June 21, 2018

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, 2018 in the Kinnelon Municipal Building.

There was a Salute to the Flag, after which the Borough Clerk Karen M. Iuele stated this meeting is being held pursuant to the New Jersey Open Public Meeting Act. Adequate notice of this meeting was given by advertising in the January 10, 2018 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 Borough Clerk and provided to those persons or entities requesting notification.

ROLL CALL:

The roll was called and present and answering were Councilpersons William Yago, Glenn Sisco, Vincent Russo, Randall Charles and James Lorkowski.

TREASURER'S REPORT

The Treasurer's Report for May 17, 2018, indicated we started out with cash on hand as of March 2018, in the amount of $6,573,890.72. Receipts for the month of April 2018 totaled $6,493,418.15 with disbursements amounting to $4,098,261.19. The balance on hand as of April 30, 2018 was $8,969,047.68.

Upon motion by Councilman V. Russo and seconded by Councilman J. Lorkowski, with the affirmative voice vote of all council members present, the Treasurer's Report was accepted as read.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

MAYOR'S REPORT:

Mayor Robert Collins stated that Councilman Neely handed in his resignation at the Mayor and Council work session, Mr. Neely has moved out of town. Mayor Collins thanked Councilman Yago and Tamara Roselius for all the work that had been done on the Kinnelon's Housing Element and Fair Share Plan. Mayor Collins congratulated the Class of 2018.

FINANCE, PERSONNEL, PUBLIC SAFETY

Councilman W. Yago stated on Finance, next month we will have the Financial Audit on the agenda, and the finance committee will be working on the 2019 budget to stream line to reduce coast.

PUBLIC WORKS

Councilman V. Russo stated the DPW Contract is still on going and the Animal Shelter is progressing.

ORDINANCE & OPEN SPACE

Councilman Sisco stated; the Open Space Advisory Committee is in communication with the Mayor and Council and is going forward. On Ordinances; we will review later on in the meeting with Old Business and New Business.

COORDINATING

Councilman V. Russo reported Kamelot applied for an addition $2,000.00 Supplemental Grant for Law Enforcement Against Drugs, Environmental Committee Facebook page has been established. Recreation Committee lowered the credit card fees, the are searching for new committee members. Library Board of Trustee are reviewing the policy concerning the use of exhibition space and the marquee. Board of Adjustment had 3 applications. Board of health discussed the rising number of children who are not being vaccinated, and the Friends of the Kinnelon Library will hold the Barn Theater fundraiser Friday may 25th. And also the Annual book sale will be for August 24th – 27th.

UTILITIES & TECHNOLOGY

Councilman Charlies reported on utilities; there was one water main brake and was taking care of. Technology; we are going to explore and expand the Kinnelon Borough website, this is a work in progress.

RECREATION

Councilman Lorkowski had no report for Recreation Committee.

OEM REPORT: Randall Charles

Date: June 21, 2018
To: Bill Yago
Borough of Kinnelon
OEM Deputy Coordinator- Council President (Police & Safety)
Subject: OEM Report – May/June 2018
From: Randall I. Charles – Kinnelon Borough OEM Coordinator

Activities:

1- Morris County Park Comm. – "Silas County Park – Canty Lake Dam - Completed
MC Park Commission Executive Director Dave Helmer provided the below update on the Dam construction:

- The lake is full and the outflow is operating as expected
- Final punch list items nearly completed
- Safety fencing has been installed along culverts (bridge crossing)
- NJDEP has restocked Canty Lake with fish
- The project had no change orders except for time extensions.

2- May 22, 2018 – NORTHEAST COUNTERDRUG TRAINING CENTER - Picatinny Arsenal – "Current Heroin Threat" – 8am to 5pm, 8hrs. Completed.
3- May 30 & 31, 2018 – NORTHEAST COUNTERDRUG TRAINING CENTER – Picatinny Arsenal – "Social Networking" – 8am to 5pm, 16hrs. Completed
4- June 5, 2018 – "Vehicle Borne – IEDs" - Picatinny Arsenal – 8am to 5pm, 8hrs. Completed.
5- June 8, 2018 – "Mass Gathering Event Notification" – Kinnelon High School Graduation Ceremony – June 21, 2018, 5:45pm to 10pm. Estimated attendance 400 – 500 Students, Parents and Faculty. Approved by KHS & KPD – submitted to MCOEM/NJSP/NJOHSP June 15, 2018.

6- June 8, 2018 – "Mass Gathering Event Notification" – Smoke Rise Club Fireworks – July 7, 2018, 1pm to 11pm. Estimated attendance 3,000 SRC members & guests – Wristband required for admittance. Approved by KPD & SRC Security – submitted to MCOEM/NJSP/NJOHSP June 18, 2018. KPD, KVFC & TriBoro First Aid will be present.

7- June 12, 2018 – MCOEM Quarterly Meeting - Morris County Public Safety Training Academy - 10am to 12pm. Majority of Meeting was a Presentation by The First Responders including MCOEM, NJSP, EMS, and local Law Enforcement directly involved with the "School Bus/Dump Truck accident on Rt. 80 East/Mt. Olive. Each of the Responders presented Minute by Minute the Decisions/Responses to extricate/treat and transport the +40 students/Teachers involved in the two-vehicle accident.

8- June 18, 2018 – MCOEM "Kinnelon Borough Rt. 287 Emergency Highway Staging" – MCOEM requested that all municipalities/Kinnelon confirm & provide the "Emergency Protocols" – Mutual Aid Agreements that are in place should Kinnelon be requested to respond to Emergency Events occurring on the Rt. 287 North/South Mile Post 49.7 to 51.2 situated in Kinnelon Borough.

OEM Report – May/June 2018

9- June 20, 2018 – Kakeout Dam (NJDEP File No. 22-126) & Kakeout Dike (22-257). Kinnelon was provided a copy of an "Action Letter" from NJDEP Director of the Division of Dam Safety & Flood notifying the Borough of Butler that their Request for additional time to complete and submit requested Revisions to the "Failure of Inundation Analysis" was GRANTED. Revised Analysis due to NJDEP by June 30, 2018. The NJDEP scheduled Inspection for both structures too be conducted by April 2019. Per Lt. Scott Ricker – Butler OEM Coordinator, revisions to the report are underway.

10- June 22, 2018 – Winter Storm Nor'easter "Quinn" – President Trump Approved – Issued the "Declaration June 8, 2018. Jenn Highers and I will meet with representatives from FEMA/NJSP/NJOEM to review the Kinnelon Borough Application to obtain Reimbursement for the March 7/8 Winter Storm Nor'easter "Quinn". This session will be the final opportunity for the Borough to Submit any additional storm related costs specifically all the COSTs that the Borough/KVFC incurred to Tow/Repair Tanker #2 during the Winter Storm - Quinn.

UPCOMING PROGRAMS –

1- June 26-28, 2018 – "Introduction to Radiological/Nuclear WMD Operations" - Picatinny Arsenal – 3-Days Training - 8am to 5pm, 24hrs.

2- August 11, 2018 – "Law Enforcement & First Responder – Tactical Casualty Care" – Morris County Police Fire Academy - 8am to 5 pm, 8hrs.

3- August 16-17, 2018 – "Tactical Emergency Casualty Care" – Morris County Police Fire Academy – 2Days, 8am to 5pm, 16 hrs.

4- Sept. 11, 2018 – MCOEM Quarterly Meeting" - Morris County Police Fire Academy – 10am to 12pm, 2hrs.

5- Sept. 13-14, 2018 – "Bomb Threat Management Planning Course" (MGT-451) – Bergen County Police Fire Academy - 8:00 AM – 4:00 PM

HEARING FROM THE PUBLIC:

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

Joe Sippie Gora, 4 Dog Wood Trail spoke on the Kinnelon Community Center and Shelter on when the public will be able to put in the option.

Mayor Collins stated that when we get closer we will have another public meeting.

Robert Roy, 254 Long Meadow Road, spoke on the speed limit in Smoke Rise and asked if the police could look into this.

Mayor Collins asked if anyone else from the public wished to speak, hearing none, Mayor Collins closed this portion of the meeting.

PAYMENT OF BILLS AS SUBMITTED BY THE TREASURER

A motion was offered by Councilman Russo and seconded by Councilman G. Sisco for the payment of bills dated June 21, 2018.

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Range of Checking Accts: First to Last Range of Check Dates: 05/18/18 to 12/31/18
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 Account Payab			
18236	05/25/18	HIG04	JENNIFER HIGHERS	50.75	4741
18237	06/21/18	AASLH	AMER ASSOC STATE/LOCAL HISTORY	118.00	4742
18238	06/21/18	AC	A.C. DAUGHTRY INC.	263.10	4742
18239	06/21/18	ACT04	ACTION DATA SERVICES	956.82	4742
18240	06/21/18	AFF02	AFFILIATED TECHNOLOGY	1,119.24	4742
18241	06/21/18	ALL04	ALLIED OIL COMPANY	2,727.61	4742
18242	06/21/18	ALL16	ALL WET IRRIGATION & LIGHTING	383.66	4742
18243	06/21/18	AME22	AMERICAN FIRE & SAFETY EQUIP.	7,260.00	4742
18244	06/21/18	ANE02	ANELLO FENCE, LLC	15,600.00	4742
18245	06/21/18	APO01	APOLLO FLAG COMPANY INC.	148.00	4742
18246	06/21/18	BOR01	BOROUGH OF BUTLER ELECTRIC	7,433.72	4742
18247	06/21/18	BOR02	BOROUGH OF KINNELON	540.00	4742
18248	06/21/18	BOR04	BOROUGH OF BUTLER SEWER	9,133.53	4742
18249	06/21/18	BOR11	BOROUGH OF BLOOMINGDALE	59,292.12	4742
18250	06/21/18	BR01	B&R UNIFORMS	49.95	4742
18251	06/21/18	BSN01	BSN SPORTS	134.34	4742
18252	06/21/18	BUR08	BURGIS ASSOCIATES, INC	2,242.50	4742
18253	06/21/18	BUS01	BUSINESS GRAPHICS	52.00	4742
18254	06/21/18	BUZ01	THE BUZAK LAW GROUP, LLC.	14,147.48	4742
18255	06/21/18	CAB01	CABLEVISION	1,100.22	4742
18256	06/21/18	CDC01	C & D COMPUTER SUPPLIERS, INC	47.94	4742
18257	06/21/18	CHI07	CHILDS PLAY CHALLENGE COURSES	598.00	4742
18258	06/21/18	CIT05	CIT FINANCE LLC	456.50	4742
18259	06/21/18	COO03	COOPERATIVE COMMUNICATIONS INC	1,553.36	4742
18260	06/21/18	CQF01	CQFLUENCY	41.25	4742
18261	06/21/18	CRO02	CROWN AWARDS	1,851.00	4742
18262	06/21/18	DAN08	DANA M D'ANGELO	750.00	4742
18263	06/21/18	DAN11	CHARLES DANIEL	1,225.58	4742
18264	06/21/18	DAP01	CORRINE DAPUZZO	64.90	4742
18265	06/21/18	DAR01	DARMOFALSKI ENGINEERING ASSOC.	2,875.00	4742
18266	06/21/18	DEB03	DE BLOCK ENVIRONMENTAL SERVICE	6,000.00	4742
18267	06/21/18	DEL08	DELTA DENTAL OF NEW JERSEY INC	4,484.94	4742
18268	06/21/18	DIA02	MARYELLEN DIACO	150.00	4742
18269	06/21/18	DOR06	DORSEY & SEMRAU, LLC	6,717.20	4742
18270	06/21/18	DOS01	DOSCH KING CO, INC	258.87	4742
18271	06/21/18	DUB03	MICHAEL DUBOIS	1,500.00	4742
18272	06/21/18	EJG01	EJG SPORTS	274.95	4742
18273	06/21/18	ELE03	ELECTRO BATTERY SYSTEMS INC.	197.20	4742
18274	06/21/18	EXT01	EXTRA SPACE STORAGE	629.00	4742
18275	06/21/18	FAROM005	FARO, MARK R ESQ	6,028.29	4742
18276	06/21/18	FAV01	RALPH M. FAVA, ATTORNEY AT LAW	4,000.00	4742
18277	06/21/18	FOR04	FORD MOTOR CREDIT COMPANY	898.23	4742
18278	06/21/18	GAB05	GABRIELLI KENWORTH OF NJ LL	1,321.20	4742
18279	06/21/18	GAR01	GARDEN STATE HIGHWAY PROD.,INC	3,316.00	4742
18280	06/21/18	GAR09	GARDEN STATE HARLEY DAVIDSON	908.51	4742
18281	06/21/18	GRI02	GRIFFIN AUTOMOTIVE INFO SERV	375.00	4742
18282	06/21/18	GSB01	GLATFELTER SPECIALTY BENEFITS	724.00	4742
18283	06/21/18	HAW03	HAWTHORNE AUTOMOBILE SALES CO.	73.50	4742
18284	06/21/18	HOLL01	HOLLYROCK ENTERTAINMENT	1,600.00	4742

