

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, May 17, 2012 in the Kinnelon Municipal Building.

Mayor Collins then asked for a moment of silence in honor of our troops serving overseas. There was a Salute to the Flag, after which the Clerk 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 December 11, 2011 edition of the Trends and was provided to the Star Ledger, Daily Record and the North Jersey Herald News. A notice was also posted on the municipal building bulletin board, filed with the Borough Clerk and provided to those persons or entities requesting notification.

ROLL CALL:

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

12U GIRLS TRAVELING SOFTBALL TEAM PRESENTATION OF AWARD

Mayor Collins asked Chairman Jim Freda to accompany him to the floor where he then introduced the coaches of the 12 U Girls Traveling Softball team. The Mayor asked Coach John Jacko to introduce the girls on the team who won two tournaments for the 2012 season.

Coach Jacko first introduced the other coaches as Don Burnett, Joe Saccomanno and Pat Saccomanno. He then introduced the girls, Haley Angelica, Julia Balick, Daniella Burnett, Calais Cronin, Brooke Jacko, Sierra Jacko, Madison Ledwith, Lainey Lewis, Cassidy Mihok, Lindsay Naugle, Alexa Saccomanno and Samantha Schwed.

Coach Jacko went on to explain this team participated in the Annual Lincoln Park Spring Fever Tournament which featured fourteen teams and finished the tournament 6-0 with an 8-4 win over Lenape in the championship game. In that tournament, the team outscored their opponents 42-7.

On the weekend of May 4th the team proceeded to the 14th Annual Michelle Sullivan Fund Memorial Tournament held in Montville. There were over sixty teams from New Jersey and New York competing and over 700 girls participated in the tournament. There were twenty-two teams in the 12U age bracket. The team finished the tournament 6-0 with a 12-4 win over Rockaway in the championship game. In this tournament they outscored their opponents 43-8. Coach Jacko said this was a big accomplishment since most of the towns they play are significantly larger than Kinnelon.

He said that over 250 girls participated in the 12U bracket and one of our players, Madison Ledwith was chosen to receive the "sportsmanship award" for this bracket. He said this is an extremely competitive team with their opponents, but not with themselves. Many of the other coaches commented on the teams' abilities and the respect they have for the coaches involved in building our softball program to the level it has achieved.

Mayor Collins also congratulated Alexa Saccomanno who dominated the mound in the Michelle Sullivan Fund Tournament and pitched a perfect game during bracket play. Both the Mayor and Chairman Freda congratulated the team and accepted the two trophies on behalf of the borough.

TREASURER'S REPORT

The Treasurer's Report indicates we started out with cash on hand as of March 31, 2012 in the amount of \$1,582,369.82. Receipts for the month of April totaled \$4,151,638.30 with disbursements amounting to \$4,680,023.92. The balance on hand on April 30, 2012 was \$1,053,984.20 and has been reconciled with various bank balances.

Upon motion by Councilman G. Moleta and seconded by Councilman A. SanFilippo with the affirmative voice vote of all council members present, the Treasurer's Report was accepted as read.

MAYOR'S REPORT

Mayor Collins reminded everyone the Memorial Day Parade will be Monday, May 28. This year the parade will begin in Bloomingdale and proceed to Butler with our own ceremony commencing at 11:00 a.m.

He stated tonight we will be adopting our 2012 Municipal Budget. This is the most important responsibility this governing body has. This year we will be continuing and expanding our shared services. This is not a bloated budget and we have been very creative. He assured the residents this governing body is not going to utilize user fees as many other municipalities are. The user fees in other towns are for services such as garbage and recycling pick up services. This borough has always provided for that and continues to do so. This will be discussed later in the meeting.

The Mayor stated many years ago a grant was received for the bike path. He asked Councilman Moleta to research the grant and he met with the various professionals pertaining bicycling throughout the state as well as reviewing the County Plan and he will report on that later under his report.

Mayor Collins reported the borough received notification from the Department of Transportation regarding a grant which may be used for Fayson Lakes Road repaving. He clarified that it is only notification, not the formal award.

Tonight we are going to entertain adoption of the Underage Drinking Ordinance. Anyone wishing to speak on that ordinance can make their comments at that time.

Mayor Collins referred to comments made at last month's meeting regarding the state of our recreation fields and said we are taking steps toward improving them. He indicated Councilman Freda would probably report on that issue.

Referring to the Burglary Seminar run by our Police Department, Mayor Collins thanked Patrolman Sean Patalita and Sergeant Dave Crouthamel. The Mayor said he received many positive comments about the seminar.

The Mayor said he received a copy of a letter which was sent to Olga Gilhooley regarding the award of a grant in the amount of \$2,500 for KAMELOT.

RECREATION & ORDINANCE

Chairman James Freda reported the asphalt on the hockey rink is being removed. It will be filled and seeded to be used as additional field space. He said he received an email thanking the governing body. Mr. Freda said the municipal field needs the most attention.

Councilman Freda congratulated the girls' softball team.

Reporting on the ordinance being introduced, Mr. Freda explained the fence ordinance adds a section that prohibits barbed wire and electric fences. Mr. Freda said the committee is also discussing an ordinance pertaining to solar panels. That ordinance would look at the safety issues of solar panels on a roof in the case of a fire in a home and to make sure fire fighters have access to the roof if needed for an entry point.

PUBLIC WORKS & UTILITIES

Chairman Daniel O'Dougherty reported he received a phone call from Cindy Randazzo notifying us we received the exemption for the DPW garage which means we can move forward with that project. Andy SanFilippo is also looking where we can put an impound yard.

The DPW has been taking care of the fields. They are also mowing the edges of the roadways.

The Construction Officer reports there were sixty-two new permits with three new permit updates. There were no new permits issued for a single-family dwelling. There was \$12,361.00 collected in permit fees and the estimated cost of new construction was \$421,000.00.

Councilman O'Dougherty reported he met with Mayor Sisco and the contractor and engineer at the Company 2 Firehouse. The walls have been installed and he reported the target completion date looks like it will be met. He also commented he hopes when the firehouse is completed the fire company will get more volunteers.

Mayor Collins commented also that he feels local government really works. He mentioned that Councilman O'Dougherty does a wonderful job of coordinating with our Superintendent of Public Works on paving jobs. He stated that the borough does not typically does not pave during the school year. Any paving projects will be after the schools are out.

COORDINATING

Chairman Gary Moleta said he attended the Library meeting last night. He thanked Barbara Owens for attending tonight. Mr. Moleta reported the C.L.L. is holding their annual Barn Theater fundraiser next Thursday in Montville. This year's production is The Assassins. Tickets are available at the library. The annual Summer Reading Contest also begins next month. The Friends support this program by donating the tote bags. Mr. Moleta suggested everyone check the Library's website and stated the annual book sale is scheduled for August 24th through August 27th.

Councilman Moleta also reported on the Burglary Seminar. He said the Police Department did a phenomenal job educating the public with this power point presentation. Mr. Moleta said he felt that more people should have the opportunity to see the presentation. He has reached out to the C.L.L. who will sponsor another of these seminars at the Library.

Patrolman Sean Patalita has also been trained and certified to act as the School Resource Officer to help work with the schools to provide a safe environment.

Mr. Moleta reported he has had several meetings regarding the bike route in the borough. He was able to confer with several bike clubs regarding potential safety issues in the borough. He received several ideas regarding signage to inform both auto and bicycle motorists of various hazards. In meeting with the state, he found Fayson Lakes Road is not on their maps; but, when he reviewed the Morris County maps, they had designated Fayson Lakes Road as a bike route. They are trying to find solutions to the safety issue.

Mr. Moleta attended the Environmental Commission meeting and said they will be happy that the committee is considering a solar panel ordinance. He also announced we have a forester now and said many

people do not realize they cannot just take down trees without speaking with the forester. Mr. Moleta stated Jen Highers has been designated as our webmaster. She has received additional training. One option we are looking to add to our website is a reminder option which could help residents by allowing the public to sign up for the option which would advise them when dog licenses or taxes are due. This should create a more efficient government and prevent some of the calls to the borough offices.

Mayor Collins reported St. David's Episcopal Church held Brake for Hunger. Money raised from the fundraiser will be distributed to our Food Pantry.

FINANCE & OPEN SPACE

Chairman Stephen Cobell report will be given by Councilman Mondello under his report.

