

June 16, 2016

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, June 16, 2016 in the Kinnelon Municipal Building.

There was a Salute to the Flag, after which the Deputy Borough Clerk Karen Iuele stated this meeting is being held pursuant to the New Jersey Open Public Meeting Act. Adequate notice of this meeting was given by advertising in the January 10, 2016 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 Deputy Borough Clerk and provided to those persons or entities requesting notification.

ROLL CALL:

The roll was called and present and answering were Councilpersons Carol Sventy, William Neely, Adam Barish, William Yago and James Freda. Absent was Councilman Clifford Giantonio.

TREASURER'S REPORT

The Treasurer's Report for June 16, 2016, indicated we started out with cash on hand as of April 30, 2016, in the amount of \$958,016.09. Receipts for the month of May 2016 totaled \$10,021,087.66 with disbursements amounting to \$5,008,324.98. The balance on hand as of May 31, 2016 was \$5,970,778.77.

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

Roll Call:	A. Barish, Yes;
C. Sventy, Yes;	W. Yago, Yes;
W. Neely, Yes;	J. Freda, Yes.

MAYOR'S REPORT:

Mayor Robert Collins spoke on the Memorial Day service and how it made the community proud. Koran War Veteran, Glenn Sisco, had a few words to say to the public. The Field of Honor was well received with 150 flags. The Kinnelon Community Center is moving forward.

Mayor Collins also mentioned that the Kinnelon High School graduation will be held next Wednesday. The Kinnelon Assistant Fire Chief, Kevin Lowery spoke at the workshop and stated that the stand pipes for water are over grown with vegetation and need to be cleared as a matter of public safety, and asked if DPW could attend to this. Kinnelon has received a grant of \$10,000 for our community garden, and we'll be looking for a place in Kinnelon for the garden. K-Fest is moving along and we will be hiring an outside company to help Kinnelon with this event.

Mayor Collins also mentioned that at the November Election there will be a question on the ballot asking residents if they will or will not approve bonding for an artificial turf, this will be a Non-Binding Referendum.

Mayor Collins wished everyone a Happy Father's Day.

UTILITIES

Chairman Clifford Giantonio; in the absence of Councilman Giantonio, there was not report on utilities.

COORDINATING & OPEN SPACE

Chairwoman Carol Sventy reported on the Board of Education with an email alert linked to information available to help parents speak to and answer questions that children may have in regards to the recent Orlando shooting.

Board of Health had their Poison Prevention Awards ceremony on June 8th. Information was displayed and handouts were placed in the Library with information on the Zika Virus.

Environmental Commission shared the Sustainable Energy Program with the Finance Chair and Public Works for their review & comments regarding an energy audit. Historical Commission had their Annual Museum Garage sale and that it was a great success.

Kamelot has funded programs: Safety Bug, Project Graduation and Junior Police Academy.

The Library Board of Trustees: programs continue to flourish, with one of their largest being the Summer Reading Program. Friends of the Library will be holding their annual books sale in August.

Lastly Sustainable Kinnelon Green Team continues to collect points for the Borough's Bronze Certification.

PUBLIC WORKS

Chairman William Neely stated that the DPW Garage completed the project punch list. The heaters are now installed correctly. Paving will begin in front of the garage doors. Contract negotiations will begin next week. The Animal Shelter will be meeting to discuss the revising of the scope of work necessary to update this facility.

FINANCE, PUBLIC SAFETY & TECHNOLOGY

Councilman A. Barish, reported on the 2015 Audit and that it is nearly completed. Kinnelon Police Department negotiations are ongoing. The Kinnelon JIF coverage is on the consent agenda for consideration.

Technology, the Council minutes are up to date on the website, and bid specifications for document scanning will be on the agenda for next month.

ORDINANCE & PERSONNEL

Chairman William Yago spoke about the sign ordinance and said that it has been returned to the Mayor and Council for review. He also spoke about the Abandoned Property ordinance and the excess amount of foreclosures in Kinnelon. Councilman Yago applauded the mayor for the Memorial Day service in town stating that it was very successful.

