may be necessary and to communicate with such experts and/or consultants in the method and manner as set forth.
3. Section 5, titled "Shared Costs" is hereby amended to provide that shared costs shall include payment to any expert or consultant, including but not limited to Econsult, and such other professionals, and/or common counsel, as shall be agreed upon by the Members in accordance with the terms and procedures of the MSSDA.
4. Section 6, titled "Expenses Not Covered by This Agreement" shall be amended to allow any member or group of Members of the MMSDA to retain Econsult or any other commonly retained expert and/or consultant for the purposes as set forth in the MSSDA; however, it shall be in accordance with the rate schedule as set forth in any agreement between the MSSDA and such expert and/or consultant; it shall not be based upon the rates as set forth for Dr. Burchell nor shall payment be made to Rutgers except to the extent that representatives of the MG may pay the remainder of the 70,000 in expense allocated for the provision of a final report in accordance with the underlying agreement and/or for the purposes of securing rights to information that otherwise would not be available. Any amounts in excess of the \$70,000 that may be needed to secure the right to use the underlying data that Rutgers has assembled may only be paid if authorized at a meeting held in accordance with paragraph 2 of the underlying agreement.
5. Section 7, titled "Liaison Counselor Committee" is hereby amended to allow Jeffrey R. Surenian, Esq. to pay an administrative assistant to administer this MSSDA and the consortium at a rate not to exceed \$70 per hour and to pay out of pocket expenses.

6. Section 11, titled "Common Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.
7. Section 15, titled "Conflict of Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.
8. Section 16, titled "Effective Date" is amended removing the reference to "Rutgers" and replacing it with "such experts and/or consultants, including but not limited to Econsult, that have been retained by the MSSDA
9. Section 17, titled "Subsequent Agreement", shall be amended to include paragraph 17 c as follows: Since the Agreement between Econsult and the MG may not have been finalized at the point of execution of this amendment, the designated attorney for the municipality shall have 10 business days from receipt of the Econsult Agreement by electronic mail to withdraw from the consortium and secure a rebate of the 2,000 paid minus the pro rata share of all costs and expenses incurred to the date of such withdrawal.
10. All other provisions in the MSSDA that refer to or may be interpreted to relate or refer to dealings with Rutgers or Burchell are removed and amended to provide that the MSSDA permits the retaining of such experts and/or consultants, including but not limited to Econsult, as may be agreed upon by the Members in accordance with the terms and provisions of the MSSDA. All other terms and provisions remain unchanged and in effect.

IN WITNESS WHEREOF, the Members hereto, which may be by and through their appointed counsel, enter into this Agreement. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Agreement by the company or entity on whose behalf it is indicated that the person is signing.

ATTEST:

  
KAREN M. JUREK, Clerk  
Acting

By:   
Mayor

RESOLUTION 9.11.15

IN THE MATTER OF CAPITAL IMPROVEMENTS FOR  
THE INSTALLATION OF A BOILER AT THE L'ECOLE  
MUSEUM

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Kinnelon, that  
the Ordinance entitled:

**“AN ORDINANCE AUTHORIZING CAPITAL IMPROVEMENTS FOR THE  
INSTALLATION OF A BOILER AT THE L'ECOLE MUSEUM AND APPROPRIATING  
\$15,000.00 FROM THE CAPITAL IMPROVEMENT FUND TO DO SO”**

Heretofore introduced, does now pass on first reading, and that said Ordinance be further  
considered for final passage at a meeting to be held on the 15<sup>th</sup> day of  
October, 2015, at 8:00 pm or as soon thereafter as the matter can be reached, at  
the regular meeting place of the Borough Council, and that at such time and place all persons  
interested be given an opportunity to be heard concerning said ordinance, and that the  
Deputy Borough Clerk is hereby authorized and directed to publish said ordinance according  
to law with a notice of its introduction and passage on first reading and of the time and place  
when and where said ordinance will be further considered for final passage.