PUBLIC SAFETY

Chairman Andrew SanFilippo read a report from Harry Hicks, our Emergency Management Coordinator as follows:

1. The Emergency Management Status Report states the Annual Review and Update of Kinnelon's Master Resource List is in progress.
2. A press release was submitted to local media, churches and schools addressing Emergency Storm Preparation and special Needs. (Special Needs refers to those residents who require oxygen, medication or special transportation).
3. Communications are continuing between Kinnelon and Morris County OEM, New Jersey OEM, and FEMA concerning reimbursement for damages incurred during Hurricane Irene and the October Nor'easter. Jennifer Highers is to be commended for her efficiency, professionalism and patience in working with FEMA representatives since September 2011.
4. Kinnelon's 2012 Mutual Aid Capability and Resource Survey was sent to surrounding municipalities who would provide emergency response to Kinnelon. When this information is received, it is forwarded to Kinnelon's department heads and it is incorporated into Kinnelon's Emergency Operations Plan and Master Resource List.
5. We are continuing to assemble an inventory of Kinnelon's Emergency Management Files – (Previously "Civil Defense") from 1952 to the present.

Mr. SanFilippo said he was unable to attend the Burglary Seminar but he said there are tri-fold pamphlets in the lobby with information on the subject. He read a letter from one of the attendees which said how helpful the seminar was.

Mr. Moleta also commented that the public may sign up for "NIXLE" in order to receive text or email notifications of advisories from the police for events such as the burglary seminar, traffic accidents, road closings or weather advisories.

PERSONNEL

Chairman Ronald Mondello said he has no report for the Personnel Committee.

Mr. Mondello read the finance report in Councilman Cobell's absence which stated that despite having approximately \$900,000 less in surplus in 2012 than was used in 2011, our 2012 proposed budget will increase the amount required to be raised by taxation for municipal purposes by only about \$277,000. This was the result of a reduction in total spending for municipal purposes, on items with CAP regulations, of over \$540,000.

Total general appropriations, including items that are excluded from the CAP regulations, has been reduced by over \$540,000.

These savings include a reduction in the Borough's general liability insurance premiums, legal services and the costs of general administration. These savings, and others, are the result of the continuing efforts of our municipal employees and governing body to reduce costs without compromising the quality of municipal services. A mild winter this year also contributed to our savings, but I hesitate to assign credit for that.

The proposed budget will result in a municipal tax rate of approximately \$.50 per \$100 of assessed value or a municipal tax of approximately \$2,155 on a home assessed at \$450,000. This represents a change of \$113 over 2011.

During 2012 and beyond we will continue to look for ways to control municipal taxes, including inter-local agreements, pursuing tax title liens, aggressively shopping for municipal services and continuing to improve efficiency.

One important step that we've taken in achieving these goals is the addition this year of a full time CFO, Donna Mollineaux. Donna's insight and experience in municipal finance has already proven to be a significant benefit to the borough in the budget and internal control process and will be of continuing benefit in meeting our future financial challenges.

Mayor Collins took this time to introduce several of our professionals present tonight. He introduced Donna Mollineaux, Mark Madaio, Borough Attorney and our auditor, Lou Mai. Mr. Collins also introduced former Mayor Glenn Sisco. Mayor Collins recognized our former Councilman/OEM Coordinator Harry Hicks who has pursued our FEMA grants and dedicated many hours to this borough. He also mentioned that Mr. Hicks is being recognized by the Lakeland Hills YMCA as Kinnelon's Citizen of the Year.

HEARING FROM THE PUBLIC

The Mayor then opened the meeting to the public to anyone who wished to speak.

Jack Douglas, 23 Glendale Terrace wished to discuss a wetland issue in his back yard. Mr. Douglas said the storm drains on Fayson Lake Road as well as drains from Cliff Trail flood his back yard as well as his neighbors. Although the water does not enter his home, it has produced a mosquito problem. It also lowers the value of his home. He indicated he has spoken with Councilman Freda, John Whitehead and the Borough Engineer. The water was sprayed for mosquitos, but he would like the whole situation corrected. He showed the Mayor an aerial view of his property. There was a pond in the rear of the property but over the years all the water has drained into the pond and flooded his back yard. Mr. Douglas also noted that the trees are coming down because they are always sitting in the water. He said four other homes are affected.

Councilman Freda said Mr. Douglas reached out for him last year. They called mosquito control. He said he thinks it is a big problem. He got him in touch with Paul Darmofalski. He said he would arrange to show up with the Superintendent, but they did not come. Mayor Collins asked Councilman O'Dougherty to join with the engineer and superintendent and meet with Mr. Douglas to discuss the problem and see if there is a cure.

Rick Malanga and Mike Rudge spoke against the borough putting an impound yard on our borough owned property. They said there are many things that need to be addressed before the decision is made. The Mayor suggested they meet with Councilman SanFilippo and the Chief to discuss the matter.

No one else wished to speak at this time and the Mayor then closed the meeting to the public.

Range of Checking Accts: First to Last Range of Check Dates: 04/20/12 to 05/17/12
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GENERAL		General Account			
8513	04/23/12	Alignment Check		VOID	
8514	04/23/12	KIN08 KINNELON VOLUNTEER FIRE CO.	6,000.00		4346
8515	05/01/12	MVC01 MOTOR VEHICLE COMMISSION	60.00		4347
8516	05/14/12	TRE04 TREASURER, STATE OF NEW JERSEY	7,136.00		4349
8517	05/15/12	MOR07 MORRIS COUNTY CLERK'S OFFICE	75.00		4350
8518	05/17/12	ACC04 ACC BUSINESS	344.44		4351
8519	05/17/12	ACU01 ACU-DATA	700.00		4351
8520	05/17/12	ADV04 ADVANCE LEARNING	198.00		4351
8521	05/17/12	AIR03 AIR GROUP	480.00		4351
8522	05/17/12	ALL04 ALLIED OIL COMPANY	4,608.28		4351
8523	05/17/12	ALL16 ALL WET IRRIGATION, LLC.	127.70		4351
8524	05/17/12	ANA01 ANACONDA SPORTS	2,058.00		4351
8525	05/17/12	ATL07 ATLANTIC ENVIRONMENTAL	32,722.00		4351
8526	05/17/12	BAB01 BABE RUTH HEADQUARTERS	316.00		4351
8527	05/17/12	BAC01 BERNARD BACCETTA ESQ.	750.00		4351
8528	05/17/12	BAR04 JOHN H. BARRETT INC.	1,005.39		4351
8529	05/17/12	BIL01 P&K OFFICIATING	1,825.00		4351
8530	05/17/12	BOO01 BOONTON ELECTRIC SUPPLY CORP.	674.40		4351
8531	05/17/12	BOR BOROUGH OF BUTLER	27,480.00		4351
8532	05/17/12	BOR01 BOROUGH OF BUTLER ELECTRIC	13,124.26		4351
8533	05/17/12	BR01 B&R UNIFORMS	504.50		4351
8534	05/17/12	BUS01 BUSINESS GRAPHICS	176.00		4351
8535	05/17/12	CAB01 CABLEVISION	149.80		4351
8536	05/17/12	CIR01 CIRCLE AUTO PARTS INC.	36.00		4351
8537	05/17/12	COO03 COOPERATIVE COMMUNICATIONS INC	2,317.46		4351
8538	05/17/12	CUS01 CUSTOM BANDAG INC.	30.00		4351
8539	05/17/12	DAN08 DANA M D'ANGELO	150.00		4351
8540	05/17/12	DAR01 DARMOFALSKI ENGINEERING ASSOC.	14,375.00		4351
8541	05/17/12	DEB03 DE BLOCK ENVIRONMENTAL SERVICE	8,262.11		4351
8542	05/17/12	DEL08 DELTA DENTAL OF NEW JERSEY INC	4,135.66		4351
8543	05/17/12	DEL16 DE LAGE LANDEN	195.57		4351
8544	05/17/12	DOU01 DOUG'S SMALL ENGINE REPAIR	119.00		4351
8545	05/17/12	DRA02 DRAEGER SAFETY DIAGNOSTICS, INC	142.00		4351
8546	05/17/12	ETD01 ETD DISCOUNT TIRE CENTERS, INC	185.34		4351
8547	05/17/12	FAV01 RALPH M. FAVA, ATTORNEY AT LAW	3,150.00		4351
8548	05/17/12	FAY01 FAYSON LAKES WATER COMPANY	11,187.26		4351
8549	05/17/12	FED01 FED-EX	33.50		4351
8550	05/17/12	FIN04 FINCH FUEL OIL CO. INC.	8,757.18		4351
8551	05/17/12	FOR04 FORD MOTOR CREDIT COMPANY	1,495.85		4351
8552	05/17/12	GAL01 GALL'S INC.	274.98		4351
8553	05/17/12	GAM01 GAME DAY SPORTS	419.30		4351
8554	05/17/12	GAN01 GANN LAW BOOKS	105.00		4351
8555	05/17/12	HACGUN Hackettstown Gun & Ammo	370.00		4351
8556	05/17/12	HAW HAWKINS, DELAFIELD & WOOD	6,684.11		4351
8557	05/17/12	HAW03 HAWTHORNE AUTOMOBILE SALES CO.	468.72		4351
8558	05/17/12	HER02 HERO'S SALUTE AWARDS COMPANY	115.00		4351
8559	05/17/12	HER05 HERB'S SPORT SHOP INCORPORATED	14,082.43		4351
8560	05/17/12	HOM02 HOME DEPOT CREDIT SERVICE	414.74		4351
8561	05/17/12	HOR04 Horizon Office Equipment	260.75		4351