RECREATION

Chairman James Freda stated that the Kinnelon Recreation sports were in full swing. Summer camp is just around the corner. Councilman Freda spoke on the ditch around the borough field behind the Kinnelon Municipal building has a lot of growth and needs to be removed in order for the fields to drain properly and that we need to find a solution for this ongoing situation.

HEARING FROM THE PUBLIC

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

Range of Checking Accts: GENERAL to PLANNING 2 Range of Check Dates: 05/21/16 to 12/31/16
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 Payab			
15363	06/01/16	TRE04 TREASURER, STATE OF NEW JERSEY	135.00		4637
15364	06/08/16	PRO03 PROJECT GRADUATION- KHS	2,000.00		4638
15365	06/16/16	AC A.C. DAUGHTRY INC.	30.75		4639
15366	06/16/16	ACC07 ACCURATE WASTE SYSTEMS, INC	875.00		4639
15367	06/16/16	ACT04 ACTION DATA SERVICES	5,661.77		4639
15368	06/16/16	AFF02 AFFILIATED TECHNOLOGY	2,095.34		4639
15369	06/16/16	ALL12 ALL TRAFFIC SOLUTIONS	1,500.00		4639
15370	06/16/16	ALL17 ALL PURPOSE ELECTRIC	100.00		4639
15371	06/16/16	AMS01 AMSTERDAM PRINTING	40.72		4639
15372	06/16/16	ANE02 ANELLO FENCE, LLC	3,240.00		4639
15373	06/16/16	BOR BOROUGH OF BUTLER	31,000.00		4639
15374	06/16/16	BOR01 BOROUGH OF BUTLER ELECTRIC	6,649.17		4639
15375	06/16/16	BOR02 BOROUGH OF KINNELON	480.00		4639
15376	06/16/16	BOR11 BOROUGH OF BLOOMINGDALE	56,061.65		4639
15377	06/16/16	BRA05 Braen Supply, Inc	245.96		4639
15378	06/16/16	BUL02 BULB DEPOT	702.40		4639
15379	06/16/16	BUS01 BUSINESS GRAPHICS	616.00		4639
15380	06/16/16	CAB01 CABLEVISION	1,005.65		4639
15381	06/16/16	CAM05 CAMPBELL FOUNDRY COMPANY	2,007.00		4639
15382	06/16/16	CDC01 C & D COMPUTER SUPPLIERS, INC	45.56		4639
15383	06/16/16	CER01 CERTIFIED SPEEDOMETER SERVICE	264.50		4639
15384	06/16/16	COO03 COOPERATIVE COMMUNICATIONS INC	1,538.07		4639
15385	06/16/16	DAI02 DAILY RECORD - LEGAL AD	93.96		4639
15386	06/16/16	DAN08 DANA M D'ANGELO	750.00		4639
15387	06/16/16	DAR01 DARMOFALSKI ENGINEERING ASSOC.	500.00		4639
15388	06/16/16	DAV04 DAVID WEBER OIL	516.80		4639
15389	06/16/16	DEB03 DE BLOCK ENVIRONMENTAL SERVICE	8,579.16		4639
15390	06/16/16	DEL08 DELTA DENTAL OF NEW JERSEY INC	5,396.80		4639
15391	06/16/16	DEL16 DE LAGE LANDEN	196.61		4639
15392	06/16/16	DOR06 Dorsey & Semrau, LLC	2,325.00		4639
15393	06/16/16	DOW05 DOWNTOWN AIRPORT, INC	85,559.80		4639
15394	06/16/16	EDM01 EDMUNDS AND ASSOCIATES	350.00		4639
15395	06/16/16	ELE03 ELECTRO BATTERY SYSTEMS INC.	77.52		4639
15396	06/16/16	FAV01 RALPH M. FAVA, ATTORNEY AT LAW	4,000.00		4639
15397	06/16/16	GAR09 GARDEN STATE HARLEY DAVIDSON	75.10		4639
15398	06/16/16	GAY01 GAYLORD BROS.	121.71		4639
15399	06/16/16	GEN03 GENERAL CODE PUBLISHERS CORP.	578.97		4639
15400	06/16/16	GIL03 GILBY'S SCREEN PRINTING	934.00		4639
15401	06/16/16	GOF01 GOFFCO INDUSTRIES INC.	260.00		4639
15402	06/16/16	GRA02 GRAMCO	2,797.70		4639
15403	06/16/16	GRA15 GRASS ROOTS TURF PRODUCTS	308.00		4639
15404	06/16/16	GRI02 GRIFFIN AUTO-MANUAL SALES INC.	618.00		4639
15405	06/16/16	HOM02 HOME DEPOT CREDIT SERVICE	603.37		4639
15406	06/16/16	HOR04 Horizon Office Equipment	672.25		4639
15407	06/16/16	JCP01 JCP & L	22.01		4639
15408	06/16/16	JER03 JERSEY PAPER PLUS	87.00		4639
15409	06/16/16	JIM01 JIMMY THE SHOE DOCTOR	349.99		4639
15410	06/16/16	KAM02 K.A.M.E.L.O.T	2,000.00		4639
15411	06/16/16	KIN05 KINNELON PUBLIC LIBRARY	44,686.50		4639