Dated: \_\_\_\_\_

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

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris,  
State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by  
the Mayor and Council at a regular meeting of the Borough held on September 17, 2015.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Karen M. Iuele, Deputy Borough Clerk

RESOLUTION 09. 12 .15

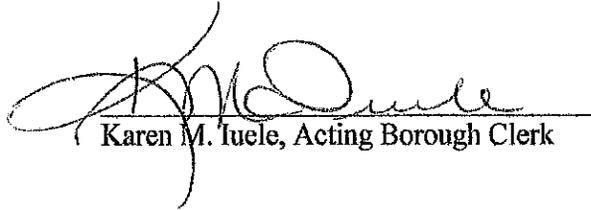
AUTHORIZE BOROUGH ENGINEER  
TO PREPARE REQUIRED DOCUMENTS  
FOR KAKEOUT ROAD  
IMPROVEMENT

WHEREAS, the Borough desires to go forward with improvements to Kakeout Road;  
and

WHEREAS, it is necessary for the Borough Engineer to prepare the required documents  
for those improvements.

NOW, THEREFORE, BE IT RESOLVED by the Kinnelon Mayor and Council the  
Borough Engineer is hereby authorized to prepare the required documents for the Kakeout Road  
Improvement project.

Dated: September 17, 2015

  
Karen M. Iuele, Acting Borough Clerk

RESOLUTION 9.13 .15

TO ENTER INTO A "DEVELOPER'S  
AGREEMENT" WITH UB KINNELON I, LLC  
FOR THE MEADTOWN SHOPPING CENTER

**WHEREAS**, UB Kinnelon I, LLC, (hereinafter the "Developer") is the owner of property known as Meadtown Shopping Center, located at 1483 State Highway #23 South at Kiel Avenue, (hereinafter, "the Property"); and

**WHEREAS UB KINNELON I, LLC** has made application to the Planning Board of the Borough of Kinnelon for Site Plan approval to renovate and construct additions to the northerly section of the Meadtown Shopping Center, together with various variances and waivers from checklist items, and

**WHEREAS** the Planning Board of the Borough of Kinnelon approved the application, which approval was memorialized by Resolution adopted on September 3, 2015; and

**WHEREAS**, it is mutually agreed by both parties that entering into this "Developer's Agreement" as to said premises shall effectuate the purposes and intents of the parties; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby authorize the following:

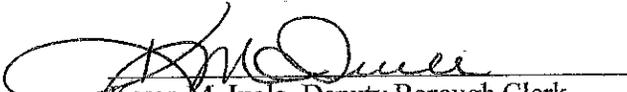
The Mayor of the Borough is hereby authorized to execute the aforesaid Developer's Agreement.

DATED: 9-18-15

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

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Mayor and Council at a regular meeting of the Borough held on September 17, 2015.

Dated: 9-18-15

  
\_\_\_\_\_  
(Karen M. Iuele, Deputy Borough Clerk

LICENSE FOR: Raffle License No. RL-786-KB  
(Insert Bingo or Raffles)

Identification No. 238-9-18748  
(Display this license conspicuously  
During the conduct of the games)

Insert Name  
Of Municipality BOROUGH OF KINNELON

Insert Name of  
Licensee KINNELON VOLUNTEER FIRE COMPANY

Address 103 KIEL AVENUE, KINNELON NJ, 07405

(cross out line which)

1. This license allows the licensee to conduct 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
<u>50/50 On Premises</u>	<u>10/11/15</u>	<u>103 Kiel Ave</u>	<u>7:00AM - 12:00PM</u>
<u>Kinnelon Road, Kinnelon NJ</u>			

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

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose:  
Assist the Fire Company in purchasing new equipment

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

Names	Addresses
<u>Brian Stack</u>	<u>61 Fayson Lake Road</u>

Issued by order of MAYOR AND COUNCIL ON September 17, 2015

(SEAL)

  
(Signature of Acting 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.





**ORDINANCE NO. 8-15 AN ORDINANCE TO AMEND CHAPTER 186, TREE REMOVAL,  
OF THE CODE OF THE BOROUGH OF KINNELON**

WHEREAS, §186 of the Code of the Borough of Kinnelon ("Borough") provides for the removal of trees in the Borough; and

WHEREAS, the Governing Body desires to amend §186 and replace same in total.

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

§186 shall be amended to read:

**§186-1. Purpose and Intent**

The purpose of this chapter is:

1. To preserve and protect trees within the Borough, which helps to preserve water quality, abate noise, and enhance the ambience and character of the community.
2. To control the indiscriminate destruction of trees which has been shown to have severe detrimental environmental, ecological and economic effects including increased soil erosion and surface drainage problems, creation of insect breeding sites, decreased oxygen production, decreased property values and increased municipal costs and thereby to eliminate a threat to the public health, welfare and safety.
3. To protect the semi-rural character and natural resources of the Borough, consistent with the goals and objectives of the Master Plan. This section is not intended to restrict homeowners from removing dead, diseased, or hazardous trees. It is not intended to restrict homeowners from conducting routine pruning of trees or other maintenance procedures.