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GENERAL		General Account			Continued
8562	05/17/12	IRW01 LEIGH IRWIN	41.00		4351
8563	05/17/12	JAC06 DANA JACKO	295.91		4351
8564	05/17/12	JER03 JERSEY PAPER PLUS	411.33		4351
8565	05/17/12	JES01 JESCO, INC.	149.48		4351
8566	05/17/12	KEL07 KEVIN KELLY	100.00		4351
8567	05/17/12	KIN08 KINNELON VOLUNTEER FIRE CO.	9,864.71		4351
8568	05/17/12	KIN09 KINNELON BOARD OF EDUCATION	2,761,395.00		4351
8569	05/17/12	KIP01 KIPP BROTHERS	730.66		4351
8570	05/17/12	LAB03 COLLEEN LA BANCA	117.36		4351
8571	05/17/12	LAK04 Lakeland Septic Co., Inc.	440.00		4351
8572	05/17/12	LIA01 LIAM CONSTRUCTION INC.	117,110.00		4351
8573	05/17/12	LIF02 LIFESAVERS, INC.	132.32		4351
8574	05/17/12	LOE01 LOEFFELS WASTE OIL SERVICE	62.00		4351
8575	05/17/12	LOEB1 ELLIOT LOEB-KEOUGH PLAN	339.77		4351
8576	05/17/12	LOO01 LOOSELEAF LAW PUBLICATIONS INC	101.85		4351
8577	05/17/12	MAD03 LAW OFFICE OF MARK D. MADAIO	5,478.10		4351
8578	05/17/12	MB02 M&B TRUCKING INC.	898.80		4351
8579	05/17/12	MCI02 MCI COMM SERVICE	13.00		4351
8580	05/17/12	MIC10 NINA MICKEY	263.48		4351
8581	05/17/12	MON10 MONTVILLE RECREATION	900.00		4351
8582	05/17/12	MOR07 MORRIS COUNTY DETECTIVE ASSOC.	100.00		4351
8583	05/17/12	MOR14 MORRIS CTY POLICE CHIEFS ASSOC	300.00		4351
8584	05/17/12	MOR21 MORRIS COUNTY M.U.A.	25,661.46		4351
8585	05/17/12	MOR42 THE LAND CONSERVANCY OF NJ	7,000.00		4351
8586	05/17/12	NJD07 NJ DEPT HEALTH & SENIOR SERV	82.80		4351
8587	05/17/12	NJI01 NJ INTERGOVERNMENTAL INS. FUND	2,548.71		4351
8588	05/17/12	NOR02 NORTH JERSEY NEWSPAPER	283.22		4351
8589	05/17/12	NUS01 MAUREEN NUSSMAN	160.00		4351
8590	05/17/12	ONE02 One Call Concepts, INC.	43.66		4351
8591	05/17/12	OXF01 OXFORD HEALTH PLANS	89,741.67		4351
8592	05/17/12	PAG02 P & A GROUP	500.00		4351
8593	05/17/12	PAL02 PALOS SPORTS	410.14		4351
8594	05/17/12	PER01 KAREN PERRY	55.94		4351
8595	05/17/12	PIT02 PITNEY BOWES, INC.	1,152.00		4351
8596	05/17/12	PK01 P&K OFFICIATING	1,440.00		4351
8597	05/17/12	POLO3 POLLARD WATER COMPANY	84.31		4351
8598	05/17/12	PRI06 PRIME UNIFORM SUPPLY, INC	450.25		4351
8599	05/17/12	PSE01 P.S.E. & G.	596.46		4351
8600	05/17/12	QUA01 QUALITY AUTOMOTIVE	460.47		4351
8601	05/17/12	REG05 REGISTRARS' ASSOCIATION OF NJ	70.00		4351
8602	05/17/12	RIV06 Riverdale Environmental	600.00		4351
8603	05/17/12	ROY01 ROYAL COMMUNICATIONS INC.	361.65		4351
8604	05/17/12	SHE03 SHERWIN WILLIAMS CO.	763.80		4351
8605	05/17/12	SHO01 SHOTMEYER BROS. FUEL CORP.	185.73		4351
8606	05/17/12	SMA01 SMART STOP STATE RT 23	276.00		4351
8607	05/17/12	SMO01 SMOKE RISE CLUB	16,446.38		4351
8608	05/17/12	SPO05 SPOT-A-WAY	225.00		4351
8609	05/17/12	SS01 S AND S	230.28		4351
8610	05/17/12	STA10 ELIZABETH STAGG	600.00		4351
8611	05/17/12	STI01 STICKEL, KOENIG & SULLIVAN	483.33		4351
8612	05/17/12	STO01 STORR TRACTOR COMPANY	157.13		4351
8613	05/17/12	THY01 THYSSENKRUPP ELEVATOR	1,279.20		4351

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GENERAL General Account Account Payab Continued					
8614	05/17/12	TIL01 TILCON NEW YORK INC.	1,929.58		4351
8615	05/17/12	TRI15 TRI STATE PAVING	400.00		4351
8616	05/17/12	VER01 VERIZON	37.49		4351
8617	05/17/12	VER06 VERIZON WIRELESS	229.91		4351
8618	05/17/12	VFI01 VFIS BENEFITS DIVISION	618.65		4351
8619	05/17/12	VRE01 CAROL VREELAND	134.84		4351
8620	05/17/12	WAT01 WATER WORKS SUPPLY COMPANY	253.06		4351
8621	05/17/12	WAY01 WAYNE TRANSMISSION	154.94		4351
8622	05/17/12	ZEE01 ZEE MEDICAL SERVICES	360.21		4351
8623	05/17/12	BJS01 BJ'S WHOLESALE CLUB	42.80		4352

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	110	1	3,234,037.57	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	110	1	3,234,037.57	0.00

PLANNING 2		Columbia Bank			
1569	04/23/12	DAR01	DARMOFALSKI ENGINEERING ASSOC.	1,840.00	4345
1570	04/23/12	OLI01	Peter Olinto	21.00	4345
1571	05/07/12	RIF01	HAMDI RIFAI	180.00	4348
1572	05/17/12	DAR01	DARMOFALSKI ENGINEERING ASSOC.	2,990.00	4353

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	4	0	5,031.00	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	4	0	5,031.00	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	114	1	3,239,068.57	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	114	1	3,239,068.57	0.00

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND APPROPRIATIONS	1-01	3,864.71	0.00
CURRENT FUND APPROPRIATIONS	2-01	2,980,776.03	0.00
WATER FUND	2-05	36,610.89	0.00
SEWER FUND	2-07	<u>2,195.79</u>	<u>0.00</u>
Year Total:		3,019,582.71	0.00
	C-04	168,706.11	0.00
DOG TAX	D-13	259.77	0.00
STATE AND FEDERAL GRANTS	G-02	292.00	0.00
PUBLIC ASSIST 2	P-18	7,136.00	0.00
RECREATION SPECIAL	R-16	25,916.79	0.00
CLERK SPECIAL	S-20	400.00	0.00
	V-27	7,700.00	0.00
PUBLIC FUND	Y-21	179.48	0.00
Total of All Funds:		<u><u>3,234,037.57</u></u>	<u><u>0.00</u></u>

Project Description	Project No.	Project Total
38 CHERRY TREE LANE	111	345.00
LYNN BALLAI 40 FORESTDALE RD	134139	345.00
48 BRUSHHILL RD KATZEVICH TSUJ	2326	115.00
21 REAGAN WAY	3000114	575.00
SOUTH GLEN ROAD LLC II	3000713	1,495.00
14 FELKAY COURT	3000822	21.00
239 SOUTH GLEN ROAD	3000828	575.00
156 SOUTH GLEN- BASCOM	300150	460.00
216 SOUTH GLEN ROAD	300163	180.00
38 Kiel Avenue	338	345.00
147 KIEL AVE	34168	345.00
24 LAKEVIEW DR / RATZ /5884	5884	230.00
Total of All Projects:		<u>5,031.00</u>

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

CONSENT AGENDA:

A motion for the approval of the payment of bills dated May 17, 2012 was offered by Councilman D. O'Dougherty and seconded by Councilman A. SanFilippo.