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
GENERAL		General Account Account Payab	Continued	
15412	06/16/16	KIN08 KINNELON VOLUNTEER FIRE CO.	6,000.00	4639
15413	06/16/16	KIN09 KINNELON BOARD OF EDUCATION	2,959,450.87	4639
15414	06/16/16	KIN27 KINNELON SOFTBALL	137.25	4639
15415	06/16/16	LAK02 LAKELAND BANK	3,168.86	4639
15416	06/16/16	LAN06 LANGUAGE LINE SERVICES	15.36	4639
15417	06/16/16	LAW01 LAWMEN SUPPLY COMPANY	2,178.00	4639
15418	06/16/16	LIQ01 LIQUID ENGINEERING CORP.	2,350.00	4639
15419	06/16/16	LOE01 LOEFFELS WASTE OIL SERVICE	75.00	4639
15420	06/16/16	LOW04 KELLY LOMBARDI	109.26	4639
15421	06/16/16	MGL01 M.G.L. FORMS SYSTEM	1,793.50	4639
15422	06/16/16	MIC02 MICRO SYSTEMS-NJ	3,668.54	4639
15423	06/16/16	MOB01 L-3 COM MOBILE VISION INC	9,328.72	4639
15424	06/16/16	MOD03 MODERN HANDLING EQUIP. NJ	154.16	4639
15425	06/16/16	MOR03 MORRIS CO. ASSESSOR'S ASSN.	245.00	4639
15426	06/16/16	MOR07 MORRIS COUNTY DETECTIVE ASSOC.	100.00	4639
15427	06/16/16	MOR21 MORRIS COUNTY M.U.A.	29,580.40	4639
15428	06/16/16	MOR22 MORRIS CTY LEAGUE MUNICIPALITY	50.00	4639
15429	06/16/16	MOR60 MORTON SALT, INC	6,000.00	4639
15430	06/16/16	MUS02 MUSICAL IQ LLC	760.00	4639
15431	06/16/16	NAP01 P&A Auto Parts	377.54	4639
15432	06/16/16	NAP02 JOSEPH NAPOLETANO	96.33	4639
15433	06/16/16	NES01 NESTLE PURE LIFE DIRECT	362.77	4639
15434	06/16/16	NEW04 NJ ST.LEAGUE OF MUNICIPALITIES	35.00	4639
15435	06/16/16	NEW18 NEW JERSEY STATE LEAGUE OF	140.00	4639
15436	06/16/16	NJD05 NJ DEPARTMENT OF TREASURY	2,000.00	4639
15437	06/16/16	NJD07 NJ DEPT HEALTH & SENIOR SERV	25.20	4639
15438	06/16/16	NOR02 NORTH JERSEY NEWSPAPER	41.52	4639
15439	06/16/16	NOR18 NORTHEAST COMMUNICATIONS, INC.	409.68	4639
15440	06/16/16	NOR20 Northeastern Arborist Supply	129.95	4639
15441	06/16/16	ONE02 One Call Concepts, INC.	67.50	4639
15442	06/16/16	ONE03 ONE SOURCE OF NEW JERSEY LLC	447.45	4639
15443	06/16/16	PIT06 PITNEY BOWES-RESERVE ACCOUNT	2,000.00	4639
15444	06/16/16	POL03 POLLARD WATER COMPANY	380.25	4639
15445	06/16/16	PRB01 P.R.B.R.S.A.	80,691.00	4639
15446	06/16/16	PRI06 PRIME UNIFORM SUPPLY, INC	856.48	4639
15447	06/16/16	PSE01 P.S.E. & G.	661.48	4639
15448	06/16/16	RIV06 Riverdale Environmental	1,600.00	4639
15449	06/16/16	RIZ01 RIZZO'S REPTILE DISCOVERY LLC	625.00	4639
15450	06/16/16	ROD01 THE RODGERS GROUP, LLC.	7,500.00	4639
15451	06/16/16	SCH03 SCHMITZ SAFE & LOCK COMPANY	136.00	4639
15452	06/16/16	SER02 SERVICE SUPPLY LLC	85.00	4639
15453	06/16/16	SHE03 SHERWIN WILLIAMS CO.	1,298.39	4639
15454	06/16/16	SPO05 SPOT-A-WAY	225.00	4639
15455	06/16/16	STA STAPLES ADVANTAGE, DEPT NY	342.00	4639
15456	06/16/16	STA22 STADIUM SYSTEM	945.95	4639
15457	06/16/16	STO01 STORR TRACTOR COMPANY	30.58	4639
15458	06/16/16	SUB03 SUBURBAN DISPOSAL	97,166.66	4639
15459	06/16/16	SUP03 SUPERIOR TREE WIZARDS,LLC	600.00	4639
15460	06/16/16	TIL01 TILCON NY	2,318.23	4639
15461	06/16/16	UNI06 UNIVERSAL UNIFORMS	533.85	4639
15462	06/16/16	USS01 US SPORTS INSTITUTE INC.	2,200.00	4639
15463	06/16/16	VE01 V.E. RALPH	109.81	4639