Check #	Check Date	Vendor		Amount Paid	Reconciled/Void Ref Num
GENERAL		General Account Account Payab Continued			
18285	06/21/18	HOM02	HOME DEPOT CREDIT SERVICE	884.10	4742
18286	06/21/18	HOR04	HORIZON OFFICE EQUIPMENT	237.00	4742
18287	06/21/18	INT03	INTERNATIONAL AUTO BODY	2,012.90	4742
18288	06/21/18	IUE01	KAREN IUELE	139.43	4742
18289	06/21/18	JCO01	J. COSENTINO SERVICES, LLC	1,000.00	4742
18290	06/21/18	JCP01	JCP&L	12.64	4742
18291	06/21/18	JDA01	JDA CONTRACTING	1,425.00	4742
18292	06/21/18	JON08	JOHN'S HOME & GARDEN CENTER	287.64	4742
18293	06/21/18	KIN08	KINNELON VOLUNTEER FIRE CO.	6,000.00	4742
18294	06/21/18	KIN09	KINNELON BOARD OF EDUCATION	3,126,301.25	4742
18295	06/21/18	KIN12	Kinnelon Junior Police Academy	825.00	4742
18296	06/21/18	LAK02	LAKELAND BANK	3,098.65	4742
18297	06/21/18	LAK13	LAKELAND AUTO PARTS	64.87	4742
18298	06/21/18	LAW07	LAWSOFT INC.	695.00	4742
18299	06/21/18	LOE01	LOEFFELS WASTE OIL SERVICE	85.00	4742
18300	06/21/18	MAG04	MAGICAL MEMORIES ENTERTAINMENT	750.00	4742
18301	06/21/18	MAT04	MATTHIJSSEN, INC.	1,125.00	4742
18302	06/21/18	MB02	M&B TRUCKING INC.	750.00	4742
18303	06/21/18	MCD01	PATRICK MC DONNELL	100.00	4742
18304	06/21/18	MED05	MEDLABS DIAGNOSTICS	1,850.00	4742
18305	06/21/18	MGL01	M.G.L. FORMS SYSTEM	2,066.00	4742
18306	06/21/18	MOR03	MORRIS CO. ASSESSOR'S ASSN.	245.00	4742
18307	06/21/18	MOR14	MORRIS CTY POLICE CHIEFS ASSOC	300.00	4742
18308	06/21/18	MOR21	MORRIS COUNTY M.U.A.	28,218.19	4742
18309	06/21/18	MOS03	MOST DEPENDABLE FOUNTAINS INC	3,700.00	4742
18310	06/21/18	NAP02	JOSEPH NAPOLETANO	202.89	4742
18311	06/21/18	NEO01	NEOPOST USA INC.	105.00	4742
18312	06/21/18	NES01	NESTLE PURE LIFE DIRECT	392.52	4742
18313	06/21/18	NEW14	NEWTON PRINTING	1,031.00	4742
18314	06/21/18	NEW18	NEW JERSEY STATE LEAGUE OF	175.00	4742
18315	06/21/18	NEW24	NEW JERSEY SHADE TREE FED	95.00	4742
18316	06/21/18	NJ02	NJ DIV. OF ALCOHOLIC BEVERAGE	12.00	4742
18317	06/21/18	NJD07	NJ DEPT HEALTH & SENIOR SERV	24.00	4742
18318	06/21/18	NJLM01	N.J. LEAGUE OF MUNICIPALITIES	110.00	4742
18319	06/21/18	NJS05	NJ STATE ASSOC/CHIEF OF POLICE	365.00	4742
18320	06/21/18	NOR02	NORTH JERSEY MEDIA GROUP	127.66	4742
18321	06/21/18	NOR18	NORTHEAST COMMUNICATIONS, INC.	409.68	4742
18322	06/21/18	OKA01	NEVIN OKAY	21.41	4742
18323	06/21/18	ONE02	ONE CALL CONCEPTS, INC.	136.25	4742
18324	06/21/18	ONE03	ONE SOURCE OF NEW JERSEY LLC	885.14	4742
18325	06/21/18	PAP05	DAVID PAPENDICK	21.41	4742
18326	06/21/18	PAR07	PARTY TIME RENTALS	580.00	4742
18327	06/21/18	PAS06	PASSAIC COUNTY TRAFFIC ASSOC.	100.00	4742
18328	06/21/18	PLA04	PLAQUEMAKER.COM	220.88	4742
18329	06/21/18	POW05	PowerDMS, INC.	2,415.00	4742
18330	06/21/18	PRB01	P.R.B.R.S.A.	78,603.00	4742
18331	06/21/18	PSE01	P.S.E. & G.	818.93	4742
18332	06/21/18	QUA05	QUALITY GLASS LLC	260.00	4742
18333	06/21/18	RAC02	RACHLES/MICHELE'S OIL CO.,INC	1,868.20	4742
18334	06/21/18	RIV03	RIVERDALE POWER MOWER INC.	39.95	4742
18335	06/21/18	RIV06	R.E.R. SUPPLY, LLC	2,640.00	4742
18336	06/21/18	ROD01	THE RODGERS GROUP, LLC	7,650.00	4742

Check #	Check Date	Vendor		Amount Paid	Reconciled/Void	Ref Num
GENERAL		General Account Account Payab Continued				
18337	06/21/18	RT 201	RT 23 CARWASH	80.00		4742
18338	06/21/18	SCH03	SCHMITZ SAFE & LOCK COMPANY	168.55		4742
18339	06/21/18	SCH30	MELANIE SCHUCKERS	60.24		4742
18340	06/21/18	SHE12	THE SHERWIN WILLIAMS CO.	1,479.77		4742
18341	06/21/18	SPO05	SPOT-A-WAY	225.00		4742
18342	06/21/18	STA	STAPLES ADVANTAGE, DEPT NY	747.70		4742
18343	06/21/18	STA19	Leszek Stala	55.16		4742
18344	06/21/18	STO05	STOP AND SHOP	1,000.00		4742
18345	06/21/18	SUB03	SUBURBAN DISPOSAL INC.	54,583.33		4742
18346	06/21/18	TIL01	TILCON NEW YORK INC.	678.59		4742
18347	06/21/18	TUR01	TURN-OUT FIRE AND SAFETY	1,696.76		4742
18348	06/21/18	TUR06	TURN OUT UNIFORMS	1,348.83		4742
18349	06/21/18	UNI06	UNIVERSAL UNIFORMS	2,338.28		4742
18350	06/21/18	USBAN020	US BANK-TAX LIEN SERV. GROUP	109,704.36		4742
18351	06/21/18	USBAN030	US BANK GLOBAL CORP TRUST SERV	1,075.20		4742
18352	06/21/18	USP02	USPS	3,000.00		4742
18353	06/21/18	USS01	US SPORTS INSTITUTE, INC.	2,400.00		4742
18354	06/21/18	VER01	VERIZON	348.17		4742
18355	06/21/18	VER11	VERIZON WIRELESS - KPD	195.04		4742
18356	06/21/18	VER12	V.E. RALPH & SON, INC.	142.88		4742
18357	06/21/18	WAL11	WALLINGTON PLUMBING & HEATING	70.60		4742
18358	06/21/18	WAT01	WATER WORKS SUPPLY COMPANY	569.73		4742
18359	06/21/18	WES09	ROBERT WESTYDK	269.29		4742
18360	06/21/18	XTR01	XTREME GRAPHIX, LLC	185.00		4742

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	125	0	3,635,578.53	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	125	0	3,635,578.53	0.00

PLANNING 2		Columbia Bank				
1750	05/24/18	DAR01	DARMOFALSKI ENGINEERING ASSOC.	1,250.00		4740
1751	06/21/18	DAR01	DARMOFALSKI ENGINEERING ASSOC.	0.00	06/21/18 VOID	0
1752	06/21/18	DAR01	DARMOFALSKI ENGINEERING ASSOC.	4,125.00		4743
1753	06/21/18	GEN05	STEPHEN GENG	1,000.84		4743

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	3	1	6,375.84	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	3	1	6,375.84	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	128	1	3,641,954.37	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	128	1	3,641,954.37	0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND APPROPRIATIONS	7-01	2,964.34	0.00	0.00	2,964.34
CURRENT FUND APPROPRIATIONS	8-01	3,428,802.92	0.00	0.00	3,428,802.92
WATER FUND	8-05	11,985.39	0.00	0.00	11,985.39
SEWER FUND	8-07	88,238.03	0.00	0.00	88,238.03
Year Total:		3,529,026.34	0.00	0.00	3,529,026.34
	C-04	26,301.00	0.00	0.00	26,301.00
DOG TAX	D-13	24.00	0.00	0.00	24.00
STATE AND FEDERAL GRANTS	G-02	4,502.90	0.00	0.00	4,502.90
	I-14	750.00	0.00	0.00	750.00
PUBLIC ASSIST 2	P-18	2,000.00	0.00	0.00	2,000.00
TAX SALE PREMIUMS	Q-32	57,200.00	0.00	0.00	57,200.00
RECREATION SPECIAL	R-16	10,584.95	0.00	0.00	10,584.95
	V-27	2,225.00	0.00	0.00	2,225.00
Total Of All Funds:		3,635,578.53	0.00	0.00	3,635,578.53

Project Description	Project No.	Project Total
62 S Glenn #02290119 Magee	022901119	250.00
18PEPPERIDGE SKVORECZ 11901122	11901122	625.00
19 FORESTDALE RD	1474	125.00
3 FAWNHILL 1490 LEON	1490	500.00
62 LAKESIDE TRAIL#1491 MARKLEY	1491	875.00
19 Hill Top	1711	250.00
S.Geng BOND Not for bill paymt	28819	1,000.84
6 DIXON, JEFFERSON, #56403113	56403113	125.00
33 Denise Dr	57201113	125.00
63 VOORHIS RD LLC #825	825	250.00
PIOCOSTA #9118	9118	1,875.00
52 LAKESIDE TRAIL	BOHAN	375.00
Total Of All Projects:		6,375.84

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:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

CONSENT AGENDA:

A motion was offered by Councilman R. Charles and seconded by Councilman V. Russo, the following motions and resolutions were offered for approval.

a. Resolution: 6.01.18 Renewal of Liquor License-EKTA DH Corporation, T/A Roserne Liquors Northbound

b. Resolution: 6.02.18 Renewal of Liquor License – Kinnelon Restaurant Corp.

c. Resolution: 6.03.18 Renewal of Liquor License – Smoke Rise Club, Inc., T/A Smoke Rise Village Inn

d. Resolution: 6.04.18 Soil Disturbance Permit – 18 Tower Hill Lane, Kinnelon

e. Resolution: 6.05.18 Soil Disturbance Permit – 2 Oak Wood Trail, Kinnelon

f. Resolution: 6.06.18 Overpayment Property Taxes, Blk.44903 Lt 111 – 116 Fayson Lakes Road

g. Resolution: 6.07.18 Tax Sale Certificate 16-00012-Blk 45912 Lt 122 – 52 Fayson Lake Road-$109,704.36

h. Resolution: 6.08.18 Authorizing Mayor to Sign Kinnelon Municipal Alliance Grant - $3,000.00

i. Resolution: 6.09.18 Tenure-Superintendent of Public Works

j. Resolution: 6.10.18 Endorsing the 2018 Housing Element and Fair Share Plan

k. Resolution 6.11.18 Renewal of Liquor License – Mike & Angelo's Park Inn, Inc., T/A Kinnelon Country Wine & Liquors

l. Resolution 6.12.18 Authorizing Renewal of a Soil Disturbance Permit, 44 Round Hill Rd – Blk 56403 – Lt 117

m. Resolution 6.13.18 Salary Resolution for Non Union Employees for the Year 2018

n. Raffle License Kinnelon High School Football Association – KN-823-KB

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June 21, 2018

RESOLUTION 6.01.18

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Morris County, New Jersey, that the application of EKTA D H CORPORATION, T/A ROSERNE LIQUORS NORTHBOUND State Assigned License Number 1415-44-002-005, for Plenary Retail Distribution License for premises situated on 1150 Route 23 North, Kinnelon, New Jersey, at the fee of $936.00 for the 2018/2019 license period beginning July 1, 2018, be and the same is hereby granted; and

NOW THEREFORE BE IT FURTHER RESOLVED, that Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 21, 2018

Robert W. Collins, Mayor

CERTIFIED to be a true copy of a resolution, which was adopted at the regular Mayor and Council meeting of the Kinnelon Mayor and Council on June 21, 2018.