WHEREAS, the Borough Council of the Borough of Kinnelon has reviewed the Special Consent Agenda consisting of various proposed Resolutions and Motions, and

WHEREAS, the Council Members of the Borough of Kinnelon did not desire to remove any item from the Agenda,

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions and Motions are hereby approved:

- a. Approval of Minutes April 19, 2012
- b. Raffle Application H.A.S. Kinnelon High School – Carnival (Approved at May 10, 2012 Workshop)
- c. RESOLUTION 5.01.12 – Temporary Emergency Budget Resolution (Click It or Ticket & Clean Communities Grants) Approved at May 10, 2012 Workshop
- d. RESOLUTION 5.02.12 – To Refund Street Opening Bond for 55 Kiel Avenue (Attached)
- e. RESOLUTION 5.03.12 – To Refund Driveway Bond for 11 Ricker Terrace (Attached)
- f. RESOLUTION 5.04.12 – To Refund Driveway Bond for 14 Ricker Road (Attached)
- g. RESOLUTION 5.05.12 – To Refund Driveway Bond for 5 Meadow Lane (Attached)
- h. RESOLUTION 5.06.12 – To Refund Driveway Bond for 1 Meadow Lane (Attached)
- i. RESOLUTION 5.07.12 – Renewal of Interlocal Services Agreement – Boonton Twp. Vacuum Truck Services (Attached)
- j. RESOLUTION 5.08.12 – Redemption of Tax Sale Certificate No. 11-00012 –42 Cutlass Rd (Attached)
- k. RESOLUTION 5.09.12 – Return of Cash Bond in Exchange for Paper Performance Bond – Zaphyr (Attached)
- l. RESOLUTION 5.10.12 – Authorize Mayor to Sign Historic Preservation Trust App. (Attached)
- m. RESOLUTION 5.11.12 – Dog Canvassers (Attached)
- n. RESOLUTION 5.12.12 – Sale of Borough Vehicle to Borough of Bloomingdale (Attached)
- o. RESOLUTION 5.13.12 – Support of S-2904 and A-1503 – School & County To Pay Fair Share of Tax Appeal Refunds (Attached)

~~NO. 383~~
RESOLUTION #5.01.2012
BOROUGH OF KINNELON
EMERGENCY RESOLUTION

MAY 17, 2012

N.J.S.A.40A:4-20 (TEMPORARY APPROPRIATIONS)

WHEREAS, pursuant to N.J.S.A. 40a:4-19 the Borough council of the Borough of Kinnelon adopted Resolutions to provide temporary funds for the period from January 1, 2012 until the adoption of the Operating Budget for the Borough of Kinnelon, New Jersey; and

WHEREAS, additional appropriations will be required from May 10, 2012 until the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body by two-thirds vote may make temporary emergency appropriations for any purpose for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF KINNELON, NEW JERSEY, that:

1. The governing body by a two-thirds vote of its full membership hereby amends its temporary budget by making the following emergency temporary appropriations:

CURRENT FUND

Click It or Ticket Grant	Salary & Wages		\$4,000.00
Clean Communities Grant	Other Expenses		\$16,859.97
TOTAL			\$20,859.97

2. This action shall take effect May 10, 2012

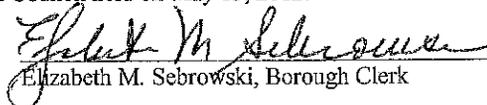
3. A copy of this resolution shall be immediately filed with the Director of Local Government Services by the Borough Clerk of the Borough of Kinnelon.

Councilman	Aye	Nay	Abstain	Absent	Councilman	Aye	Nay	Abstain	Absent
Freda	X				Cobell	X			
O'Dougherty	X				SanFilippo	X			
Moleta	X				Mondello	X			

CERTIFICATION

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 May 10, 2012.

Dated: 5/10/12


 Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION *5.02.12*

TO REFUND STREET OPENING BOND
FOR 55 KIEL AVE

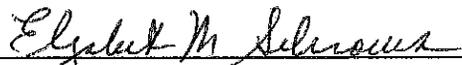
WHEREAS, Keith Pavlak was required to submit a \$3,000.00 Street Opening bond for permit #1648 in order to alter an existing driveway located at 55 Kiel Ave; and

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 Keith Pavlak, 55 Kiel Ave; Kinnelon, New Jersey, in the amount of \$3,000.00

NOW THEREFORE, BE IT RESOLVED the chief Financial officer is hereby authorized to refund a check in the amount of \$3,000.00 payable to Keith Pavlak.

Dated


Elizabeth M. Sebrowski, RMC
Borough Clerk

RESOLUTION 5.03.12

TO REFUND DRIVEWAY BOND
FOR 11 RICKER TERRACE

WHEREAS, Tri State Paving was required to submit a \$100.00 driveway bond for permit #1658 in order to alter an existing driveway located at 11 Ricker Terrace; 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 Tri State Paving, 11 Ricker Terrace; Kinnelon, New Jersey, in the amount of \$100.00

NOW THEREFORE, BE IT RESOLVED the chief Financial officer is hereby authorized to refund a check in the amount of \$100.00 payable to Tri State Paving.

Dated


Elizabeth M. Sebrovski, RMC
Borough Clerk

RESOLUTION 5.04.12

TO REFUND DRIVEWAY BOND
FOR 14 RICKER ROAD

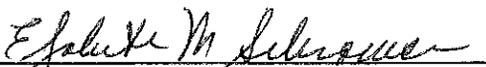
WHEREAS, Tri State Paving was required to submit a \$100.00 driveway bond for permit #1656 in order to alter an existing driveway located at 14 Ricker Road; and

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 Tri State Paving, 14 Ricker Road; Kinnelon, New Jersey, in the amount of \$100.00

NOW THEREFORE, BE IT RESOLVED the chief Financial officer is hereby authorized to refund a check in the amount of \$100.00 payable to Tri State Paving.

Dated 5/17/12


Elizabeth M. Sebrovski, RMC
Borough Clerk

RESOLUTION 5.05.12

TO REFUND DRIVEWAY BOND
FOR 5 MEADOW LANE

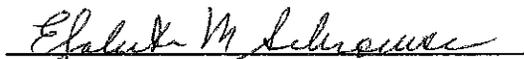
WHEREAS, Tri State Paving was required to submit a \$100.00 driveway bond for permit #1654 in order to alter an existing driveway located at 5 Meadow Lane; and

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 Tri State Paving, 5 Meadow Lane; Kinnelon, New Jersey, in the amount of \$100.00

NOW THEREFORE, BE IT RESOLVED the chief Financial officer is hereby authorized to refund a check in the amount of \$100.00 payable to Tri State Paving.

Dated 5/17/12


Elizabeth M. Sebrowski, RMC
Borough Clerk

RESOLUTION *5.06.12*

TO REFUND DRIVEWAY BOND
FOR 1 MEADOW LANE

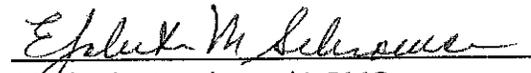
WHEREAS, Tri State Paving was required to submit a \$100.00 driveway bond for permit #1653 in order to alter an existing driveway located at 1 Meadow Lane; and

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 Tri State Paving, 1 Meadow Lane; Kinnelon, New Jersey, in the amount of \$100.00

NOW THEREFORE, BE IT RESOLVED the chief Financial officer is hereby authorized to refund a check in the amount of \$100.00 payable to Tri State Paving.