This ordinance places special emphasis on the preservation of trees around the perimeter of a property to create conservation areas based upon set back requirements pursuant to the Kinnelon Borough Zoning Code. The ordinance will also provide a sound management structure for the removal of trees in the Borough of Kinnelon.

**§186-2 Definitions**

For the purpose of this chapter, the words and terms used herein are defined as follows:

1. Adjacent neighbor – The owner of record of any property adjacent to the affected property.
2. Affected Property – The lot or lots for which a tree removal permit is sought.
3. Calendar Year – January 1 through December 31.
4. Chemical Contamination – The application of a material, whether intentionally or accidentally, which has a toxic effect on a tree or trees.
5. Circumference - The line that goes round or encompasses a circular figure.
6. Clear Cutting - Removal of all the trees in a stand of timber in a certain area.

7. Commission – The Borough of Kinnelon Environmental Commission, established pursuant to Chapter 29, Environmental Commission, of the Code of the Borough of Kinnelon.
8. Conservation Area – That area created by the setback standards for a particular building zone and surrounding the perimeter of a property.
9. Dead Tree – A tree which has ceased to physiologically function. Dead trees typically are devoid of leaves and have loose bark.
10. Diameter - The length of a straight line through the center of an object from side to side; width; thickness; as, the diameter of a tree or rock.
11. Diseased Tree – A tree, which is terminally infected with a fungus or virus or terminally infested with insects.
12. Drip line – The circular area surrounding a tree, the radius of which area shall be the distance from the trunk of the tree to the outermost branches of the tree.
13. Erosion Control – The planting of vegetation on steeply sloped lands in conformation with Soil Conservation Service standards, to prevent the loss of soil from wind, rain, flooding or traffic.
14. Excessive Drainage Alterations – Grade changes which result in either a deficiency or overabundance of soil moisture within the drip line of a tree or trees.
15. Girdling – To removing or cut through a ring of bark and underlying tissue from a tree trunk in order to kill the tree.
16. Grade Cut – The removal of soil within the drip line of an existing tree. Cuts in grades damage tree roots and affect the stability of a tree.
17. Grade Fill – The placement of soil on the ground surface surrounding existing trees. The placing of fill inhibits gaseous exchange to tree roots and soil moisture.
18. Hand Operated Equipment – Manual tools, such as a pick, shovel, hoe, iron rake, or air spade, which excavates with forced air.
19. Hazardous Tree – Any defective tree or part thereof which poses a high risk of failure and with it the likelihood of causing injury and/or property damage.
20. Horticulturally Advantageous Thinning- The removal of dead, diseased, dying or undesirable trees in order to improve the quality of desirable existing trees or to create conditions where more desirable trees will be planted.
21. Horticulturally Disadvantageous Thinning - The removal of dead, diseased, dying or undesirable trees or the disturbance of an area without an approved replacement planting plan and management program thus creating a void where invasive plant material could become established.
22. Limbing – Removal of one-third (1/3) or more of the living branches of a tree.
23. Limit of Disturbance – The area in which trees have been designated for cutting, obtained by traversing the outer periphery of those trees and taking into consideration the delineation of the natural boundaries located within the property.
24. Mechanical Damage – Physical damage to the bark, branches, or roots of a tree. Such damage is usually caused by motor driven excavation or other equipment.
25. Permit – Written authorization from the Borough of Kinnelon to remove a tree or trees.

26. Placard - a poster or sign for public display, issued by the Borough Forester, fixed to a wall, tree or fence, in plain view of the public
27. Replacement Tree(s) – All replacement trees shall be of a species approved by the Borough Forester and shall be nursery grade quality, properly balled, and burlapped. Minimum measurements of replacement trees shall be as follows: evergreen trees: 7' to 8' in height; ornamental trees: 2" to 3" in caliper; and shade trees: 3" to 3' in caliper. Caliper is measured 1 inch above the root flare of a balled and burlapped nursery grown tree.
28. Screening – A tree, trees, hedge, or privacy fence, which provides a visual barrier from one property to another.
29. Set Back – All existing borough setbacks applicable to a given property as defined in the Kinnelon Borough Zoning Code 207-27 through 207-31.
30. Soil Compaction – The subsurface compression of soil by vehicles, equipment, and materials, which disrupts the movement of air and water to tree roots.
31. Stump – The bottom part of a tree left projecting from the ground after most of the trunk has fallen or been cut down.
32. Tree – Any live or dead woody perennial plant within the confines of the Borough having a diameter of six inches or greater measured at a point of four and a half feet above grade level. On sloped terrain, such measurement shall be made on the downhill side. Measurements shall be made and/or approved by the Borough Forester or the Borough Code enforcement officer.
33. Tree Encroachment – The storage of equipment or materials, the changing of grade including cutting or filling, or compacting of soil within the drip line of a tree.
34. Tree Removal – Any activity to remove or destroy any tree, such as, but not limited to, excessive topping or limbing.
35. Tree Topping – The indiscriminate cutting back of tree branches in excess of 1/3 of total tree branches to stubs or lateral branches that are not large enough to assume the terminal role.