Date: June 21, 2018

Karen M. Iuele, RMC
Borough Clerk

June 21, 2018

RESOLUTION 6.02.18

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Morris County, New Jersey, that the application of KINNELON RESTAURANT CORP. State Assigned License Number 1415-33-001-011, for Plenary Retail Consumption License for premises situated on 174 Kinnelon Road, Kinnelon, New Jersey, at the fee of $1,030.00 for the 2018/2019 license period beginning July 1, 2018, be and the same is hereby granted; and

NOW THEREFORE BE IT FURTHER RESOLVED, that Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 21, 2018

Robert W. Collins, Mayor

CERTIFIED to be a true copy of a resolution, which was adopted at the regular Mayor and Council meeting of the Kinnelon Mayor and Council on June 21, 2018.

Date: June 21, 2018

Karen M. Iuele, RMC
Borough Clerk

June 21, 2018

RESOLUTION 6.03.18

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Morris County, New Jersey, that the application of SMOKE RISE CLUB, INC., T/A SMOKE RISE VILLAGE INN State Assigned License Number 1415-33-004-003, for Plenary Retail Consumption License for premises situated on 9 Perimeter Road, Kinnelon, New Jersey, at the fee of $1,030.00 for the 2018/2019 license period beginning July 1, 2018, be and the same is hereby granted; and

NOW THEREFORE BE IT FURTHER RESOLVED, that Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 21, 2018

Robert W. Collins, Mayor

CERTIFIED to be a true copy of a resolution, which was adopted at the regular Mayor and Council meeting of the Kinnelon Mayor and Council on June 21, 2018.

Date: June 21, 2018

Karen M. Iuele, RMC
Borough Clerk

June 21, 2018

RESOLUTION: 6.04.18

AUTHORIZING OF A SOIL
DISTURBANCE PERMIT
18 TOWER HILL LANE
BLOCK 12103, LOT 112

WHEREAS, the Mayor and Council of the Borough of Kinnelon approved a Soil Disturbance Permit for 18 Tower Hill Lane, Block 12103, Lot 112; and

WHEREAS, Thomas Boorady, P.E of Darmofalski Engineering Associates, Inc. has no objection to the Borough of Kinnelon approving an Soil Disturbance permit; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve a Soil Disturbance Permit for 18 Tower Hill Lane.

Dated: June 21, 2018

Karen M. Iuele, RMC
Municipal Clerk

June 21, 2018

RESOLUTION: 6.05.18

AUTHORIZING OF A SOIL
DISTURBANCE PERMIT
2 OAKWOOD TRAIL
BLOCK 34706, LOT 106

WHEREAS, the Mayor and Council of the Borough of Kinnelon approved a Soil Disturbance Permit for 2 Oakwood Trail, Block 34706, Lot 106; and

WHEREAS, Thomas Boorady, P.E of Darmofalski Engineering Associates, Inc. has no objection to the Borough of Kinnelon approving an Soil Disturbance permit; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve a Soil Disturbance Permit for 2 Oakwood Trail.

Dated: June 21, 2018

Karen M. Iuele, RMC
Municipal Clerk

June 21, 2018

RESOLUTION 12.07.17

AUTHORIZATION FOR MAYOR TO SIGN APPLICATION FOR FUNDING MUNICIPAL ALLIANCES GRANT YEAR JULY 1, 2018 – JUNE 30, 2019

WHEREAS, the Borough desires to submit an Application for Funding Municipal Alliances Grant for the Year July 1, 2018-June 30, 2019; and

WHEREAS, it is necessary for the Mayor to sign said Grant Application in the amount of $10,455.00.

NOW, THEREFORE, BE IT RESOLVED the Mayor is hereby authorized to sing the application for Funding Municipal Alliances Grant Year July 1, 2018 – June 30, 2019 in the amount of $10,455.00.

Dated: 12/12/17

Karen M. Iuele, Borough Clerk

June 21, 2018

RESOLUTION 6.08.18

AUTHORIZATION FOR MAYOR TO
SIGN APPLICATION FOR FUNDING
2018 SUPPLEMENTAL FUNDING
DRUG PRIORITY-MARIJUANA/TOBACCO

WHEREAS, the Borough desires to submit an Application for 2018 Supplemental Funding, Drug Priority-Marijuana/Tobacco; and

WHEREAS, it is necessary for the Mayor to sign 2018 Supplemental Funding Drug Priority-Marijuana/Tobacco said Grant Application in the amount of $3,000.00.

NOW, THEREFORE, BE IT RESOLVED the Mayor is hereby authorized to sign the application for in the amount of $3,000.00.

Dated: 6-21-18

Karen M. Iuele, Borough Clerk

June 21, 2018

CERTIFICATION

I, Charles Daniel, Chief Financial Officer of the Borough of Kinnelon, do hereby certify that sufficient funds are available in Police other expenses for the required 50% match to the County Alliance Supplemental Grant. Amount not to exceed $1,000.

Date: 5/30/18

Charles Daniel, CFO

June 21, 2018

Activity Plan

Alliance Name: Kinnelon Municipal Alliance (KAMELOT)

Name of Activity: Law Enforcement Against Drugs (LEAD)

2018 Supplemental Funding Request for Activity: $3,000.00

Drug Priority: Marijuana/Tobacco

Brief Activity Description (include purpose of the activity, target population, when, where, how often the activity will take place):

The target population is the 5th grade students of Kinnelon. The age group ranges from 10 to 11 year old students learning about respect, good friends, and being an active listener and an assertive speaker. In addition, the students learn to stand strong against peer pressure and the use of common drugs (such as marijuana and tobacco) throughout the community. The students are taught once a week for ten weeks. Then they follow up with the retreat at PEEC (Pennsylvania Environmental Educational Center).

Activity Budget Summary (breakdown with estimated details):

Total Supplemental Funding Request: $3,000.00

Personnel: $0

Consultant: $0

Other Direct Costs: $3,000.00

Match Summary Plan (please submit a letter from your municipality guaranteeing the availability of the 50% matching funds):

Cash Match for this activity: $1,000.00

Please provide a detailed summary of your plan to raise the 50% cash match:

See attached letter from Kinnelon Borough CFO

June 21, 2018

Morris County Board of Chosen Freeholders

APPLICATION FOR SUPPLEMENTAL FUNDING
Calendar Year 2018
January 1, 2018 – December 31, 2018

ALLIANCE: Kinnelon Municipal Alliance (Kamelot)

AMOUNT REQUESTED: $3000.00

Alliance Chairperson: Vincent A. Russo

Chairperson Signature: _____ **Date:** 5/30/18

Mayor's Name: Robert W. Collins

Mayor's Signature: _____ **Date:** 5/30/18

June 21, 2018

CERTIFICATION

I, Charles Daniel, Chief Financial Officer of the Borough of Kinnelon, do hereby certify that sufficient funds are available in Police other expenses for the required 50% match to the County Alliance Supplemental Grant. Amount not to exceed $1,000.

Date: 5/30/18

Charles Daniel, CFO

June 21, 2018

VJK (KN-MISC-OUT)
Tenure Resolution
061218

RESOLUTION NO. 6.09.18

RESOLUTION CONFIRMING TENURE ON THE SUPERINTENDENT OF PUBLIC WORKS PURSUANT TO BOROUGH OF KINNELON CODE SECTION 4-27 AND APPLICABLE LAW AT N.J.S.A. 40A:9-154.6

WHEREAS, the Borough of Kinnelon, County of Morris, State of New Jersey desires to confirm tenure for the Borough Superintendent of Public Works; and

WHEREAS, pursuant to Section 4-27 of the Borough of Kinnelon Code, the Superintendent of public works position is for the term of three years unless he has obtained tenure as provided by law; and

WHEREAS, applicable tenure law is set forth at N.J.S.A. 40A:9-154.6, which provides that " a person holding office, position or employment as full time municipal superintendent of public works who has held the office, position or employment continuously for 5 years or more shall continue to hold the office, position or employment, notwithstanding he is serving for a fixed term, during good behavior and efficiency and shall not be removed there form for political or other reasons except for good cause, upon written charged file with the municipal clerk and after a public, fair and impartial hearing; except that the governing body of the municipality shall first pass an ordinance authorizing the tenure of office herein provided. The person may be retired when he shall have attained 70 years of age. "; and

WHEREAS, John Whitehead has held the position of Borough Superintendent of Public Works since January 1, 2007; and

WHEREAS, the Borough desires to formally recognize that John Whitehead is entitled to, and has achieved, tenure pursuant to Kinnelon Borough Code Section 4-27 and N.J.S.A. 40A:9-154.6.

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

1. John Whitehead shall be tenured in the position of Superintendent of Public Works, subject to the terms and conditions set forth in NJSA 40A:9-154.6.

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

3. This Resolution shall take effect immediately.

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the governing body of the Borough of Kinnelon at a duly convened meeting held on June 21, 2018.

Karen M. Iuele, Borough Clerk

June 21, 2018

Keli (KN-2074)
HEFSP Kin GB Resolution
061218

RESOLUTION NO. 6.10.18

RESOLUTION ENDORSING THE 2018 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in 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). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Kinnelon ("Borough"), to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSPs") as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, on June 25, 2015, the Borough filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

WHEREAS, the Borough negotiated and executed a Settlement Agreement with the Fair Share Housing Center ("FSHC") which included agreement on the extent of the Borough's affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation; and

WHEREAS, the New Jersey Superior Court entered a Judgment of Compliance and Repose on March 9, 2018 that granted the Borough immunity and repose from any and all Mount Laurel

lawsuits through July 1, 2025, subject to the satisfaction of certain Compliance Conditions and Requirements including the adoption of a Housing Element and Fair Share Plan by the Borough of Kinnelon Planning Board ("Planning Board") and the endorsement of the Housing Element and Fair Share Plan by the Borough Council; and

WHEREAS, the Planning Board adopted the HEFSP entitled "Housing Element and Fair Share Plan, Borough of Kinnelon, Morris County, New Jersey" prepared by Burgis Associates, Inc., dated May 25, 2018 ("2018 HEFSP"), as an amendment to the Borough's Master Plan on June 7, 2018; and

WHEREAS, a true copy of the Resolution of the Planning Board adopting the 2018 HEFSP as an amendment to the Borough's Master Plan is attached hereto; and

WHEREAS, the Governing Body has determined that the 2018 HEFSP is consistent with the Settlement Agreement between the Borough and FSHC and the March 9, 2018 Judgment of Compliance and Repose and desires to endorse 2018 HEFSP adopted by the Planning Board on June 7, 2018.

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

1. The Borough of Kinnelon ("Borough") does hereby endorse the Housing Element and Fair Share Plan entitled "Housing Element and Fair Share Plan, Borough of Kinnelon, Morris County, New Jersey" prepared by Burgis Associates, Inc., dated May 25, 2018 ("2018 HEFSP") adopted by the Planning Board on June 7, 2018.

2. The Borough shall implement the 2018 HEFSP in accordance with the Settlement Agreement between the Borough and FSHC and the March 9, 2018 Judgment of Compliance and Repose.

3. This Resolution shall take effect immediately.

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the governing body of the Borough of Kinnelon at a duly convened meeting held on June 21, 2018.

Karen M. Iuele, Borough Clerk

June 21, 2018

RESOLUTION 6.11 .18

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Morris County, New Jersey, that the application of MIKE & ANGELO'S PARK INN, INC., T/A KINNELON COUNTRY WINE AND LIQUORS, State Assigned License Number 1415-33-003-006, for Plenary Retail Consumption License for premises situated at 86 Boonton Avenue, Kinnelon New Jersey, at the fee of $1,030.00 for the 2018/2019 license period beginning July 1, 2018, be and the same is hereby granted; and

NOW THEREFORE BE IT FURTHER RESOLVED, that Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 21, 2018

Robert W. Collins, Mayor

CERTIFIED to be a true copy of a resolution, which was adopted at the regular Mayor and Council meeting of the Kinnelon Mayor and Council on June 21, 2018.

Date: June 21, 2018

Karen M. Iuele, RMC
Borough Clerk

June 21, 2018

RESOLUTION 6. 12 .18

AUTHORIZING RENEWAL OF A SOIL
DISTURBANCE PERMIT
44 ROUND HILL ROAD, BLOCK 56403, LOT 117

WHEREAS, the Mayor and Council of the Borough of Kinnelon approved a Renewal of a Soil Disturbance Permit for 44 Round Hill Road, Block 56403, Lot 117; and

WHEREAS, Thomas Boorady, P.E of Darmofalski Engineering Associates, Inc. has no objection to the Borough of Kinnelon approving a renewal of a Soil Disturbance permit for 44 Round Hill Road; and

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve the renewal of a Soil Disturbance Permit for 44 Round Hill Road, Kinnelon NJ.