Dated *5/17/12*


Elizabeth M. Sebrowski, RMC
Borough Clerk

RESOLUTION # 5-08-12

BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to Elliot Loeb-Keough Plan, in the amount of \$339.77 for redemption of Tax Sale Certificate No. 11-00012, Block 86 Lot 47, also known as 42 Cutlass Road, Kinnelon, New Jersey.

ROLL CALL:

May 17, 2012
Lisa Kimkowski, C.T.C.
Tax Collector
Borough of Kinnelon

I, Elizabeth M. Sebrowski, 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 May 17, 2012.

DATE: 5/17/12


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 5.07.12

RESOLUTION AUTHORIZING INTERLOCAL
SERVICES AGREEMENT BETWEEN THE
BOROUGH OF KINNELON AND THE TOWNSHIP
OF BOONTON WITH RESPECT TO THE USE OF A
VACUUM TRUCK

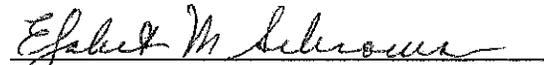
WHEREAS, the Borough of Kinnelon and the Township of Boonton desire to enter into an Agreement to give to the Township of Boonton the use of a vacuum truck; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

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

1. The Mayor and Municipal Clerk are hereby authorized to execute an Interlocal Services agreement between the Borough of Kinnelon and the Township of Boonton, for the furnishing of the services of the Borough of Kinnelon vacuum truck.
2. A copy of the Agreement is on file in the Office of the Municipal Clerk for inspection by the public.
3. A copy of the Agreement shall be filed, for informational purposes, with the Department of Community Affairs, Division of Local Government Services pursuant to rules and regulations promulgated by the Director.
4. This resolution shall take effect pursuant to law.

Dated: May 17, 2012


Elizabeth M. Sebrowski, RMC
Borough Clerk

I hereby certify the foregoing to be a true copy of a resolution adopted by the Mayor and Council of the Borough of Kinnelon, at its meeting held on May 17, 2012.


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 509.12

AUTHORIZATION TO REFUND
CASH BOND FOR PERFORMANCE
BOND WITH FIRST INDEMNITY OF
AMERICA INSURANCE COMPANY
FOR INFORMATION TECHNOLOGY
CONTRACT

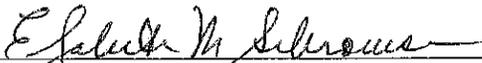
WHEREAS, the Borough entered into a contract with Zaphyr LLC located at 628 State Route 10, Whippany, N.J. 07981 on March 15, 2012; and

WHEREAS, Zaphyr LLC submitted a cash Performance Bond in the amount of \$18,000 for said contract; and

WHEREAS, the Borough has received a replacement paper Performance Bond in the amount of \$18,000 from First Indemnity of America Insurance Company naming Zaphyr LLC as contractor and the Borough of Kinnelon as owner.

NOW, THEREFORE, BE IT RESOLVED by the Kinnelon Mayor and Council, that the Chief Financial Officer is hereby authorized to refund the original cash bond in the amount of \$18,000.00 to Zaphyr LLC, 628 State Route 10, Suite #14, Whippany, N.J. 07981.

Dated: May 17, 2012

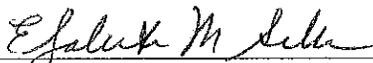

Elizabeth M. Sebrowski, Borough Clerk

Councilman	Aye	Nay	Abstain	Absent	Councilman	Aye	Nay	Abstain	Absent
Freda	X				Cobell				X
O'Dougherty	X				SanFilippo	X			
Moleta	X				Mondello	X			

CERTIFICATION

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 May 17, 2012.

Dated: 5/17/12


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 5/0.11

AUTHORIZATION TO PROCEED WITH
FILING AN APPLICATION TO PUT
L'ECOLE MUSEUM ON THE NEW JERSEY
AND NATIONAL REGISTER OF HISTORIC
PLACES

WHEREAS, Dr. Miller donated her home and office located at 25 Kiel Avenue in Kinnelon, Morris County, New Jersey to the Borough of Kinnelon to be used as a historical museum for the betterment of the citizens of the Borough of Kinnelon; and

WHEREAS, the Historical Commission has taken the necessary steps to establish the fact that Dr. Helen Miller was of historical importance in the medical field for women thereby making her home an important place in New Jersey's history; and

WHEREAS, the Historical Commission has received a Certificate of Eligibility which states that Dr. Miller's significance must be understood within the context of women in medicine. In 1849, Elizabeth Blackwell became the first woman to receive a degree from a US medical college, ushering in what is generally understood as the first wave of women in medicine (from circa 1850 through the end of the 19th century). However, in the early 20th century the participation of women in medicine dropped dramatically. Their numbers did not rise substantially until the 1970's (in 1960 only 7% of the physicians in the US were women, by 1980 their number rose to 12% and to 17% in 1990). The period of significance of the property is 1931 (the date of Dr. Miller's purchase) to 1964 (the date that the Kinnelon Medical Center opened). It is significant at a local level.

NOW, THEREFORE, BE IT RESOLVED, the Kinnelon Mayor and Council hereby authorize the Historical Commission to proceed with filing an application to have L'Ecole Museum (also known as Dr. Helen Miller's home and office) located at 25 Kiel Avenue, Kinnelon, Morris County, New Jersey be placed on both the New Jersey and National Register of Historic Places.

Dated: May 17, 2012



Robert W. Collins, Mayor

CERTIFICATION

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 May 17, 2012.

Dated:



Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 5.11.12

AUTHORIZING ANIMAL CANVASSERS

WHEREAS, there exists a need to perform an animal canvass for the Borough of Kinnelon and there is a need to hire animal canvassers to perform this duty; and

WHEREAS, these positions was advertised and interviews were held through our shared service with the Bloomingdale Animal Control Officer; and

WHEREAS, based on those interviews, it was determined Jennifer Capalbo of Wanaque and Richard Ahrens of Ringwood were successful candidates.

NOW, THEREFORE, BE IT RESOLVED that Jennifer Capalbo and Richard Ahrens be hired as Animal Canvassers at a salary of \$10.00 per hour, effective May 17, 2012.

Record of Council Vote on Passage

Councilman	Aye	Nay	Abstain	Absent	Councilman	Aye	Nay	Abstain	Absent
Freda	X				Cobell				X
O'Dougherty	X				SanFilippo	X			
Moleta	X				Mondello	X			

CERTIFICATION

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 May 17, 2012.

Dated:


 Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 5 ~~2~~12

AUTHORIZE SALE OF USED VEHICLE
TO THE BOROUGH OF BLOOMINGDALE
IN ACCORDANCE WITH N.J.S.A.40a:11-36

WHEREAS, in accordance with N.J.S.A.40A:11-36 it is the desire of the governing body to authorize the sale of the following borough owned personal property not needed for public use:

2006 Crown Victoria, Serial No. 2FAFP71W76X143416

WHEREAS, the estimated fair market value of the property set forth above does not exceed 15 percent of the bid threshold; and

WHEREAS, the Borough of Bloomingdale is interested in acquiring sale vehicle; and

WHEREAS, the Chief Financial Officer has recommended the vehicle be sold for \$900.00 which is acceptable to the Borough of Bloomingdale;

WHEREAS, the Borough of Bloomingdale has authorized payment in the amount of \$900.00.

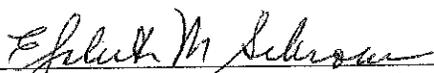
NOW, THEREFORE, BE IT RESOLVED THE Borough Clerk is hereby authorized to execute the title for the sale to the Borough of Bloomingdale.

Councilman	Aye	Nay	Abstain	Absent	Councilman	Aye	Nay	Abstain	Absent
Freda	X				Cobell				X
O'Dougherty	X				SanFilippo	X			
Moleta	X				Mondello	X			

CERTIFICATION

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 May 17, 2012.