### **§186-3 Prohibitions**

- A. No person shall remove or cause to be removed; any live tree(s) or engage in tree encroachment activities on any private, residential or commercial property within the Borough of Kinnelon without a permit other than as allowed by this section (see §186-8 below).
- B. No person shall engage in activities which could cause trees to die. This activity includes but is not limited to: limbing, topping, grade cut or fill, soil compaction within the drip line, chemical contamination, girdling, excessive drainage alterations, and mechanical damage.
- C. No tree removal shall be permitted on slopes 15% or greater in grade or on slopes where vegetation is presently stabilizing soils.
- D. Tree removal shall be prohibited when the trees are part of: 1) a wetland(s) 2) a wetland transition area or 3) a stream buffer.
- E. The limbing or topping of trees shall not be conducted.
- F. Clear cutting of any property in the Borough is prohibited.

### **§186-4 Tree Protection During Construction**

The property owner and all contractors shall be required to protect any and all trees from any damage during any type of construction on any property in the Borough of Kinnelon.

**§186-5 Reserved** (*use to reference future Landscaper's License*)

**§186-6 Exemptions from permit requirement and penalties**

The following lands, activities and uses shall be exempt from the terms and conditions of this Chapter and shall also be exempt from any violations or penalties.

- A. Activities lawfully conducted on public lands or rights-of-way by or on behalf of a local, federal, state, county or other governmental agency or entity or a utility company.
- B. Tree removal in conjunction with woodland management plans filed with the NJ Forest Service.

**§186-7. Responsible officials; enforcement**

- A. The Borough Forester. The Mayor, upon the advice and consent of the Council, may appoint a Forester who is a qualified tree expert, certified by the State of New Jersey pursuant to N.J.S.A. 45:15C-1 et seq. In the absence of such an appointment, the Borough Construction Official shall act as the Forester.
- B. Administration. The Borough Forester and/or Code Enforcement Officer shall be responsible for administration of this chapter.
- C. Enforcement. The Borough Forester, the Construction Official, the Zoning Officer and Borough Police Officers are hereby authorized to enforce the regulations set forth within the Code of the Borough of Kinnelon regulating the destruction and removal of trees.

**186-8. Permit required**

Any person desiring to engage in tree removal or tree encroachment activities requiring a permit shall file an application for a tree removal or tree encroachment permit in compliance with the terms and conditions of this chapter and shall not commence the regulated activity without first having been issued a tree removal or tree encroachment permit.

The following trees may be removed in any 12 month period without a permit, but a placard is required:

Size of Lot	# of Trees per Year
Up to ½ acre	1
½ -1 acre	2
1 acre and up	2 per acre

For removal of more than permitted trees approval is required from the Borough Forrester or duly appointed designee. Removal of any of the number of trees listed immediately above, which does not require a permit, requires the issuance of a placard by the Borough Forester, or his/her delegate. A placard is also required for the professional trimming, pruning of trees or removal of dead trees. Such

placard must be displayed within close proximity to the tree(s) being removed and visible from the road.

Any public utility or cable television company that clears, moves, cuts, or destroys any trees, shrubs, or plants for the purpose of erecting, installing, moving, removing, altering or maintaining any structures or fixtures, necessary for the supply of electric light, heat or power, communication, or cable television services upon any lands in which it has acquired an easement or right-of-way, shall not be subject to any penalty under this ordinance.. This subsection shall not exempt any public utility or cable television company from any penalty or replacement assessment imposed for negligent actions. Any such public utility or cable television company must notify the Borough of its intention to affect any tree, shrub or plant in its activities within the Borough.