Dated: June 21, 2018

Karen M. Iuele, RMC
Borough Clerk

June 21, 2018

RESOLUTION 06.13.18

SALARY RESOLUTION FOR
NON UNION EMPLOYEES
FOR THE YEAR 2018

BE IT RESOLVED by the Kinnelon Mayor and Council that the following salary for the hereinafter listed official position of employment for the year 2018 commencing on January 1, 2018 shall be as follows:

DEPARTMENT	SALARY
DPW Superintendent John Whitehead	2% Raise
DPW Foreman Brain Kimble	2% Raise
Fire Prevention Robert Westdyk	2% Raise
Municipal Court Judge Andrew Wubbenhorst Esq.	2% Raise
Chief of Police John Schwartz	2% Raise
Police Lieutenant Joseph Napolitano	2% Raise
Zoning Officer Mark Thomas	2% Raise + $500.00
Assessor Robert Edgar	2% Raise
Tax Collector Judi O'Brien	2% Raise
Recreation Director Melanie Schuckers	2% Raise
Borough Clerk Karen M. Iuele	2% Raise
Environmental Secretary Karen M. Iuele	2% Raise
Deputy Registrar Karen M. Iuele	2% Raise

June 21, 2018

Borough Manager Karen M. Iuele	$1,000.00
Chief Financial Officer Charles Daniel	2% Raise
Qualified Purchasing Agent Charles Daniel	$1,500.00

Dated 6/21/18

Robert W. Collins, Mayor

Karen

June 21, 2018

Application for a Raffles License

Application No. RA Kn823KB
Identification No. 238-5-41825

Submit four (4) copies of this application to the Municipal Clerk's office in the municipality where the games will be conducted.

Please print clearly.

Name of municipality: Kinnelon

Part A - General

1. Name of applying organization: Kinnelon High School Football Association

2a. Street address of headquarters: 121 Kinnelon Rd, Kinnelon NJ 07405

b. Mailing address (if different):

3. A license is requested to conduct raffles of the kind stated on the date, or on each of the dates, and during the hours listed (use a separate application for each type of raffle).

Date	Hours	Date	Hours
9/7/18, 9/14/18, 9/21/18,	6-10 pm		
9/28/18, 10/5/18, 10/12/18	6-10 pm		
10/19/18, 10/26/18, 11/2/18	6-10 pm		
11/9/18			

4a. Address of place where raffles will be played: 121 Kinnelon Rd, Kinnelon NJ 07405

b. Does the applicant own the premises or regularly occupy them for its general purposes? ☑ Yes ☐ No

5. If raffles equipment is to be rented, attach a statement by the raffles equipment lessor to this application on Form 13.

Part B - Schedule of Expenses

The items of expense intended to be incurred or paid in connection with the games listed in this application, the names and addresses of the persons to whom each item is to be paid, and the purpose for which each item is to be paid, are:

Item of Expense	Name and address of supplier	Purpose
Raffle Tickets	Barrington Press, 31 Spring Valley Ave Paramus, NJ 07652	print tickets
folders/envelopes	staples	folders/distribution

June 21, 2018

Part C - Schedule of Purposes

1. The specific purpose(s) to which the entire net proceeds of the games listed in this application are to be devoted, and the manner in which they are to be so devoted, are:

   Equipment for the Kinnelon High School Football Team

2. If any part of the net proceeds are to be devoted to a purpose allowed by the Raffles Licensing Law by turning the same over to another organization which is exclusively devoted to such purposes, secure the signature of its president or other executive officer to the following certificate:

   "It is hereby certified that n/a
   Name of organization

   will accept from the licensee any part of the net proceeds of the games listed in this application to be turned over to it."

   Date: _____ Signature: _____

Part D - Schedule of Prizes

A description of all prizes to be offered and given in all of the games listed in this application is as follows. For merchandise, describe the article and state the retail value; if prizes are to be donated, indicate that fact and estimate as accurately as possible the information requested below.

Description of Prize	Donated (Yes or No)	Retail value
cash: Calendar raffle	☐ Yes ☑ No	(Approx total $2,900)
	☐ Yes ☐ No	- values from $40 - $100
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	

June 21, 2018

Part E - Officers of Applicant

(1) Office	Name of officer	Age
Assistant Vice President	Helena Rymarz	46

Residence address	Telephone No. (include area code)
64 Fayson lakes Rd. Kinnelon NJ 07405	Day 973 464 8041 Evening Same

(2) Office	Name of officer	Age
President	Cheryle Chiuchiolo	49

Residence address	Telephone No. (include area code)
6 Peach Tree Lane, Kinnelon, NJ 07405	Day 973 291 4006 Evening

(3) Office	Name of officer	Age
Vice President	Kelley Nelson	55

Residence address	Telephone No. (include area code)
16 Lake Side Trail, Kinnelon, NJ 07405	Day 973 248 5912 Evening

(4) Office	Name of officer	Age
Treasurer	Patricia Rozansky	49

Residence address	Telephone No. (include area code)
7 Daniel Lane, Kinnelon NJ 07405	Day 2016978574 Evening

Part F - Members of Applicant who will be in charge of the games

Name of member in charge	Residence address	Telephone No. (include area code) Day / Evening	Age
Helena Rymarz	64 Fayson lakes Rd. Kinnelon NJ 07405	9734648041 /	46
Maria Bonanno	7 Spice Bush Rd, Kinnelon NJ 07405	5514867408 /	51

Part G - Members of Applicant who will assist in conducting the games

Name of member	Residence address	Age
Helena Rymarz	64 Fayson lake Rd Kinnelon, NJ 07405	46
Maria Bonanno	7 Spice Bush Rd, Kinnelon, NJ 07405	51

Part H - Names of other organizations whose members will assist in conducting the games

Name and address of organization	How related	Identification No.
n/a		

If more space is needed in any section of this application, insert extra sheets of paper.

June 21, 2018

Part I - Statement of Applicant and member(s) in charge

State of New Jersey
County of Morris } ss.

We do hereby each make the following statement, under oath, with respect to the foregoing application:

1. The applicant (is) (is not) limited in its activities to the furtherance of one or more authorized purposes as defined in the Raffles Licensing Law.
2. Prior to the issuance of any license to it to conduct games of chance, the applicant was actively engaged in serving one or more "authorized purposes."
3. The applicant has received and used, and in good faith expects to continue to receive and use, to further one or more authorized purposes, funds from sources other than games of chance.
4. The conduct of the games on the occasion or occasions for which this application is made will be to raise and devote the entire net proceeds to the authorized purpose described in the application.
5. For each occasion for which a license is sought, one or more of the members listed who are familiar with the Raffles Licensing Law and the Rules and Regulations, will be in full charge of, and primarily responsible for, the conduct of the games.
6. No commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conducting, of the games, except to bookkeepers or accountants for professional services not exceeding the amounts fixed by the Schedule of Fees, as well as the compensation for the Licensed Compensated Workers pursuant to N.J.A.C. 13:47-6A. No prize may be offered and given in cash, except as otherwise provided by the Raffles Licensing Law (N.J.S.A. 5:8-50 et seq.). If a cash prize under certain circumstances **is** permitted by the law, the amount of the cash prize may not exceed the limits prescribed by the Raffles Licensing Law.
7. All statements in the foregoing application are true.

Sworn and subscribed to before me this 14 day of June 2018, 20__.

Linda A Montgomery
Notary Public (Print name)

Linda A Montgomery
Signature of Notary Public

AFFIX SEAL HERE

LINDA A. MONTGOMERY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 3/3/2021

Asst. Vice President
Signature of Officer and Title

Maria Bonanno
Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

If more space is needed in any section of this application, insert extra sheets of paper.

Applicant's registration slip from the *Legalized Games of Chance Control Commission* must be presented to the Municipal Clerk with this application.

TICKET # 0001

Kinnelon Colts

High School FOOTBALL

121 Kinnelon Road, Kinnelon NJ 07405
ID # 238-5-41825 RL #

2018 Calendar Raffle

$ 20.00
Per Raffle Ticket

50
Chances to Win!

$2,900
Total CASH Prizes

Each Ticket Sold will Be Entered in All Drawings

Your participation will supports Kinnelon High School Football

- Drawings to be held on 9/7, 9/14, 9/21, 9/28, 10/5, 10/12, 10/19, 10/26, 11/2,11/9at Kinnelon High School between 6-8pm
- Winner need not be present
- No substitutions of the offered prize may be made

If gambling is a problem for you or someone in your family, please

THANK YOU

FOR YOUR SUPPORT!

KEEP THIS PORTION FOR YOUR RECORDS

TICKET # 0001

June 21, 2018

Name: _____

Address: _____

_____

Phone: _____

Kindly return this stub with your payment

ID # 238-5-41825 RL #

September 2018

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7 $100	8
9	10 $50	11 $40	12 $60	13 $70	14 $100	15
16	17 $40	18 $50	19 $50	20 $40	21 $100	22
23	24 $40	25 $50	26 $60	27 $40	28 $100	29
30						

October 2018

SUN	MON	TUE	WED	THU	FRI	SAT
	1 $40	2 $70	3 $50	4 $40	5 $100	6
7	8 $40	9 $60	10 $50	11 $40	12 $100	13
14	15 $60	16 $40	17 $50	18 $40	19 $100	20
21	22 $50	23 $40	24 $40	25 $60	26 $100	27
28	29 $60	30 $40	31 $50			

November 2018

SUN	MON	TUE	WED	THU	FRI	SAT
				1 $40	2 $100	3
4	5 $50	6 $70	7 $40	8 $40	9 $100	10
11	12 $40	13 $50	14 $40	15 $70	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

LGCCC 2R-A
Municipal Record Service (609) 547-2444

June 21, 2018

LICENSE FOR: **Raffles** **License No. KN-823 -KB**
(Insert Bingo or Raffles)

Identification No. **238-5-41825**
(Display this license conspicuously During the conduct of the games)

Insert Name
Of Municipality **BOROUGH OF KINNELON**
Insert Name of
Licensee **Kinnelon High School Football Association**

Address **121 Kinnelon Road, Kinnelon, New Jersey 07405**

1. This license allows the licensee to conduct (cross out line which) Bingo (not to Exceed 35 games), Raffles of the kind stated,
The winner to be determined on each of the dates, at the places and during the hours shown below:

Kind of Game	Date	Place	During hours
Raffle	9/7/18, 9/14/18, 9/21/18	121 Kinnelon Rd, Kinnelon	6:00 – 10:00p.m
	9/28/18, 10/5/18, 10/12/18, 10/19/18, 10/26/18, 11/2/18, 11/9/18		

2. The value and character of the prizes authorized to be offered and given on each date are:
Retail Prize Values from $40.00 thru $100.00

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose:
Equipment for the High School football team

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

Names	Addresses
Helena Rymarz	64 Fayson Lake Rd., Kinnelon, NJ
Maria Bonanno	7 Spice Bush Rd., Kinnelon, NJ

Issued by order of **MAYOR AND COUNCIL** **ON June 21, 2018**

(SEAL)

(Signature of Municipal Clerk)

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

LGCCC5-A

June 21, 2018

FINDINGS AND DETERMINATION
in re
APPLICATION FOR A RAFFLES LICENSE
Bingo

Application No. **KN-823-KB**

Identification No. **238-5-41825**

(complete 2 copies)

Name of Municipality: **BOROUGH OF KINNELON**

Name of applicant Kinnelon: **KINNELON HIGH SCHOOL FOOTBALL ASSOCIATION**

(Mark appropriate answers to ALL Questions)

1. Applicant (is) ~~(is not)~~ qualified.

2. Members designated to conduct games (are) (~~are not~~) bona fide active members.

3. Members designated to conduct games (are) (~~are not~~) of good moral character and have never been convicted of crime.

4. The games (will) (~~will not~~) be conducted According to the Act and the Rules and Regulations.

5. The entire net proceeds (are) (~~are not~~) to Be disposed of for a purpose permitted by the Act.

6. There (is) (~~is not~~) satisfactory proof that no payment will be made for conduction the games or assisting therin except to the extent allowed by Law.

7. There (is) (~~is not~~) satisfactory proof that the prizes are of the nature and amount allowed by the Act.

8. The rental to be paid for raffles equipment (does) (~~does not~~) conform to the schedule of authorized Rentals prescribed by the rules of the Control Commission and the raffles equipment lessor (has) (~~has not~~) been approved by the Control Commission.

9. Other

10. License is (granted) (~~denied~~).

Date: June 21, 2018

(Signature of verifying official)

Borough Municipal Clerk
(Title)

(Send one copy to the Control Commission

Roll Call: W. Yago, Yes; V. Russo, Yes;
R. Charles, Yes;
G. Sisco, No; J. Lorkowski, Yes.

OLD BUSINESS

ORDINANCE NO. 02-18

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 119-1 OF ARTICLE I, RECREATION FEES, OF THE CODE OF THE BOROUGH OF KINNELON

This ordinance was introduced and passed on first reading at a regular meeting of the Governing Body held on May 17, 2018.