Dated: May 17, 2012


Elizabeth M. Sebrowski, Borough Clerk

RESOLUTION 5.13.12

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KINNELON SUPPORTING PROPOSED LEGISLATION TO REQUIRE FIRE DISTRICTS, SCHOOL DISTRICTS AND COUNTY GOVERNMENTS TO PAY THEIR FAIR SHARE OF TAX APPEAL REFUNDS AND SETTLEMENTS (S-2904 AND A-1503)

WHEREAS, municipalities are presently required to full fund refunds resulting from real property tax appeals despite the fact that fire districts, school districts, and county government all are funded through the tax revenue which is the subject of the appeals; and

WHEREAS, the current real estate market has resulted in an unprecedented number of tax appeals which have created a substantial burden on municipalities who are required to fund the entire cost of defending the appeals and payment of resulting judgments requiring tax refunds; and

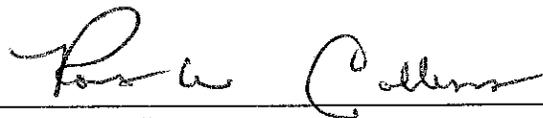
WHEREAS, Senator Anthony Bucco has introduced legislation, S-2904, which would require municipal tax collectors to deduct the applicable pro rata share of property tax refunds from the amounts to be paid in a subsequent tax year to the county, school district or fire district; and

WHEREAS, the Mayor and Council of the Borough of Kinnelon support the efforts of Senator Bucco and those in the Assembly who have introduced the Assembly version of this legislation, A-1503.

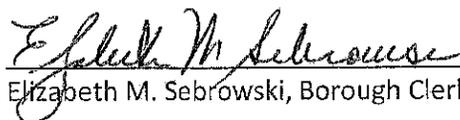
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, in the County of Morris, and State of New Jersey that the Borough of Kinnelon supports the proposed legislation to require fire districts, school districts and county governments to pay their fair share of tax appeal refunds and settlements (S-2904 and A-1503) and urges the Legislature to move forward with this important legislation; and be it

FURTHER RESOLVED, that a copy of this Resolution also be provided to our State legislative representatives, neighboring communities, and the New Jersey State League of Municipalities.

Dated: May 17, 2012



Robert W. Collins, Mayor



Elizabeth M. Sebrowski, Borough Clerk

ORDINANCE NO. 5-12 AN ORDINANCE TO ACCEPT CERTAIN DEDICATIONS
AND EASEMENTS IN CONNECTION WITH KINNELON
PLANNING BOARD APPLICATION #708/708A VISTA
COURT (B. 79 I. 6.07)

WHEREAS, N.J.S.A 40:67-1(b) authorizes the Governing Body of every municipality to make, amend, repeal and enforce ordinances to accept any street dedicated to public use, and thereafter, improve and maintain the same; and

WHEREAS, N.J.S.A 40A:12-4 authorizes any municipality to acquire easements; and

WHEREAS, N.J.S.A 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, the street known as Vista Court, a right-of-way in the Borough of Kinnelon, shown on the Morris County map #5326 and on the Kinnelon Borough Tax Map Sheet #47, has been dedicated to public use by The Bello Group, Inc. ("Developer") by Deed of Dedication recorded in the Morris County Clerk's Office; and

WHEREAS, in reports the Borough engineer has certified that the improvement constructed or installed by the Developer, including the dedicated street, has been inspected and approved by him as satisfactorily completed.

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

SECTION 1. The dedication of Vista Court, the Right of Way shown on the Morris County map #5326 and on the Kinnelon Borough Tax Map Sheet #47, in the Borough of Kinnelon, as set forth in a certain Deed of Dedication recorded in the Morris County Clerk's Office, for use as public street is hereby accepted.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

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

ATTEST:

BOROUGH OF KINNELON

Elizabeth M. Sebrowski
Elizabeth M. Sebrowski, Borough Clerk

Robert Collins
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 March 15, 2012 and adopted by the Governing Body at a regular meeting of the Borough held on May 17, 2012.

Elizabeth M. Sebrowski
Elizabeth M. Sebrowski, Borough Clerk

The Mayor stated that at the April 19, 2012 meeting, there was a motion to adjourn this ordinance for thirty days to see if the developer would be completing the necessary work. The Borough Attorney stated the developer has completed the work and the ordinance can be adopted at this time if the council so pleases.

Councilman D. O'Dougherty then offered the following resolution and moved its adoption. This motion was seconded by Councilman G. Moleta.

RESOLVED that the above ordinance, as read on Second Reading at this meeting be adopted and finally passed.

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

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

The Mayor declared the ordinance adopted and finally passed, approved the same, and ordered the Clerk to publish the notice thereof.

Upon motion by Councilman G. Moleta, seconded by Councilman D. O'Dougherty, the following resolution was offered for approval:

RESOLUTION 5.14.12

RESOLUTION RELEASING A PERFORMANCE
GUARANTEE AND AUTHORIZING REFUND
OF CASH BOND TO THE BELLO GROUP FOR
VISTA COURT DEVELOPMENT

WHEREAS, the Bello Group, Inc. ("Developer") constructed the development known as Vista Court 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 \$100,764.00 (\$10,076.40 in cash and \$90,687.60 in a surety bond), plus any accrued interest on the cash portion.

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 \$100,764.00 (plus any accrued interest on the cash portion) posted by the Developer, is hereby released.
2. 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.
3. This Resolution shall take effect immediately.

**BOROUGH OF KINNELON
COUNTY OF MORRIS**

ORDINANCE #8-12

CALENDAR YEAR 2012

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

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

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

WHEREAS, the Mayor and Council of the Borough of Kinnelon in the County of Morris finds it advisable and necessary to increase its **CY 2012 budget by up to 3.5%** over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$118,168.05 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Kinnelon in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the **CY 2012** budget year, the final appropriations of the Borough of Kinnelon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$275,725.45 and that the **CY 2012** municipal budget for the Borough of Kinnelon be approved and adopted in accordance with this ordinance; and,

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

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

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

ORDINANCE NO. 9-12 AN ORDINANCE TO AMEND CHAPTER 87, ALCOHOLIC BEVERAGES, OF THE CODE OF THE BOROUGH OF KINNELON

WHEREAS, N.J.S.A 40:48-1.2 permits a municipality to make and amend an ordinance as it may deem necessary and proper for good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Borough Council of the Borough of Kinnelon ("Borough") desires to amend and supplement Chapter 87, ALCOHOLIC BEVERAGES, 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:

§87-9 (c) shall be deleted.

§87-10 shall be added as follows:

Possession and Consumption by Minors

A. Purpose

1. The Borough of Kinnelon does hereby declare that the abuse of alcohol is a serious problem affecting the health and welfare of all citizens. The Borough does further declare and determine that all reasonable steps should and must be taken to discourage and prohibit the possession and consumption of alcohol by underage persons.
2. This ordinance shall only be enforced as a secondary violation and requires another violation to precede it as the reason for entering upon the private property.
3. The purpose of this section also is to provide for the enforcement of P.L. 2000, c. 33.

B. Definitions

As used in this article, the following terms shall be defined as follows:

GUARDIAN - A person who is qualified as a guardian of the underage person pursuant to testamentary or court appointment.

RELATIVE - The underage person's parent, grandparent, aunt, uncle, sibling, first cousin or closer relative by blood, marriage or adoption who has attained the legal age to purchase and consume alcoholic beverages.

C. Violation; Exception

Any person under the legal age to purchase and consume alcoholic beverages who, without legal authority, on private property, knowingly possesses, orders, purchases, serves or consumes alcoholic beverages or who is under the influence of alcoholic beverages within the municipal boundary of the Borough of Kinnelon shall be in violation of this ordinance and subject to the penalties hereof.

1. This section shall not apply to the following:
 - a. an underage person consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite,
 - b. consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages,
 - c. an underage person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the revised statutes or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post secondary educational institution.
2. This ordinance shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81 or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

D. Responsibility of Property Owner

1. Any person who makes real property that is owned, leased or managed by such person, or over which such person has actual and effective control, available to persons who are under the legal age for consuming alcoholic beverages with the knowledge that alcoholic beverages will be made available for consumption or will be consumed by persons who are under the legal age for consuming alcoholic beverages shall be in violation of this ordinance and subject to penalties hereof. Any person who, within the Borough of Kinnelon, leaves real property, owned, leased or managed by such person or over which such person has actual and effective control in the care of another person with the knowledge that alcoholic beverages will be made available for consumption by or will be consumed by persons who are under the legal age for consuming alcoholic beverages shall be in violation of this ordinance and subject to penalties hereof. This section shall not apply if:

- a. The real property is licensed or required to be licensed by the Division of Alcoholic Beverage Control in accordance with the provisions of N.J.S.A. 33:1-1 et seq.;
 - b. The person making the property available or leaving it in the care of another person is of the legal age to consume alcoholic beverages and is the parent or guardian or first cousin or closer relative by blood, marriage or adoption of the person who consumes alcoholic beverages while under legal age for consuming alcoholic beverages; or
 - c. The alcoholic beverages are consumed by a person under the legal age for consuming alcoholic beverages during a religious observance, ceremony or rite.
2. This section shall not apply to those actions constituting a violation of law as set forth in N.J.S.A. 2C:33-17 or any successor statute.