### **§186-9. Application for tree removal or tree encroachment permit or placard; fees; procedure**

#### **A. Filing of application**

1. An application for a tree removal or tree encroachment permit shall be filed in duplicate in the Construction Office or other designated recipient and forwarded to the attention of the Borough Forester. Any required New Jersey Department of Environmental Protection approvals shall be attached to the application when submitted to the Borough Forester. After reviewing said application, the Borough Forester will issue or deny a tree removal permit.
2. Upon receiving a tree removal or tree encroachment permit, or a placard, as required hereunder, the respective permit/placard shall be prominently displayed and clearly visible from the road at the site and shall remain posted during the entire tree removal process and/or tree removal period, but in no case shall the permit or placard be displayed for less than 10 days from issuance.
3. An application for a placard, as allowed under this ordinance, shall be submitted directly to the Borough Forester, and shall be approved by the Borough Forester, or his/her delegate, within 5 days of receipt by the Borough Forester.

#### **B. Fees**

1. No permit will be required and fees shall be waived for the removal of dead, diseased or hazardous trees. However, no such trees shall be removed without prior notice by the property owner to the Borough Forester and the issuance of a placard for such removal. If the property owner fails to provide such notice, the Borough Forester may require replacement trees for screening purposes as determined by the Forester, in furtherance of section 186-14.
2. There shall be submitted, simultaneously with the filing of the tree removal or tree encroachment permit application a non-refundable fee of the amount of \$50.00 to cover the costs of processing the application, including the requisite inspections of the site and the issuance of a tree removal placard.
3. Application Fee Schedule

Permit = \$10.00 per tree.  
Placard = \$5.00 total.

#### **C. Procedure**

1. All tree removal and/or tree encroachment permit and placard applications shall be reviewed by the Borough Forester, or his delegate, to determine whether there is a basis for the issuance of a tree removal or tree encroachment permit or placard. The Borough Forester, or his delegate, shall consider numerous factors, including but not limited to:
  - i. Whether the activity is proposed for an area which is to be occupied by or surrounds a structure or some other improvements.
  - ii. Whether the potential effect of the proposed tree removal activity would disturb an area that is 5,000 square feet or more, thus requiring prior permission from the Morris County Soil Construction District, or would disturb an area which would require a grading permit or steep slope variance from the Borough of Kinnelon.
  - iii. Whether the purposes of this ordinance will be met by permitting the tree removal requested.
  - iv. Whether the proposed number and density of trees removed would result in any permanent reduction in screening or the subject property from the surrounding properties.
  - v. Whether the proposed activity would result in a horticulturally advantageous or disadvantageous thinning of an existing wooded or naturally screened area.
  - vi. The potential hardship that would be imposed upon the applicant if the permit is denied.
  - vii. Whether the tree(s) proposed for removal or tree encroachment is located within a conservation area, and
  - viii. Whether other trees have been removed from the property within the preceding 3 years.
- D. The filing of the tree removal or tree encroachment permit or placard application shall be deemed to constitute consent for Borough officials or agents to enter upon the subject land to inspect the designated site(s).
- E. Adjacent Neighbor notification: No permit shall be issued until 10 days after submission of the permit request pursuant to this ordinance, along with proof that all persons with property adjacent to the property at issue, from which tree removal is requested, has been notified in order to give each such property owner an opportunity to consult with the applicant, and / or given the opportunity to take such other steps that that neighbor may feel necessary to protect his/her interests as affected by the proposed tree removal. Notification to any and all such adjacent neighbors shall be by hand or certified mail and proof of delivery provided to the Borough Forester. If only a placard is issued, no notice to adjacent neighbor(s) will be required.
- F. Issuance of tree removal or tree encroachment permits or placard.
  1. A tree removal or tree encroachment permit or placard shall be granted or denied in writing by the Borough Forester or his/her delegate. Such response shall be within 10 days for a permit and 5 business days for a placard. After submittal of a deemed complete application to an enforcing officer; which complies with the terms and conditions of this chapter, or within such further time as may be consented to by the applicant. Failure of the Borough Forester, or his/her delegate, to act within the period prescribed shall constitute approval of the application.

2. When a tree removal or tree encroachment permit application is filed in conjunction with work for which an application for a construction permit or for approval(s) from the Planning Board or Board of Adjustment will be filed, the tree removal or tree encroachment permit shall be conditioned upon the receipt of the construction permit or other requisite approvals and shall not be effective until such permit or approvals have been obtained.