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

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June 21, 2018

VJB (KN-MISC.OUT)
Rec Fee Ordinance
050818

ORDINANCE NO. 02-18

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 119-1 OF ARTICLE I, RECREATION FEES, OF THE CODE OF THE BOROUGH OF KINNELON

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

WHEREAS, Borough of Kinnelon desires to amend and supplement Section 119-1 of Article 1, Recreation Fees, of Chapter 119, Fees, of the Code of the Borough of Kinnelon, Morris County, New Jersey to set the range of fees for field fees, lighting fees, and field preparation fees for various sports and recreation and activities.

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

SECTION ONE. Section 119-1 of Article I, Recreation Fees, of Chapter 119, Fees, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby amended and supplemented to add a NEW subsection "D", as follows:

> D. Application for the use of Borough recreation facilities shall be made to the Recreation Committee. The organization shall provide a Certificate of Insurance, Proof of Non Profit status (if applicable) and the required fee, as set forth below.
>
> 1. Field Fees – 1 Hour of Usage
>
> a. Non for profit organization $25.00
>
> b. All other organizations $50.00

2. Field Fees- 2 Hour Usage (or as approved by Recreation Director)

   a. Not for profit organization $50.00

   b. All other organizations $100.00

3. Lighting fees- Not to exceed Two hours of usage are included within the Fee schedule in Subsections 1 and 2 above. Usage which exceeds two hours shall be charged at $25.00 for each hour beyond the initial two hours, or any portion thereof.

4. Field Preparation Fee. This shall include lining the fields and other field preparation functions, including but not limited to dragging, performed by the Borough - $75.00.

5. All organizations using the fields shall be responsible for the full cost of damage caused or repairs required to the fields as a result of their use.

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

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

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

ATTEST:

Karen M. Iuele, RMC, Borough Clerk

BOROUGH OF KINNELON

Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on May 17, 2018 and adopted by the Governing Body at a regular meeting of the Borough held on June 21, 2018.

Karen M. Iuele, RMC, 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, and all parties in interest, and citizens. Hearing none, Mayor Collins brought it back to the dais, does anyone from the council wish to speak on this ordinance at this time.

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

Councilman R. Charles offered a motion to adopt the foregoing resolution. This motion was seconded by Councilman V. Russo.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

ORDINANCE NO. 03-18

AN ORDINANCE AMENDING AND SUPPLEMENTIN SECTION 123-14 AND AMENDING SECTION 123-20C OF ARTICLE II, FIRE PREVENTION CODE, OF THE CODE OF THE BOROUGH OF KINNELON

This ordinance was introduced and passed on first reading at a regular meeting of the Governing Body held on May 17, 2018.

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

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June 21, 2018

VJK (KN-MISC.OUT)
Fire Prevention Ordinance
050818
051618

ORDINANCE NO. 03-18

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 123-14 AND AMENDING SECTION 123-20(C) OF ARTICLE II, FIRE PREVENTION CODE, OF THE CODE OF THE BOROUGH OF KINNELON

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

WHEREAS, Borough of Kinnelon desires to amend and supplement certain section of the Fire Prevention Code to amend and supplement Section 123-14 to include application fees for permits for certain life hazard uses, and to amend the Section 123-20 (C) application fee schedule for Certificates of Smoke Detector and Carbon Monoxide Alarm Compliance, consistent with the fee schedule set forth in the New Jersey Administrative Regulations at N.J.A.C. 5:70-2.9 (d) and (f)

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

SECTION ONE. Section 123-14 of the Code of the Borough of Kinnelon, "Life -Hazard Uses", is hereby amended and supplemented to add a NEW subsection "A", as follows:

A. The application fee for a permit shall be as follows:

(1) Type 1- $54.00

(2) Type 2- $214.00

(3) Type 3- $427.00

(4) Type 4- $641.00

(a) Exception: There shall be no fee for Type 4 permits for storage or activity at a premises registered as a life hazard use in accordance with N.J.A.C.5:70-2.

SECTION TWO. Subsection C of Ordinance Section 123-20, which sets the Application fees for a Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance shall be amended as follows:

A. Ten or more days prior to closing: $50.00

B. Five to nine days prior to closing: $100.00

C. Four days or less prior to closing: $165.00

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

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

ATTEST:

Karen M. Iuele, RMC, Borough Clerk

BOROUGH OF KINNELON

Robert W. Collins, Mayor

June 21, 2018

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on May 17, 2018 and adopted by the Governing Body at a regular meeting of the Borough held on June 21, 2018.

Karen M. Iuele, RMC, 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, and all parties in interest, and citizens. Hearing none, Mayor Collins brought it back to the dais, does anyone from the council wish to speak on this ordinance at this time.

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

Councilman G. Sisco offered a motion to adopt the foregoing resolution. This motion was seconded by Councilman V. Russo.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

ORDINANCE NO. 04-18

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF KINNELONTO ADD A NEW CHAPTER TO PROHIBIT SHORT TERM (30 DAYS OR LESS0 RESIDENTIAL RENTALS

This ordinance was introduced and passed on first reading at a regular meeting of the Governing Body held on May 17, 2018.

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

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June 21, 2018

VJB (KN-MISC.OUT)
Short Term Rental Ordinance
051018
052218

ORDINANCE NO. 04-18

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF KINNELON TO ADD A NEW CHAPTER _____ TO PROHIBIT SHORT TERM (30 DAYS OR LESS) RESIDENTIAL RENTALS

WHEREAS, pursuant to N.J.S.A. 40:52-1 (d) and (n), municipal corporations have been specifically authorized to regulate "furnished and unfurnished housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof" and the "rental of real property for a term of less than one hundred seventy five consecutive days for residential purposes by a person having a permanent place of residents elsewhere"; and

WHEREAS, the Borough of Kinnelon, Morris County, New Jersey, desires to establish a procedure and authorize rules and regulations for Short Term Rental Property Prohibition within the Borough; and

WHEREAS, the Borough of Kinnelon desires to impose penalties as permitted pursuant to N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29 for violations of the rules and regulations established hereby for Short Term Rental Prohibitions; and

WHEREAS, Borough of Kinnelon desires to amend and supplement certain sections of the Code of the Borough of Kinnelon to provide for the regulation of "Short term (30 days or less) Residential Rentals' as further defined below, and for the enforcement of said regulations.

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

SECTION ONE. The Code of the Borough of Kinnelon shall be amended and supplemented to include a new Chapter _____ as follows:

Chapter 144. SHORT TERM RESIDENTIAL RENTAL PROHIBITION

A. Purpose and Scope

This Chapter aims to prohibit the increasingly widespread practice of renting or leasing various types of dwellings, or segments thereof, located primarily in residential neighborhoods, on a short-term basis to transient guests. This practice has been popularized and facilitated by various websites that advertise and broker these rentals. Left unregulated, this practice will transform many residential dwellings into transient uses to the detriment of the health, safety and quiet enjoyment of the affected neighborhoods.

B. This Chapter does not apply to lawfully established and operating hotels, motels, rooming houses, boarding houses, and bed and breakfast establishments. This Chapter does not apply to any use of single family dwellings protected by New Jersey State statute, as are defined in Chapter 207-4 (B) of the Kinnelon Borough Code, lawfully existing, including community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and children in group homes pursuant to NJSA 40:55D-66c.

C. Short-term rental property. Notwithstanding anything to the contrary in the Borough Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sub-lessor, or any other person with any possessory interest or use rights in the subject dwelling, their principals, partners, shareholders agents, employees, representatives and other person(s) or entity(s) acting in concert or combinations thereof, to receive or obtain compensation of any kind for soliciting, advertising, offering an/or permitting , allowing or failing to discontinue the use, occupancy or rental of any dwelling unit for a period of thirty consecutive calendar (30) days or fewer.

D. It shall be unlawful to advertise, solicit, or promote by any means, acts in violation of this Ordinance.

E. Enforcement. The provisions of this Chapter shall be enforced by the Borough Zoning Officer, Building Code or Sub-Code Official, or any other Borough Official or employee so designated by the Mayor and Council who all shall be authorized to issue summons or other appropriate civil violations or Complaints for any violations of this Chapter.

F. Any person who is adjudicated, or by admission is found to have violated any provisions of this Chapter shall be liable for a fine not to exceed $1,000.00. Each day of any such violation after receiving written notice of same shall be a new and separate violation.

G. To the extent that conduct prohibited under this article also violates other provisions of the Borough Code, those violations constitute separate offenses subject to additional fines and penalties as proscribed.

H. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including but not limited to eviction proceedings and or injunction, reasonable attorneys fees or other fees and costs, tin the Boroughs Municipal court or the Superior Court of New Jersey, in the vicinage of Morris County or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

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

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

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

ATTEST:

Karen M. Iuele, RMC, Borough Clerk

BOROUGH OF KINNELON

Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on May 17, 2018 and adopted by the Governing Body at a regular meeting of the Borough held on June 21, 2018.

Karen M. Iuele, RMC, 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, and all parties in interest, and citizens. Hearing none, Mayor Collins brought it back to the dais, does anyone from the council wish to speak on this ordinance at this time.

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

Councilman V. Russo offered a motion to adopt the foregoing resolution. This motion was seconded by Councilman R. Charles.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

NEW BUSINESS

Ordinance 05-18

Councilman S. Sisco introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman R. Charles.

AN ORDINANCE AMENDING CHAPTER 84, SECTION 33
THE CODE OF THE BORUGH OF KINNELON

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

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June 21, 2018

VJK (KN-MISC.OUT)
Truck Limit Ordinance
051818

ORDINANCE NO. 05-18

AN ORDINANCE AMENDING CHAPTER 84, SECTION 33 THE CODE OF THE BOROUGH OF KINNELON

WHEREAS, the Borough of Kinnelon has designated, in Section 33 of Chapter 84 of the Code of the Borough of Kinnelon, certain streets within the Borough streets upon which trucks over four tons gross weight are prohibited except for loading and unloading and for trucks of public utilities and governmental agencies; and

WHEREAS, the Borough of Kinnelon desires to amend and supplement the list of streets contained at Section 33 of Chapter 84 to include Highlands Drive and Brook Valley Road.

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

SECTION ONE. Section 33 of Chapter 84 of the Code of the Borough of Kinnelon is amended and supplemented with the addition of the following two streets as follows:

Name of Street	**Location**
Cascade Way	Entire length in the Borough of Kinnelon
Highlands Drive	Entire length in the Borough of Kinnelon
Brook Valley Road	Entire length in the Borough of Kinnelon

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

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

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

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

ATTEST:

BOROUGH OF KINNELON

_____
Karen M. Iuele, RMC, Borough Clerk

_____
Robert W. Collins, Mayor

CERTIFICATION

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

_____
Karen M. Iuele, RMC, Borough Clerk

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

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 21, 2018 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 19, 2018 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

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

Councilman G. Sisco offered a motion to publish the foregoing resolution. This was second by Councilman R. Charles.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

<u>Ordinance 06-18</u>

Councilman S. Sisco introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman R. Charles

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MAPLE LAKE ROAD IN AND BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING $225,015 THEREFOR, CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND MONEYS IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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

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June 21, 2018

ORDINANCE # 6-18

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MAPLE LAKE ROAD IN AND BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING $225,015 THEREFOR, CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND MONEYS IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH.

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

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized to be made or acquired by the Borough of Kinnelon, in the County of Morris, New Jersey, as a general improvement, and there is hereby appropriated therefor the sum of $225,015, to the extent of $120,015, from moneys available in the Capital Improvement Fund of the Borough and, to the extent of $105,000, constituting proceeds of a grant received or expected to be received by the Borough from the New Jersey Department of Transportation.

Section 2. The improvement or purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the improvement of Maple Lake Road, including the construction, reconstruction or resurfacing thereof, together with all curbing, sidewalks, drainage facilities, landscaping, signage, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any

inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after final passage as provided by law.

June 21, 2018

FOR THE DEPARTMENT OF TRANSPORTATION

Subject Project: Maple Lake Road

Name of Sponsor: Kinnelon Borough

Address: 130 Kinnelon Road, Kinnelon, NJ 07405

Vendor ID Number: 226002565

Fiscal Year/Funds:	2017 Municipal Aid	
Job Number:	2206239	
Account:	17-480-078-6320-AMQ-6010	
State Funds:	$ 105,000.00	
FAO Number	2002477	

Certification of Funds 6/5/17 Date

By [signature]
Director, Division of Accounting and Auditing
DULCE HILL

APPROVED: [signature] 6/16/17 Date
Michael Russo, Director
Division of Local Aid and Economic Development

ATTEST and SEAL
It is hereby certified that the foregoing allocation of funds and this Agreement were approved by the Commissioner of
Transportation or Designee on 6/16/17.