E. Violations and Penalties

1. Any person under the legal age to purchase alcoholic beverages who knowingly possesses or knowingly consumes an alcoholic beverage on private property shall be punished by a fine of \$250.00 for a first offense and \$350.00 for any subsequent offense. The Court may, in addition, in egregious circumstances such as defendants with prior offenses, defendants where the violation involves a motor vehicle, or for defendants who have caused a significant danger to themselves or others, suspend or postpone for six months the driving privilege of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the Court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the Court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.

In lieu of, or in combination with, the fine and/or license suspension imposed pursuant to the previous paragraph of this section, the Court may exercise discretion to order the defendant to complete six hours of alcohol education in a formal classroom setting.

2. If a person, at the time of the imposition of a sentence has a valid Driver's License issued by this state, the Court shall immediately collect the license and forward it to the Division, along with the report. If for any reason the license cannot be collected, the Court shall include in the report the complete name, address, date of birth, eye color and sex of the person, as well as the first and last date of the license suspension period imposed by the Court.
3. The Court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive

a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

4. If the person convicted under such an ordinance is not a New Jersey resident, the Court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit to the Division the required report. The Court shall not collect the license of a nonresident convicted under this section. Upon receipt of a report by the Court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

F. Duty of Law Enforcement Officer

All law enforcement officers of the Borough of Kinnelon are hereby directed to apprehend any person observed by such officer to be in violation hereof and any person for whom the officer has probable cause to believe to be in violation hereof.

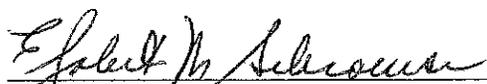
SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding 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.

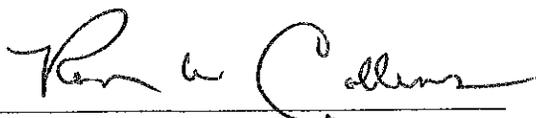
EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication according to law.

SUNSET PROVISION. This Ordinance shall expire three years from the date of adoption.

ATTEST:

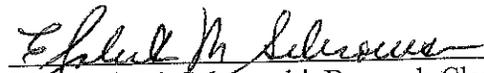

Elizabeth M. Sebrowski, Borough Clerk

BOROUGH OF KINNELON


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 April 19, 2012 and adopted by the Governing Body at a regular meeting of the Borough held on May 17, 2012.


Elizabeth M. Sebrowski, Borough Clerk

The Mayor announced the meeting was open to hear any objections to this ordinance that may be presented by any taxpayer of the Borough of Kinnelon, all parties in interest, and citizens.

Carla Mecionis, 7 Ricker Road questioned whether a homeowner who knowingly serves liquor to minors receive the same penalty as the minor. Mr. Madaio, the borough attorney, said that is correct. Mrs. Mecionis also questioned how the sunset provision would work with any underage minors who were waiting for a court date when the sunset provision takes place. Mr. Madaio said the penalty goes by the date the offence took place and the laws in affect at that time.

Kathleen Baldisserotto, 12 Lakeside Trail, asked who the new ordinance affects. Councilman Mondello said it affects anyone under 21. The state law does not address private property at all. Mrs. Baldisserotto asked why the police don't just come into the house and bring the children down to the police station. Gary said the Supreme Court allows police officers, with a reasonable suspicion there is underage drinking. The only difference with this ordinance is held accountable through a borough ordinance. Mrs. Baldisserotto said people wonder why our neighboring towns do not feel it is necessary. Gary said 70% of New Jersey towns have adopted the ordinance. He said the people on the committee did an extraordinary job of adding the educational component which he said he feels the state should add to their ordinance. Mayor Collins said we have taken this in very measured steps, which is why we added the sunshine provision. It is not locked in stone. Mrs. Baldisserotto said education is the key. Councilman Andy SanFilippo said this ordinance gives the one kid who does not really want to participate, the excuse of why he should not. Mayor Collins said we are concerned about our community and will evaluate it on an ongoing basis.

Mr. Schellet, 19 Ricker Road asked what the difference between 7-11 and 9-12. Mayor Collins said Ordinance 7-11 was last year's ordinance. Mr. Schellet gave the council credit for the educational component. He wanted clarification on the ramifications of false reporting which would bring the police to a house. Mayor Collins said the police department has never had a situation where the police followed through on a false report. Councilman Mondello said making a false police report is a fourth degree crime. Mr. Mon gave an example as "if you don't like your neighbor and make a report of loud noise and the police come to the house and hear no noise, they will not come in your house". Mr. Schellet was under the impression that you had to let the police in if they receive a report, even if it is not true. Councilman Moleta said you do not have to let them in.

No one else wished to speak and the Mayor closed this portion of the meeting to the public.

Councilman G. Moleta then offered the following resolution and moved its adoption. This motion was seconded by Councilman A. SanFilippo.

RESOLVED that the above ordinance, as read on Second Reading at this meeting be adopted and finally passed.

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

Roll Call: J. Freda, No; A. SanFilippo, Yes;
D. O'Dougherty, Yes; R. Mondello, Yes.
G. Moleta, Yes;

The Mayor declared the ordinance adopted and finally passed, approved the same, and ordered the Clerk to publish the notice thereof.

ORDINANCE NO. 10-12 **AN ORDINANCE TO AMEND CHAPTER 163, SEWER CONNECTIONS, OF THE CODE OF THE BOROUGH OF KINNELON**

WHEREAS, Chapter 163-6(B) of the Code of the Borough of Kinnelon ("Borough") currently provides that annual sewer service charges shall be billed monthly; and

WHEREAS, the Borough will recognize a cost savings if said schedule changes to monthly billing; 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:

Chapter 163-6(B) shall be amended to read:

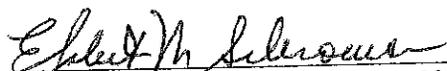
The annual sewer service charges for residential users and the annual minimum sewer service charges for nonresidential users shall be billed quarterly. The excess gallonage charges for nonresidential units shall be billed quarterly based upon water consumption. Those users utilizing sanitary sewer facilities of the Borough of Butler shall be billed at the same intervals as Kinnelon is billed by the Borough of Butler.

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:


Elizabeth M. Sebrowski, Borough Clerk

BOROUGH OF KINNELON


Robert Collins, Mayor

ORDINANCE NO. 11-12 **AN ORDINANCE TO TO AMEND AND SUPPLEMENT CHAPTER
13 BYLAWS, OF THE CODE OF THE BOROUGH OF KINNELON,
NEW JERSEY, TO PROVIDE FOR THE REVIEW OF BILLS BY
THE CHIEF FINANCIAL OFFICER**

WHEREAS, the Borough Council of the Borough of Kinnelon ("Borough") desires to amend Chapter 13, Bylaws, of the Code of the Borough of Kinnelon, New Jersey, at Section 7 regarding Bills, Claims and Vouchers to require the review and approval of the Chief Financial Officer of the Borough.

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

SECTION 1. Chapter 13-7(B), Bills, Claims and Vouchers, of the Bylaws Section of the Code of the Borough of Kinnelon, New Jersey, shall be amended to read as follows:

B. All bills and claims must be supported by a certification of the receipt of the goods, or the satisfactory rendering of the services, by the responsible person accepting the same on behalf of the Borough, and who may be held accountable therefor. Each such bill or claim shall then be carefully reviewed and checked by, or under the direction of the Borough official who accomplished the administrative certificate on the voucher form.

(1) All checked vouchers with supporting papers attached will then be presented to the Chief Financial Officer for review and approval.

(2) The Chief Financial Officer shall examine all vouchers and will indicate his/her approval on each such voucher. He/She shall submit a bills list to the Mayor and council one week prior to the Mayor and Council meeting for authorization to pay the same.