3. The enforcing officer shall be enabled to require replacement plantings for screening or erosion control purposes.

G. In reviewing any such application the Borough Forester may at his/her discretion consult the Environmental Commission, the Borough Engineer, Construction Official, Board of Health, or other individual or municipal entity, as he/she may deem necessary or advisable. Any application approved, in whole or in part, shall automatically become a tree removal permit in accordance with any conditions required by the Borough Forester.

### **§ 186-10 Duration of permit/placard**

Permits or placards granted under the terms and conditions of this chapter shall run with the land and shall remain in force and effect for the following periods of time:

- A. When no other permits or approvals are involved, six months from the date of issuance.
- B. When issued in conjunction with a construction permit, six months from the date of issuance.
- C. When issued in conjunction with Borough Planning Board or Board of Adjustment approval, until the later of the six months from issuance or the expiration of construction permits issued thereunder.

### **§ 186-11 Non-liability of Borough**

Nothing in this chapter shall be deemed to impose any liability upon the Borough or its officers or employees or agents or upon the Commission or any of the Commissioners.

Nothing in this chapter shall be deemed to relieve the owner and/or occupant of any private property from the duty to keep trees and shrubs thereon in a safe condition.

### **§ 186-12 Appeals**

Any person aggrieved by a determination to grant or deny a tree removal permit shall have the right to appeal such decision to the Mayor and Council. Such appeal shall be by written notice stating the reasons upon which the appeal is based, filed with the Borough Clerk and forwarded to the applicant, if appropriate, within 10 days of receipt of the appeal. The Mayor and Council shall hear the matter, upon notice to the applicant and/or petitioner, at the first regularly scheduled public meeting of the Mayor and Council held no less than 20 business days after receipt of the notice of appeal. The Mayor and Council may, in its discretion and upon complete review of the application and after hearing the testimony of the Borough Forester and the Applicant and any other interested parties, reverse, modify or affirm the prior decision in the matter.

### **§ 186-13. Violations and penalties**

- A. The illegal removal of trees will invoke an automatic suspension of any existing tree removal or tree encroachment permits associated with a property, and freeze the issuance of any future permits until the case is adjudicated and unwanted effects of the removal mitigated.
- B. Any person violating any provision of this Chapter shall, upon conviction, be subject to a minimum fine of one hundred (\$100.00) dollars up to one thousand (\$1,000.00) dollars per tree.
- C. Each tree cut or removed in violation of this chapter shall be considered a separate violation.

**186-14. Replacement of Trees**

- A. In addition to the penalties set forth in 186-13, each person who removes or otherwise destroys a tree(s) in violation of the Borough ordinances will be required to replace the tree(s) with another of like or superior species as defined herein under definition Replacement Tree(s), on the property from which they were removed, at his/her/their own expense.
- B. Replacement trees must be guaranteed for two full growing seasons.

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

\_\_\_\_\_  
Karen Iuele, Deputy Borough Clerk

\_\_\_\_\_  
Robert Collins, Mayor

**CERTIFICATION**

I, Karen Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at a regular meeting of the Borough held on \_\_\_\_\_, 2015 and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Karen Iuele, Deputy Borough Clerk



ORDINANCE 9-15  
 AN ORDINANCE ESTABLISHING SALARY RANGES  
 FOR THE BOROUGH OF KINNELON

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

1. Commencing January 1, 2015 the following constitutes the salary ranges for the hereinafter listed officials, position of employment within which the Governing Body shall, from time to time, by resolution, fix the salaries for persons employed in positions within a salary range.