[signature]
Anika James
Secretary, Department of Transportation

June 21, 2018

RESOLUTION – 1.05.17

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MAPLE LAKE ROAD IMPROVEMENTS

WHEREAS, 2017 Municipal Aid funds are available through the New Jersey Department of Transportation; and,

WHEREAS, the Kinnelon Mayor and Council desire to resurface the pavement of approximately 1,750 linear feet of Maple Lake Road, between the Kinnelon Road and the municipal boundary with Butler Borough, including curb repairs, drainage improvements, traffic control signs and striping; and,

WHEREAS, the Kinnelon Mayor and Council desire to request aid from the State of New Jersey in the amount of $150,000.00.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Kinnelon Borough formally approves the grant application for the above stated project; and,

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Maple Lake Road Improvements-00215 to the New Jersey Department of Transportation on behalf of Kinnelon Borough; and,

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Kinnelon Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on
This 19th Day of January, 2017.

Karen Iuele, RMC
Municipal Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL

Municipal Clerk
Karen Iuele, RMC

Presiding Officer
Robert W. Collins
Mayor

June 21, 2018
January 19, 2017

DARMOFALSKI ENGINEERING ASSOCIATES, INC.
CIVIL ENGINEERING
86 NEWARK POMPTON TURNPIKE
RIVERDALE, NEW JERSEY 07457
Tel: (973) 835-8300 Fax: (973) 835-1117

CONSTRUCTION COST ESTIMATE

NJDOT Transportation Trust Fund Municipal Aid for FY 2017 MA-2017-Maple Lake Road Improvements-00215

MAPLE LAKE ROAD

PROJECT LENGTH = 1750 LINEAR FEET (0.331 MILES)

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

DATE: JANUARY 11, 2017

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	Pavement Milling, Full Roadway Width, 2" Depth	SY	5500	$ 5.00	$ 27,500.00
2	Saw Cutting	LF	1200	$ 3.00	$ 3,600.00
3	Inlet Removal (Includes Casting) - Type "B" - Complete	EA	3	$ 600.00	$ 1,800.00
4	Install New Precast Concrete Inlet, Type "B"	EA	2	$ 3,500.00	$ 7,000.00
5	15" Dia. Solid HDPE Storm Drainage Pipe	LF	350	$ 55.00	$ 19,250.00
6	Frames & Bicycle Safe Grates for Type "A" & Type "B" Inlets	EA	8	$ 825.00	$ 6,600.00
7	Frames & Bicycle Safe Grates for Type "E" Inlets	EA	1	$ 1,200.00	$ 1,200.00
8	Hot Mix Asphalt (HMA) 9.5 M 64, 2" Thick Surface Course, Incl. Tack Coat	TN	800	$ 95.00	$ 76,000.00
9	Hot Mix Asphalt (HMA) 4.75 M 64, 2" Driveway Repair	TN	50	$ 120.00	$ 6,000.00
10	Hot Mix Asphalt (HMA) 19 M 64, Leveling Course	TN	100	$ 95.00	$ 9,500.00
11	Reset Gas, Water & Utility Valve Boxes in Roadway	LS	1	$ 1,200.00	$ 1,200.00
12	Traffic Striping, Crosswalks and Markings - Long Life Thermoplastic	LS	1	$ 2,000.00	$ 2,000.00
13	Traffic & Street Signs with Posts - Regulatory, Warning, Stop & Speed Limit	LS	1	$ 2,000.00	$ 2,000.00
	Subtotal				$ 163,650.00
	10% Contingency			$ 16,365.00	$ 180,015.00
	Inspection / Testing			$ 15,000.00	$ 195,015.00
	Amount Eligible for Municipal Aid				**$ 195,015.00**
	Design / Engineering / Administration			$ 30,000.00	$ 225,015.00
	TOTAL COST ESTIMATE				**$ 225,015.00**

I hereby certify this is a true copy of the estimate

Paul P Darmofalski, PE

Paul P. Darmofalski, P.E.
New Jersey P.E. License No. 24743

GENERAL CAPITAL FUND

SCHEDULE OF CAPITAL IMPROVEMENT FUND

		Debit	Credit
Balance January 1, 2017	80031-01	XXXXXXX	284,750.00
Received from 2017 Budget Appropriation *	80031-02	XXXXXXX	175,000.00
Cancellation of Fully Funded Ordinances		XXXXXXX	
Improvement Authorizations Canceled (financed in whole by the Capital Improvement Fund)	80031-03	XXXXXXX	
List by Improvements-Direct Charges Made for Preliminary Costs:		XXXXXXX	XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
			XXXXXXX
Appropriated to Finance Improvement Authorizations	80031-04	100,000.00	XXXXXXX
			XXXXXXX
Balance December 31, 2017	80031-05	359,750.00	XXXXXXX
		459,750.00	459,750.00

* The full amount of the 2017 budget appropriation should be transferred to this account unless the balance of the appropriation is to be permitted to lapse.

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

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 21, 2018 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 19, 2018 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

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

Councilman G. Sisco offered a motion to publish the foregoing resolution. This was second by Councilman R. Charles.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

<u>Ordinance 07-18</u>

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

**AN ORDINANCE AMENDING CHAPTER 2017, ZONING,
OF THE CODE OF THE BOROUGH OF KINNELON,
TO ESTABLISH THE "AFFORDABLE HOUSING-2
(AH-2) OVERLAY ZONE"**

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

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June 21, 2018

KLG (KN-2074)
Affordable Housing Ordinance 2
061218

ORDINANCE NO. 07-18 **AN ORDINANCE AMENDING CHAPTER 207, ZONING, OF THE CODE OF THE BOROUGH OF KINNELON, TO ESTABLISH THE "AFFORDABLE HOUSING-2 (AH-2) OVERLAY ZONE"**

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in 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). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Kinnelon ("Borough"), to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSPs") as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, on June 25, 2015, the Borough filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

WHEREAS, the Borough negotiated and executed a Settlement Agreement with the Fair Share Housing Center ("FSHC") which included agreement on the extent of the Borough's affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation; and

WHEREAS, the New Jersey Superior Court entered a Judgment of Compliance and Repose on March 9, 2018 that granted the Borough immunity and repose from any and all Mount Laurel lawsuits through July 1, 2025, subject to the satisfaction of certain Compliance Conditions and Requirements including the adoption of overlay zoning for the Kinnelon Mall Property located at Block 45201, Lot 102 on the Official Tax Map of the Borough of Kinnelon; and

WHEREAS, the Borough of Kinnelon desires to amend and supplement Chapter 207, Zoning, of the Code of the Borough of Kinnelon to establish the Affordable Housing-2 (AH-2) Overlay Zone for the Kinnelon Mall Property.

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

SECTION ONE. Chapter 207, Zoning, of the Code of the Borough of Kinnelon is hereby amended and supplemented by the addition of the following:

Article XX: Affordable Housing-2 (AH-2) Overlay Zone

Section 207-113. Purpose

The purpose of the AH-2 Overlay Zone is to provide a realistic opportunity for the construction of low- and moderate-income housing units in conformance with the latest procedural and substantive rules for affordable housing, as determined by the Courts or other applicable authority, by permitting for a mixed-use development consisting of ground-story retail and commercial uses with residential multifamily units above. This section is created in fulfillment of a settlement agreement by and between the Borough of Kinnelon, New Jersey and the Fair Share Housing Center (FSHC).

Any provisions of this chapter or any other ordinance in conflict with the AH-2 Overlay Zone regulations and which impose more stringent standards not related to the health or safety of the public or the resident occupants of the zone shall be inapplicable.

Section 207-114. Description.

The AH-2 Overlay Zone shall encompass Block 45201 Lot 102 on the Borough of Kinnelon Tax Map.

Section 207-115. Permitted Principal Uses

The AH-2 Overlay Zone shall permit the following uses:

A. Those uses permitted in the Restricted Commercial Zone.

B. Mixed use developments consisting of ground-story retail/commercial/office with residential multifamily apartment units above. An apartment shall mean a multifamily dwelling unit contained in a building designed for or occupied by three or more families or households, living independently of each other with each unit containing one or more dwelling rooms with private bath and kitchen facilities. Each apartment shall comprise an independent, self-contained dwelling unit. Ground-story retail/commercial/office uses shall be required regardless of whether the existing building at the time of the adoption of this ordinance is modified, expanded, or if a new building or buildings is/are constructed.

Section 207-116. Permitted Accessory Uses.

Accessory uses and structures permitted in the AH-2 Overlay Zone are those uses and structures which are customarily incidental and subordinate to those uses permitted in the zone. Accessory uses and structures shall include, but not be limited to, the following:

A. Street furnishings, planters, street lights, and exterior, garden-type shade structures;

B. Fences and walls, which shall complement the architectural style, type, and design of the building(s) and the overall project design;

C. Recreational facilities such as swimming pools, tennis courts, jogging paths, dog runs, and play lots;

D. Parking lots serving the development;

E. Signs;

F. Clubhouses, which shall complement the architectural style, type, and design of the principal building(s) and the overall project design;

G. Stormwater management facilities, and;

H. Refuse/recycling enclosures, which shall complement the architectural style, type, and design of the principal building(s) and the overall project design.

Section 207-117. Conditional Uses.

None

Section 207-118. Prohibited Uses.

The following uses shall be prohibited:

A. Any use other than those uses specifically permitted above are prohibited.

B. Ground-floor residential units.

Section 207-119. Required Conditions.

A. Minimum Tract Size. There shall be a minimum tract size of twelve (12) acres.

B. Maximum Permitted Density. The maximum permitted density shall be six (6) dwelling units per acre.

C. Minimum Setbacks. The following minimum setbacks shall apply:

(1) Minimum Front Yard Setback. 50 feet.

(2) Minimum Side and Rear Yard Setback: 50 feet where it abuts residential property. Where it abuts other than residential property, a minimum setback of 25 feet shall be required.

(3) Perimeter setback standards shall not apply to retaining walls, stormwater management facilities, signs, and fencing, unless otherwise required by this section.

D. Minimum Buffer. A minimum landscaping buffer of 25 feet shall be provided where it abuts a residential property. Where it abuts other than a residential property, a minimum landscaped buffer of 15 feet shall be required.

E. Impervious Coverage: 75% maximum

F. Off-Street Parking: The following parking standards shall apply:

(1) Nonresidential uses, excluding restaurants and movie theaters. One (1) parking space per every two hundred (200) square feet of gross floor area.

(2) Restaurants and other similar eating and drinking establishments. One (1) parking space for every three (3) seats.

(3) Movie theaters. One (1) parking space for every four (4) permanent seats.

(4) Residential. Parking requirements for residential uses shall comply with those standards set forth in the Residential Site Improvement Standards (RSIS).

(5) The applicable parking requirements may be reduced if a shared parking analysis demonstrates that a lower number of parking spaces will be sufficient.

G. Maximum Building Height: 42 feet

H. Distance Between Buildings: 30 feet

I. Signage.

(1) Freestanding signs

(a) One (1) freestanding sign for the development shall be permitted at each vehicular entrance to the development, provided that there shall be no more than three (3) such signs.

(b) The area of each sign shall not exceed fifty (50) square feet.

(c) The height of each sign shall not exceed six (6) feet.

(d) All signs shall be set back at least ten (10) feet from any street right-of-way, and shall not impact any line of sights.

(e) The sign shall be an identification sign only, limited to the name and address of the development on-site.

(f) The design of the freestanding signs shall be complementary to the architectural design of the buildings located on site, and shall be subject to the review and approval of the Planning Board.

(2) Attached Signs.

(a) The area of any single sign shall not exceed ten percent (10%) of the area of the exterior wall of the tenant space to which it is attached, or one (1) square foot for each linear foot of building occupied by the tenant using the sign, whichever results in the smaller sign.

(b) Attached signs shall be placed parallel to the face of the building, and shall not extend further than twelve (12) inches from the face of the building.

(c) No attached signs shall be placed above the ground floor on any building with more than one (1) story.

(d) There shall be no more than one (1) attached sign for each separate tenant of the premises. Where a building is served with a rear entrance opening on a parking area as approved by the Planning Board, each tenant in the building is permitted a second sign facing the rear parking area. The second sign shall not have an area exceeding one third (1/3) the maximum area permitted for the first sign as regulated in paragraph 2.(a) above

(e) The length of any sign shall not exceed fifty (50%) of the length of the façade occupied by the tenant using the sign, up to a maximum length of twenty-five (25) feet.

(f) Where a row of storefronts exists in one building, all signs shall be of common design and similar appearance.

(3) All signs shall require Planning Board approval.

(4) No outdoor flashing or lighted signs or signs with moving parts will be permitted except by special permission of the Planning Board. In no case shall these signs be operated between 12:00 midnight and 6:00 a.m.

Section 207-120. Site Design and Performance Standards.

A. Building Design

(1) Mixed use buildings shall be designed and incorporated in an integrated and coordinated manner with regard to building and façade design.

(2) Jogs of a minimum of four feet to create visual breaks on the exterior of a building are required.

(3) Angled walls, varied widths or enlarged foyer or atrium areas are encouraged.