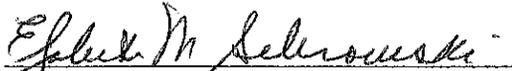
SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

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

ATTEST:

BOROUGH OF KINNELON


Elizabeth M. Sebrovski, Borough Clerk


Robert Collins, Mayor

The Mayor announced the meeting was open to hear any objections to this ordinance that may be presented by any taxpayer of the Borough of Kinnelon, all parties in interest, and citizens. Hearing none, the Mayor closed this portion of the meeting to the public.

Councilman R. Mondello then offered the following resolution and moved its adoption. This motion was seconded by Councilman A. SanFilippo.

RESOLVED that the above ordinance, as read on Second Reading at this meeting be adopted and finally passed.

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

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

The Mayor declared the ordinance adopted and finally passed, approved the same, and ordered the Clerk to publish the notice thereof.

PUBLIC HEARING ON THE 2012 MUNICIPAL BUDGET

Mayor Collins said we did a better job this year on the budget. Unfortunately the borough has no ratable growth to offset increases. The budget is less than eighteen percent of the total tax collected. This budget is \$11,840,842.16. We do not have a loaded staff not making it easy to adjust. We have a 2% municipal cap with certain exceptions. This is the most important job this council does and we treat it very seriously.

The Mayor opened the meeting to the public to speak on the budget. No one wished to speak and the Mayor then closed the meeting and asked if anyone on the council wished to speak.

Councilman Freda complimented Councilman Cobell as well as Donna Mollineaux and Lou Mai. No one else wished to speak.

Mayor Collins said he has wanted to do multiple year budgets and now that we have Donna Mollineaux perhaps we will be able to do a multiple year plan.

RESOLUTION 5.15.12

**AMENDMENT TO THE
2012 MUNICIPAL BUDGET**

Mayor Collins explained that there were several grants received after the introduction of the 2012 municipal budget and this amendment will add them to the total. Those grants are the Click It or Ticket Grant for \$4,000.00; Clean Communities Grant for \$16,859.97; Body Armor Grant for \$181.00 and Recycling Tonnage Grant for \$9,508.95.

Councilman R. Mondello offered the motion to adopt the following resolution. Councilman J. Freda seconded that motion.

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Please see budget posted on website.

Completed minutes are in the Municipal Clerks office.

ORDINANCE NO. 12-12 AN ORDINANCE TO AMEND CHAPTER 207, ZONING, ARTICLE V, SUPPLEMENTARY REGULATIONS, OF THE CODE OF THE BOROUGH OF KINNELON

WHEREAS, Chapter 207-14 of the Code of the Borough of Kinnelon ("Borough") currently provides regulations for the Residential Zone; and

WHEREAS, Section F relates to specific fencing that is prohibited on residential property; and

WHEREAS, the Borough desires to adopt a resolution to amend Chapter 207-14F to include barbed wire fencing and electric fencing; and

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

Chapter 207-14F shall read as follows:

- F. Fences exceeding 6 feet in height shall not be permitted, except around tennis courts, in which case fences shall not exceed 10 feet in height. Barbed wire fences or electric fences shall not be permitted.

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 _____, 2012 and adopted by the Governing Body at a regular meeting of the Borough held on _____, 2012.

Elizabeth M. Sebrowski, Borough Clerk

There was no 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; A. SanFilippo, Yes;
D. O'Dougherty, Yes; R. Mondello, Yes.
G. Moleta, Yes;

WHEREAS, the above ordinance was introduced at this meeting held on May 17, 2012 and read by title, and passed on first reading;

NOW, THEREFORE, BE IT RESOLVED that at the regular meeting to be held on June 21, 2012 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; A. SanFilippo, Yes;
D. O'Dougherty, Yes; R. Mondello, Yes.
G. Moleta, Yes;

DISTRICT SCHOOL

On motion of Councilman A. SanFilippo, and seconded by Councilman G. Moleta, 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.

RESIGNATIONS:

Upon motion of Councilman G. Moleta, and seconded by Councilman A. SanFilippo, followed by the "yes" roll call vote of all Council Members present, the resignation of Carol Vreeland from the Open Space Public Advisory Committee was accepted with regrets.

Upon motion of Councilman G. Moleta, and seconded by Councilman J. Freda, the resignation of Anne Arnowitz from the Kinnelon Library Board was accepted with regrets.

Roll Call: J. Freda, Yes; A. SanFilippo, No;
D. O'Dougherty, Yes; R. Mondello, Yes.
G. Moleta, Yes;

TAX COLLECTOR'S REPORT

During the month of April, 2012 the Tax Collector's Report indicates we collected \$2,867,103.78 in taxes.

INVESTMENT OFFICER'S REPORT

A total of \$541.88 was collected in interest for the month of April.

RESOLUTION TO GO INTO CLOSED SESSION:

Motion: J. Freda

Second: A. SanFilippo

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

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

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

ACQUISITION OF REAL PROPERTY
DEP ISSUE
TAX MAPS

Disclosure of said matter will be revealed upon settlement. This meeting went into closed session at 10:25 p.m.

OPEN SESSION

At 10:45 p.m. the meeting went back into open session upon motion of Councilman G. Moleta, seconded by Councilman J. Freda, followed by the "yes" roll call vote of all Council Members present.

Upon motion by Councilman D. O'Dougherty and seconded by Councilman A. SanFilippo, the approval to move forward in hiring Joshua Mackoff, LLC was offered for approval as follows:

RESOLUTION 5.16.12

**AWARD OF FAIR AND OPEN PROFESSIONAL SERVICES
CONTRACT – JOSHUA D. MACKOFF, LLC – FOR LAND
APPRAISAL – AMOUNT NOT TO EXCEED \$2,750.00**

WHEREAS, the Borough desires to retain a Real Estate Appraiser to prepare the necessary appraisal for various appraisal services, during the period of May 17, 2012 to June 30, 2012, for Borough Purposes; and

WHEREAS, the supplying of appraisal services is exempt from public bidding as a "Professional Service"; and

WHEREAS, N.J.S.A.40A:11-1 et seq. requires that all contracts be in writing; and

MAY 17, 2012

WHEREAS, the Chief Financial Officer has received a completed Business Entity Disclosure Certification which certifies that the professional has not 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 from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough has agreed to retain Joshua D. Mackoff, LLC, 44 Maple Avenue, Morristown, New Jersey 07960 as a Professional Real Estate Appraiser to prepare an appraisal for the Borough under the terms and conditions set forth hereinafter.

NOW, THEREFORE, BE IT RESOLVED IN CONSIDERATION OF the mutual covenants and representations herein contained, the parties hereto agree as follows:

1. The Borough agrees to retain Joshua D. Mackoff, LLC. ("Real Estate Appraiser") located at 44 Maple Avenue, Morristown, New Jersey 07960 as surveyor to the Borough for the following:

a. To act as land appraiser for various appraisal services during the period of May 17, 2012 to June 30, 2012 for Borough Purposes for an amount, not to exceed \$2,750.00; and

2. WHEREAS, this contract has been awarded to Joshua D. Mackoff, Real Estate Appraiser, based upon the merits and ability of a Real Estate Appraiser to provide the appraisal services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, Joshua D. Mackoff does hereby attest that the firm and its subsidiaries, assigns, or principals controlling in excess of 10% of the company, has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission, pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award that would, pursuant to P.L. 2004 c 19 affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Borough of Kinnelon if a member of that political party is serving in an elective public office in the Borough of Kinnelon when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Borough of Kinnelon when the Contract is awarded.

3. Joshua D. Mackoff, LLC has complied with the Affirmative Action requirements set forth in N.J.A.C. 17:27-1 *et seq.* and further agrees to comply with the Affirmative Action requirements set forth in P.L. 1975 c 127 and the regulations adopted thereunder, as set forth in Exhibit A attached hereto and made a part thereof.

WHEREAS, This Agreement shall be for the period effective May 17, 2012 to June 30, 2012 or until such time as the aforementioned matters are completed.

CERTIFICATION OF FUNDS

I, Donna Mollineaux, Chief Municipal Finance Officer of the Borough of Kinnelon do hereby certify that sufficient funds are available in the Open Space Trust Fund for the expected charges from Joshua D. Mackoff, LLC related to services rendered to the Borough for the appraisal of various appraisal services for Borough purposes amount not to exceed \$2,750.00.

Donna Mollineaux, CMFO