TITLE	MINIMUM	PER	MAXIMUM	PER
Mayor	\$ 3,000.00	Year	\$ 8,000.00	Year
Council	\$ 1,000.00	Year	\$ 3,000.00	Year
Temp Chief Financial Officer	\$ 50,000.00	Year	\$ 100,000.00	Year
Chief Financial Officer	\$ 90,000.00	Year	\$ 116,000.00	Year
Borough Clerk	\$ 50,000.00	Year	\$ 100,000.00	Year
Acting Borough Clerk	\$ 2,000.00	Year	\$ 5,000.00	Year
Deputy Borough Clerk	\$ 25,000.00	Year	\$ 60,000.00	Year
Web Master	\$ 1,500.00	Year	\$ 3,200.00	Year
Treasurer	\$ 25,000.00	Year	\$ 63,000.00	Year
Administrative Assist./Finance	\$ 35,000.00	Year	\$ 56,000.00	Year
Tax Collector/Utility Collector	\$ 25,000.00	Year	\$ 60,000.00	Year
Part Time Tax & Utility Asist./Office Asst	\$ 9.00	Hour	\$ 25.00	Hour
Assessor/Appraiser	\$ 20,000.00	Year	\$ 36,000.00	Year
Part Time Assessor Secretary	\$ 15,000.00	Year	\$ 30,000.00	Year
Environmental Secretary	\$ 1,000.00	Year	\$ 75,000.00	Year
Forester	\$ 2,000.00	Year	\$ 3,000.00	Year
Open Space Secretary	\$ 20.00	Hour	\$ 25.00	Hour
Historic Preservation Secretary	\$ 20.00	Hour	\$ 25.00	Hour
Planning Board Secretary P/T	\$ 5,000.00	Year	\$ 16,000.00	Year
Zoning Official	\$ 5,000.00	Year	\$ 10,000.00	Year
Board of Health Secretary P/T- Registrar	\$ 20,000.00	Year	\$ 50,000.00	Year
Deputy Registrar	\$ 500.00	Year	\$ 1,500.00	Year
Recreation Diretor	\$ 25,000.00	Year	\$ 52,000.00	Year
DPW Superintendent	\$ 50,000.00	Year	\$ 115,000.00	Year
DPW Foreman	\$ 45,000.00	Year	\$ 89,000.00	Year
DPW Working Foreman	\$ 40,000.00	Year	\$ 82,000.00	Year
Snow/Weather Emergency Call outs (Foreman)	\$ 250.00	Day	\$ 350.00	Day
DPW Secretary P/T	\$ 12,000.00	Year	\$ 21,000.00	Year
DPW Maintainers	\$ 13.83	Hour	\$ 40.00	Hour
Recycling Watchman	\$ 14.00	Hour	\$ 16.00	Hour
Janitorial Service Staff	\$ 15.00	Hour	\$ 20.00	Hour
Temporary Part Time DPW/B&G/Recycling	\$ 10.00	Hour	\$ 12.50	Hour
Board of Adjustment Secretary	\$ 1,000.00	Year	\$ 5,000.00	Year
Fire Official	\$ 5,000.00	Year	\$ 10,000.00	Year
Municipal Court Judge	\$ 10,000.00	Year	\$ 30,000.00	Year

Municipal Court Administrator	\$ 20,000.00	Year	\$ 56,500.00	Year
Deputy Court Clerk/Violations Clerk P/T	\$ 14.00	Hour	\$ 23.00	Hour
Call Out	\$ 30.00	Hour	\$ 50.00	Hour
Police Chief	\$ 110,000.00	Year	\$ 150,000.00	Year
Police Lieutenant	\$ 110,000.00	Year	\$ 134,000.00	Year
Police Patrolment	\$ 40,500.00	Year	\$ 109,641.00	Year
Police Sergeants	\$ 104,695.00	Year	\$ 116,000.00	Year
Police Dispatchers Part Time	\$ 14.00	Hour	\$ 25.00	Hour
Crossing Guards	\$ 15.00	Hour	\$ 20.00	Hour
Matron	\$ 15.00	Hour	\$ 20.00	Hour
Fire Prevention Officer	\$ 7,000.00	Year	\$ 10,000.00	Year
Museum Docents	\$ 10.00	Hour	\$ 20.00	Hour
Emergency Management Secretary P/T	\$ 10.00	Hour	\$ 20.00	Hour
Temporary Clerical Help	\$ 10.00	Hour	\$ 30.00	Hour
Library Director	\$ 80,000.00	Year	\$ 100,000.00	Year
Library Adm. Asst./Office Manager	\$ 35,000.00	Year	\$ 45,000.00	Year
Reference Librarian F/T	\$ 50,000.00	Year	\$ 60,000.00	Year
Youth Services	\$ 36,000.00	Year	\$ 40,000.00	Year
Head of Circulation	\$ 45,000.00	Year	\$ 50,000.00	Year
Clerk Interlibrary Loan	\$ 30,000.00	Year	\$ 45,000.00	Year
Asst.Clerical P/T Library	\$ 13.00	Hour	\$ 30.00	Hour
Library Page	\$ 7.25	Hour	\$ 10.00	Hour
Recreation Summer Staff P/T	\$ 7.25	Hour	\$ 21.00	Hour
Custodians	\$ 25.00	Hour	\$ 25.00	Hour
Records Clerk	\$ 10,000.00	Year	\$ 35,000.00	Year
Technical Service Library	\$ 10,000.00	Year	\$ 35,000.00	Year
Library Technologist	\$ 13.50	Hour	\$ 15.00	Hour
Youth Services Asst.	\$ 10.00	Hour	\$ 15.00	Hour

Certified to be a true copy of an ordinance which was introduced at the regular meeting of the Kinnelon Mayor and Council held on September 20, 2015 and Adopted on October 15, 2015.