(4) Open balconies and decks are encouraged.

(5) Distance window wall to window wall that are parallel in the same building: 65 feet.

(6) Temporary solid waste and recycling storage shall be provided on each floor of residential use.

(7) Storage areas shall be provided on each residential floor for residential units.

(8) Entrances for residential uses shall be distinct and separate from those entrances for nonresidential uses.

B. Sidewalks. Sidewalks between parking areas and principle structures, along aisles and driveways and wherever pedestrian traffic shall occur shall be provided with a minimum width of four (4) feet of passable area and raised six (6) inches or more above the parking area, except when crossing streets or driveways. All sidewalks and curbing shall be in compliance with the applicable provisions of the Americans with Disabilities Act.

C. Landscaping

(1) Landscaping shall be provided as an integrated element of site plan design. It shall be provided in public areas adjacent to building, in parking and loading areas, and around the perimeter of the site.

(2) Landscaping shall be designed so as to promote a desirable visual element, to accentuate building design, define entrance ways, screen parking and loading areas, mitigate adverse visual impacts, provide windbreaks for winter winds, and provide summer cooling for the development.

(3) Planting and other landscaping material shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contract through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered. Consideration shall also be given to accenting site entrances and unique areas with special landscaping treatment.

(4) Landscaping shall include plant materials such as trees, shrubs, ground cover, perennials, annuals, and other materials such as rocks, water, berms, wall fences, and paving materials.

(5) The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment as well as reduce the use of pesticides and irrigation.

(6) Design of buffers. The following parameters are established for buffers:

(a) Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Potential arrangements include planting in parallel, serpentine, or broken rows.

(b) If planted berms are used, the maximum side slope shall be 2:1.

(c) Existing vegetation within the perimeter buffer shall be preserved, as determined appropriate to the extent practical. It shall be supplemented with shade-tolerant naturalistic massed plantings where necessary to complete screening where deemed appropriate.

(d) Plant materials shall be sufficiently large and planted in such a fashion to screen parking, refuse, and loading areas.

(e) Such strips shall be planted with evergreens and deciduous plant material as deemed appropriate by the reviewing Board.

(f) All proposed deciduous trees in a perimeter buffer shall be of a two-and-one-half to three-inch caliper, measured six inches from grade.

D. Trash enclosures. Trash and garbage collection areas shall be fully screened. Enclosures shall be constructed of materials that complement the architectural style, type, and design of the buildings and the overall project design.

E. Loading and unloading areas. Loading and unloading areas shall be fully screened. Screening materials shall complement the architectural style, type, and design of the buildings and the overall project design. Loading areas shall not be located in any front yard.

F. Outdoor lighting.

(1) Site lighting shall be provided in all areas of the AH-2 Zone which are accessible to the public as follows:

(a) Average Maintained Footcandles for Parking Lots and Access Drives: 0.4 to 1.0

(b) Average Maintained Footcandles for Pedestrian ways and Sidewalks: 0.5

(2) All lighting from fixtures shall be shielded and cut off at property lines adjoining residential zones. All sky-glow effects shall be prohibited. The maximum permissible luminary mounting height shall not exceed 15 feet above ground level.

(3) The use of creative lighting to highlight building facades and related areas of a site shall be encouraged. Exterior neon lights and lighting generating glare shall be prohibited.

(4) Wherever possible, light poles should be integrated into landscaped islands.

(5) Lighting fixtures shall employ energy efficient LED or similar luminaires into the proposed light standards for the development.

Section 207-121. Affordable Housing.

A. A minimum of twenty percent (20%) of all units shall be set-aside for very-low, low-, and moderate-income housing.

B. All affordable units are to be constructed on-site.

C. All very-low, low- and moderate-income housing units shall be in conformance with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable regulations of the New Jersey Council on Affordable Housing ("COAH"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC").

D. Bedroom distribution of very-low, low- and moderate-income housing units. The bedroom distribution of very-low, low- and moderate-income units for affordable units constructed in the AH-2 Overlay Zone shall be as follows:

(1) No more than twenty percent (20%) of the very-low, low-, and moderate-income units shall be one-bedroom units.

(2) At least twenty percent (20%) of the very-low, low-, and moderate-income units shall be three-bedroom units.

(3) At least thirty percent (30%) of the very-low, low-, and moderate-income units shall be two-bedroom units.

E. Very-low, Low- and moderate-income unit split. At least 50% of the affordable units will be available to very low income and low-income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low income households, defined as households earning 30% or less of the regional median income by household size.

F. Procedures regarding affirmative marketing of very-low, low- and moderate-income units and other requirements of inclusionary development units are subject to and determined by UHAC and COAH rules or other rules determined appropriate by the court.

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

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

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

ATTEST:

BOROUGH OF KINNELON

_____
Karen M. Iuele, RMC, Borough Clerk

_____
Robert W. Collins, Mayor

CERTIFICATION

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

_____
Karen M. Iuele, RMC, Borough Clerk

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

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 21, 2018 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 19, 2018 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

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

Councilman G. Sisco offered a motion to publish the foregoing resolution. This was second by Councilman W. Yago.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

<u>Ordinance 08-18</u>

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

AN ORDINANCE AMENDING CHAPTER 207, ZONING, OF THE CODE OF THE BOROUGH OF KINNELON, BY THE ADDITION OF ARTICLE XVIII, ENTITLED "ACCESSORY APARTMENTS"

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

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June 21, 2018

KLG (KN-2074)
Accessory Apartment Ordinance
061118

ORDINANCE NO. 0-818 **AN ORDINANCE AMENDING CHAPTER 207, ZONING, OF THE CODE OF THE BOROUGH OF KINNELON, BY THE ADDITION OF ARTICLE XVIII, ENTITLED "ACCESSORY APARTMENTS"**

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in 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). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Kinnelon ("Borough"), to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSPs") as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, on June 25, 2015, the Borough filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

WHEREAS, the Borough negotiated and executed a Settlement Agreement with the Fair Share Housing Center ("FSHC") which included agreement on the extent of the Borough's affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation; and

WHEREAS, the New Jersey Superior Court entered a Judgment of Compliance and Repose on March 9, 2018 that granted the Borough immunity and repose from any and all Mount Laurel lawsuits through July 1, 2025, subject to the satisfaction of certain Compliance Conditions and Requirements including the adoption of a 10 unit accessory apartment ordinance; and

WHEREAS, the Borough of Kinnelon desires to amend and supplement Chapter 207, Zoning, of the Code of the Borough of Kinnelon by the addition of Article XVIII, entitled "Accessory Apartments".

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

SECTION ONE. Chapter 207, Zoning, of the Code of the Borough of Kinnelon is hereby amended and supplemented by the addition of the following:

Article XVIII: Accessory Apartments

§ 207-108 Requirements. All accessory apartments shall meet the following conditions:

A. Provided the units are affordable to low- and moderate-income households, accessory apartments shall be permitted in all Residential and Commercial Zones provided the accessory apartment is located on a property with a residential and/or commercial use and further provided that the property is not used for any industrial purpose. Accessory apartments may be developed as low-income or moderate-income units (accessory apartments may be limited to only low- or only moderate-income units as determined in the Fair Share Plan).

B. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.

C. At the time of initial occupancy of the unit and for at least ten (10) years thereafter, the accessory apartment shall be rented only to a household which is either a very-low, low- or moderate-income household.

D. Rents of accessory apartments shall be affordable to very-low, low- or moderate-income households as per the FHA and COAH and UHAC regulations.

E. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment. The deed or declarations shall be reviewed and approved by the Borough Attorney prior to recording; and such document must be recorded prior to the issuance of a building permit or if no building permit needs to be issued prior to the issuance of the Certificate of Occupancy.

F. The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.

G. The Borough of Kinnelon Accessory Apartment Program shall not restrict the number of bedrooms in any accessory apartment.

H. No accessory apartment created as a result of this section or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.

§ 207-109 Credits. The maximum number of creditable accessory apartments shall be equal to no more than ten (10) or an amount equal to ten (10%) percent of the Borough of Kinnelon's fair share obligation, whichever is greater (additional units may be approved by the State or the Courts if the municipality has demonstrated successful completion of its accessory apartment program.).

§ 207-110 Administration. The Borough of Kinnelon shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:

A. The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with the UHAC.

B. The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements and/or the provisions of this section/article. All denials shall be in writing with the reasons clearly stated.

C. In accordance with COAH requirements, the Borough of Kinnelon shall provide at least ten thousand ($10,000.00) dollars per unit to subsidize the creation of each low- income or moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.

§ 207-111 Applications. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:

A. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;

B. Rough elevations showing the modifications of any exterior building facade to which changes are proposed; and

C. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any manmade conditions which might affect construction.

D. Applicants shall provide septic and well details to support their application.

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

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

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

ATTEST: BOROUGH OF KINNELON

_____ _____

Karen M. Iuele, RMC, Borough Clerk Robert W. Collins, Mayor

CERTIFICATION

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

_____

Karen M. Iuele, RMC, Borough Clerk

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

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 21, 2018 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 19, 2018 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

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

Councilman G. Sisco offered a motion to publish the foregoing resolution. This was second by Councilman W. Yago.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

<u>Ordinance 09-18</u>

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

AN ORDINANCE AMENDING CHAPTER 207, ZONING,
OF THE CODE OF THE BORUGH OF KINNELON,
BY THE ADDITION OF ARTICLE XIX ENTITLED
"MANDATORY AFFORDABLE HOUSING SET-ASIDE"

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

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June 21, 2013

KLG (KN-2074)
Mandatory Set Aside Ordinance
061218

ORDINANCE NO. 09-18 AN ORDINANCE AMENDING CHAPTER 207, ZONING, OF THE CODE OF THE BOROUGH OF KINNELON, BY THE ADDITION OF ARTICLE XIX ENTITLED "MANDATORY AFFORDABLE HOUSING SET-ASIDE"

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in 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). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Kinnelon ("Borough"), to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSPs") as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, on June 25, 2015, the Borough filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

WHEREAS, the Borough negotiated and executed a Settlement Agreement with the Fair Share Housing Center ("FSHC") which included agreement on the extent of the Borough's affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation; and

WHEREAS, the New Jersey Superior Court entered a Judgment of Compliance and Repose on March 9, 2018 that granted the Borough immunity and repose from any and all Mount Laurel lawsuits through July 1, 2025, subject to the satisfaction of certain Compliance Conditions and Requirements including the adoption of a mandatory set-aside ordinance that requires that all new multi-family residential development of 5 or more units that becomes permissible through a use variance, density variance, rezoning or redevelopment plan provide a 20 percent affordable housing set-aside; and

WHEREAS, the Borough of Kinnelon desires to amend and supplement Chapter 207, Zoning, of the Code of the Borough of Kinnelon by the addition of Article XIX entitled "Mandatory Affordable Housing Set-Aside".

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

SECTION ONE. Chapter 207, Zoning, of the Code of the Borough of Kinnelon is hereby amended and supplemented with by the addition of the following:

Article XIX: Mandatory Affordable Housing Set-Aside

Section 207-112. Purpose

A. Except as otherwise regulated in this chapter, any development application proposing five (5) or more new dwelling units shall be required to set aside twenty percent (20%) of said lots or units for affordable housing.

B. This requirement shall apply for all new multi-family residential development of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or new redevelopment plan, and subject to any and all applicable regulations set forth by the Highlands Council.

C. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Borough of Kinnelon to grant such rezoning, variance or other relief. A property shall

not be permitted to be subdivided so as to avoid compliance with this requirement.

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

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

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

ATTEST: BOROUGH OF KINNELON

_____ _____

Karen M. Iuele, RMC, Borough Clerk Robert W. Collins, Mayor

CERTIFICATION

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

_____

Karen M. Iuele, RMC, Borough Clerk

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

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 21, 2018 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 19, 2018 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

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

Councilman G. Sisco offered a motion to publish the foregoing resolution. This was second by Councilman W. Yago.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

<u>Ordinance 10-18</u>

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

AN ORDINANCE AMENDING CHAPTER 207, ZONING, OF THE CODE OF THE BORUGH OF KINNELON, TO DELETE ARTICE XIII, ENTITLED "CONTROLS ON AFFORDABILITY", AND TO ADD ARTICLE XXI, ENTITLED "AFFORDABLE HOUSING ORDINANCE"

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

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June 21, 2018

KLG (KN-2074)
Affordable Housing Ordinance 1
061218

ORDINANCE NO. 10-18 AN ORDINANCE AMENDING CHAPTER 207, ZONING, OF THE CODE OF THE BOROUGH OF KINNELON, TO DELETE ARTICLE XIII, ENTITLED "CONTROLS ON AFFORDABILITY", AND TO ADD ARTICLE XXI, ENTITLED "AFFORDABLE HOUSING ORDINANCE"

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in 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). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Kinnelon ("Borough"), to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSPs") as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, on June 25, 2015, the Borough filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

WHEREAS, the Borough negotiated and executed a Settlement Agreement with the Fair Share Housing Center ("FSHC") which included agreement on the extent of the Borough's affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation; and

WHEREAS, the New Jersey Superior Court entered a Judgment of Compliance and Repose on March 9, 2018 that granted the Borough immunity and repose from any and all Mount Laurel lawsuits through July 1, 2025, subject to the satisfaction of certain Compliance Conditions and Requirements including the adoption of an affordable housing ordinance to ensure that the affordable housing units in the Borough comply with the Fair Housing Act and the Uniform Controls on Affordability; and

WHEREAS, Article XIII, entitled "Controls on Affordability", of Chapter 207, Zoning, of the Code of the Borough of Kinnelon is outdated and no longer reflects the current statutes and regulations governing affordable housing units; and

WHEREAS, the Borough of Kinnelon desires to amend Chapter 207, Zoning, of the Code of the Borough of Kinnelon, to delete Article XIII, entitled "Controls on Affordability", and to add Article XXI, entitled "Affordable Housing Ordinance".

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

SECTION ONE. Article XIII, Controls on Affordability, of Chapter 207, Zoning, of the Code of the Borough of Kinnelon is hereby deleted in its entirety.

SECTION TWO. Chapter 207, Zoning, of the Code of the Borough of Kinnelon is hereby amended and supplemented by the addition of the following:

Article XXI Affordable Housing Ordinance

Section 207-122. Purpose.

The purpose of this ordinance is to provide for and regulate affordable housing in the Borough.

Section 207-123. Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)
"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

"Affordability average" means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable housing development" means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's affordable housing obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

"Affordable housing program(s)" means any mechanism in a municipal Housing Element and Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

"Age-restricted unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.
"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

"Assisted living residence" means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

"Certified household" means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

"COAH" means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

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

"Deficient housing unit" means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

"Developer" means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

"Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

"Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

"Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

"Moderate-income household" means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

"Restricted unit" means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26-1, et seq.

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

"Very low-income unit" means a restricted unit that is affordable to a very low-income household.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

Section 207-124. Applicability

a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Kinnelon pursuant to the Borough's 2018 Third Round Housing Element and Fair Share Plan.

b. Moreover, the provisions of this Ordinance shall apply to all developments that contain very low-, low-, and moderate-income housing units, including any currently unanticipated future developments that will provide very low-, low- and moderate-income housing units, and also including projects that may be funded with Low Income Housing Tax Credit financing, which shall comply with the income and bedroom distribution requirements of this Ordinance.

c. Mandatory Set-Aside

1. Except as otherwise regulated in this chapter, any development application proposing five (5) or more new dwelling units shall be required to set aside twenty percent (20%) of said lots or units for affordable housing.

2. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Borough of Kinnelon to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Ordinance.

3. This provision does not affect residential development on sites that are zoned for inclusionary residential development as part of the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.

4. The set-aside provisions of this Ordinance do not affect the residential developments on sites that are zoned for inclusionary development as part of the Borough's HEFSP, including the zoning established in Section 54-30.33 regarding the RMF-8A Multi-Family Residential District, which are subject to the requirements set forth in the applicable zoning.

Section 207-125. Alternative Living Arrangements

a. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

1. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

b. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

c. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

Section 207-126. Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	*Minimum Percentage of Very Low-, Low-, and Moderate-Income Units Completed*
25	0
25 + 1 unit	10
50	50
75	75
90	100

Section 207-127. New Construction

a. Low/moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between very low-, low-, or moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low-income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low-income units shall be counted as part of the required number of low income units within the development.

2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.

3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

   (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total very low-, low-, or moderate-income units;

   (b) At least 30 percent of all very low-, low-, or moderate-income units shall be two bedroom units;

   (c) At least 20 percent of all very low-, low- or moderate-income units shall be three bedroom units; and

   (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted very low-, low-, or moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

b. Accessibility Requirements

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

   (a) An adaptable toilet and bathing facility on the first floor; and

   (b) An adaptable kitchen on the first floor; and

   (c) An interior accessible route of travel on the first floor; and

   (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

   (e) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied,

then an interior accessible route of travel shall not be required between stories within an individual unit; and

(f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7.

(g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

c. Design

1. In inclusionary developments, to the extent possible, very low-, low-, or moderate-income units shall be integrated with the market units.

2. In inclusionary developments, very low-, low-, or moderate-income units shall have access to all of the same common elements and facilities as the market units.

d. Maximum Rents and Sales Prices

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.

2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income, with such very low income units counted toward the low income housing requirement.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership

units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

   (a) A studio shall be affordable to a one-person household;

   (b) A one-bedroom unit shall be affordable to a one and one-half person household;

   (c) A two-bedroom unit shall be affordable to a three-person household;

   (d) A three-bedroom unit shall be affordable to a four and one-half person household; and

   (e) A four-bedroom unit shall be affordable to a six-person household.

6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

   (a) A studio shall be affordable to a one-person household;

   (b) A one-bedroom unit shall be affordable to a one and one-half person household; and

   (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined

under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

10. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

Section 207-128. Utilities

a. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

b. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

Section 207-129. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

a. Provide an occupant for each bedroom;

b. Provide children of different sexes with separate bedrooms;

c. Provide separate bedrooms for parents and children; and

d. Prevent more than two persons from occupying a single bedroom.

Section 207-130. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the Borough of Kinnelon takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

c. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

d. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

e. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

f. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 207-131. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

c. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

d. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

Section 207-132. Buyer Income Eligibility

a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

b. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

c. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

d. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household

or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 207-133. Limitations on Indebtedness Secured by Ownership Unit; Subordination

a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness

b. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

Section 207-134. Capital Improvements to Ownership Units

a. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

b. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of

selling and receiving property has taken place at the time of or as a condition of resale.

Section 207-135. Control Periods for Restricted Rental Units

a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Kinnelon takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

b. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Morris. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

c. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

    1. Sublease or assignment of the lease of the unit;

    2. Sale or other voluntary transfer of the ownership of the unit; or

    3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

Section 207-136. Rent Restrictions for Rental Units; Leases

a. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

b. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

c. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

d. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

Section 207-137. Tenant Income Eligibility

a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

   1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.

   2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.

   3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.

b. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

   1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

   2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

   3. The household is currently in substandard or overcrowded living conditions;

4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

c. The applicant shall file documentation sufficient to establish the existence of the circumstances in a.1. through b.5. above with the Administrative Agent, who shall counsel the household on budgeting.

Section 207-138. Administrative Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

a. Affirmative Marketing:

1. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Kinnelon and the provisions of N.J.A.C. 5:80-26.15; and

2. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

b. Household Certification:

1. Soliciting, scheduling, conducting and following up on interviews with interested households;

2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;

6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Kinnelon when referring households for certification to affordable units; and

7. Notifying the following entities of the availability of affordable housing units in the Borough of Kinnelon: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Morris County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association.

c. Affordability Controls:

1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Morris County Register of Deeds or Morris County Clerk's office after the termination of the affordability controls for each restricted unit;

4. Communicating with lenders regarding foreclosures; and

5. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

d. Resales and Re-rentals:

1. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and

2. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

e. Processing Requests from Unit Owners:

1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

3. Notifying the municipality of an owner's intent to sell a restricted unit; and

4. Making determinations on requests by owners of restricted units for hardship waivers.

f. Enforcement:

1. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

3. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

5. Establishing a program for diverting unlawful rent payments; and

6. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

g. Additional Responsibilities:

1. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

2. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

3. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Section 207-139. Affirmative Marketing Requirements

a. The Borough of Kinnelon shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

b. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction.

c. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 2, comprised of Morris, Essex, Union and Warren Counties.

d. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough of Kinnelon shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

e. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

f. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

g. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

h. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

i. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Kinnelon, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Morris County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association.

j. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

Section 207-140. Enforcement of Affordable Housing Regulations

a. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

b. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

   (a) A fine of not more than $500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

   (b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment to the Borough of the gross amount of rent illegally collected;

   (c) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

2. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

(a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the very low-, low- or moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

(b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the very low-, low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

(c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the very low-, low- or moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. An Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the very low-, low- or moderate-income unit by satisfying the First Purchase Money

Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the very low-, low- or moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

(e) Failure of the very low-, low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the very low-, low- or moderate income unit as permitted by the regulations governing affordable housing units.

(f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 207-141. Appeals

Appeals from all decisions of an Administrative Agent pursuant to this Ordinance shall be filed in writing with the Court.

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

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

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

ATTEST:

BOROUGH OF KINNELON

_____
Karen M. Iuele, RMC, Borough Clerk

_____
Robert W. Collins, Mayor

CERTIFICATION

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

_____
Karen M. Iuele, RMC, Borough Clerk

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

Roll Call: W. Yago, Yes; V. Russo, Yes; R. Charles, Yes; G. Sisco, Yes; J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 21, 2018 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 19, 2018 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

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

Councilman G. Sisco offered a motion to publish the foregoing resolution. This was second by Councilman W. Yago.

Roll Call: W. Yago, Yes; V. Russo, Yes; R. Charles, Yes; G. Sisco, Yes; J. Lorkowski, Yes.

Ordinance 11-18

Councilman V. Russo introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman R. Charles.

AN ORDINANCE AMENDING THE PEDDLERS AND SOLICITORS ORDINANCE AT SUBSECTION 151-9 (A) OF THE CODE OF THE BOROUGH OF KINNELON

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

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June 21, 2018

Keli (KN-MISC.OUT)
Peddlers and Solicitors Ordinance
061318

ORDINANCE NO. 11-18

AN ORDINANCE AMENDING THE PEDDLERS AND SOLICITORS ORDINANCE AT SUBSECTION 151-9 (A) OF THE CODE OF THE BOROUGH OF KINNELON

WHEREAS, pursuant to N.J.S.A. 40:48-1 et. seq., N.J.S.A. 40:52-1; and N.J.S.A. 45:24-1 et. seq. the governing body of a municipality may make, amend, repeal, and enforce ordinances to regulate the conduct of peddlers and solicitors; and

WHEREAS, Borough of Kinnelon desires to amend Subsection 151-9(A) of the "Peddlers and Solicitors" Ordinance in order to amend the time periods within which conduct is permitted therein so as to be consistent with curfews addressed in New Jersey Citizen Action v. Edison Township, 797 F.2d 1250 (3rd Cir. 1986).

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

SECTION ONE. Section 151 "CONDUCT OF PERMITTEE" at Subsection "A" shall be amended such that "5:00 p.m." shall be amended to "9:00 p.m." such that subsection "A", which establishes prohibited conduct, as amended shall read as follows:

A. Solicit, canvass, hawk or peddle before 9:00 a.m. or after 9:00 p.m. on Monday through Saturday or at any time on Sunday. However, ice cream vendors shall be permitted to sell on Borough streets during permitted hours on Sunday, but shall not be permitted to solicit from door to door on that day; and

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

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

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

ATTEST:

BOROUGH OF KINNELON

_____
Karen M. Iuele, RMC, Borough Clerk

_____
Robert W. Collins, Mayor

CERTIFICATION

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

_____
Karen M. Iuele, RMC, Borough Clerk

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

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 21, 2018 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 19, 2018 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

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

Councilman V. Russo offered a motion to publish the foregoing resolution. This was second by Councilman R. Charles.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

TAX COLLECTOR'S REPORT

During the month of May, the Tax Collector's Report indicated we collected $3,471,733.50 in taxes.

INVESTMENT OFFICER'S REPORT

A total of $15,120.02 was collected in interest for the month May 2018.

DISTRICT SCHOOL

On motion of Councilman V. Russo and seconded by Councilman R. Charles, followed by the "yes" roll call vote of all Council Members present the payment of $3,126,301.25 to the District School when funds become available was approved for payment.

Roll Call:	W. Yago, Yes;	V. Russo, Yes;
		R. Charles, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

APPOINTMENTS:

Upon motion of Councilman G. Sisco, and seconded by Councilman V. Russo, followed by the "yes" roll call vote of all Council Members present, the appointment of Johanna K. Bender and Susan Govlick to the Board of Health was approved.

Upon motion of Councilman G. Sisco, and seconded by Councilman V. Russo, followed by the "yes" roll call vote of all Council Members present, the appointment of Anne Hermanowski and Joyce Horton to the Library Board of Trustees was approved.

Upon motion of Councilman G. Sisco, and seconded by Councilman V. Russo, followed by the "yes" roll call vote of all Council Members present, the reappointment of Robert J. Edgar, Assessor/Appraiser was approved.

ADJOURNMENT

This meeting adjourned at approximately 9:00 p.m. on motion by Councilman G. Sisco, with the unanimous affirmative voice vote of all present.

Respectfully submitted,

Karen M. Iuele, RMC
Borough Clerk

Robert W. Collins, Mayor

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