October 15, 2015

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Robert W. Collins  
Mayor



ORDINANCE NO. 10-15

AN ORDINANCE AUTHORIZING CAPITAL IMPROVEMENTS FOR THE INSTALLATION OF A BOILER AT THE L'ECOLE MUSEUM AND APPROPRIATING \$15,000.00 FROM THE CAPITAL IMPROVEMENT FUND TO DO SO

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

SECTION 1. The sum of \$15,000.00 is hereby appropriated from the Capital Improvement Fund for the following improvements and purchases:

PURPOSE	Appropriation
Installation of a Boiler at The L'Ecole Museum	\$15,000.00
TOTAL	\$15,000.00

SECTION 2. The improvements hereby authorized and the purposes for which these appropriations are made include all costs and materials necessary therefor and incidental thereto. An amount not exceeding \$15,00.00 for items of expense permitted pursuant to N.J.S.A. 40A:2-20 is included in the costs indicated herein for the improvement.

SECTION 3. The Capital Budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith.

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

ATTEST:

BOROUGH OF KINNELON

\_\_\_\_\_  
Karen Iuele, Deputy Borough Clerk

\_\_\_\_\_  
Robert Collins, Mayor

CERTIFICATION

I, Karen Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at a regular meeting of the Borough held on September \_\_\_\_, 2015 and adopted by the Governing Body at a regular meeting of the Borough held on October \_\_\_\_, 2015.

\_\_\_\_\_  
Karen Iuele, Deputy Borough Clerk

September 17, 2015

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

Roll Call: J. Freda; Yes; D. O'Dougherty, Yes;  
A. Barish, Yes;  
C. Sventy, Yes; C. Giantonio, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on September 17, 2015 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED that at the regular meeting to be held on October 15, 2015 at 8:00pm, 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 Acting Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilwoman C. Sventy offered a motion to publish the foregoing resolution. This was second by Councilman A. Barish.

Roll Call: J. Freda; Yes; D. O'Dougherty, Yes;  
A. Barish, Yes;  
C. Sventy, Yes; C. Giantonio, Yes.

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

During the month of August 2015 the Tax Collector's Report indicated we collected \$9,900,082.31 in taxes.

#### **INVESTMENT OFFICER'S REPORT**

A total of \$876.05 was collected in interest for the month of August 2015.

#### **APPOINTMENTS:**

- Upon motion of Councilwoman C. Sventy, and seconded by Councilman A. Barish, followed by the "yes" roll call vote of all Council Members present, the appointment of Lisa Donnelly Hanks, to the Environmental Commission was approved.
- Upon motion of Councilwoman C. Sventy, and seconded by Councilman A. Barish, followed by the "yes" roll call vote of all Council Members present, the appointment of Thomas Kline, to the Environmental Commission was approved.

#### **RESIGNATION:**

- Upon motion by Councilwoman C. Sventy and seconded by Councilman A. Barish, followed by the "yes" roll call vote of all Council Members present, the resignation of Lisa Kimkowski, Kinnelon Tax Collector was accepted with the councils regrets.
- Upon motion by Councilwoman C. Sventy and seconded by Councilman A. Barish, followed by the "yes" roll call vote of all Council Members present, the resignation of Michael Prapopoulos, Open Space Advisory Committee was accepted with the councils regrets.





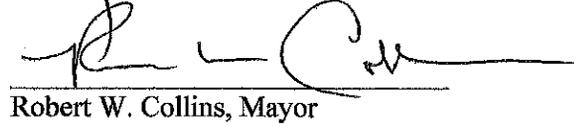
September 17, 2015

**ADJOURNMENT**

This meeting adjourned at approximately 10:45 p.m. on motion by Councilwoman C. Sventy, with the unanimous affirmative voice vote of all present.

Respectfully submitted,

  
Karen M. Iuele, Deputy Borough Clerk

  
Robert W. Collins, Mayor

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