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GENERAL General Account Account Payab Continued					
15464	06/16/16	VER11 VERIZON WIRELESS - KPD	195.10		4639
15465	06/16/16	VER13 ROBERT A. VERRY	200.00		4639
15466	06/16/16	WAY04 WAYNE ELECTRIC	114.40		4639
15467	06/16/16	WBM01 W.B. MASON COMPANY INC.	41.94		4639
15468	06/16/16	WES01 WEST GROUP PAYMENT CENTER	286.00		4639
15469	06/16/16	ZAP01 ZAPHYR LLC	3,973.00		4639
15470	06/16/16	VER06 VERIZON WIRELESS	265.57		4641
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks: 108	0	3,513,434.34	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 108	0	3,513,434.34	0.00
PLANNING 2 Columbia Bank					
1696	06/16/16	DAR01 DARMOFALSKI ENGINEERING ASSOC.	1,855.00		4640
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks: 1	0	1,855.00	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 1	0	1,855.00	0.00
Report Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks: 109	0	3,515,289.34	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 109	0	3,515,289.34	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND APPROPRIATIONS	6-01	3,302,274.71	0.00	0.00	3,302,274.71
WATER FUND	6-05	9,999.37	0.00	0.00	9,999.37
SEWER FUND	6-07	84,145.16	0.00	0.00	84,145.16
Year Total:		3,396,419.24	0.00	0.00	3,396,419.24
	C-04	10,847.25	0.00	0.00	10,847.25
DOG TAX	D-13	6,313.97	0.00	0.00	6,313.97
STATE AND FEDERAL GRANTS	G-02	86,648.80	0.00	0.00	86,648.80
	I-14	750.00	0.00	0.00	750.00
KAMELOT	K-17	2,000.00	0.00	0.00	2,000.00
RECREATION SPECIAL	R-16	10,205.08	0.00	0.00	10,205.08
	V-27	250.00	0.00	0.00	250.00
Total Of All Funds:		3,513,434.34	0.00	0.00	3,513,434.34

Project Description	Project No.	Project Total
7 Brush Hill/Porada/11407103	11407103	375.00
19 Hill Top	1711	375.00
3 Hemlock Lane	212	250.00
147 KIEL AVE	34168	480.00
49 Rnd Hill wayne Johnson	56402107	125.00
6 DIXON, JEFFERSON, #56403113	56403113	250.00
Total of All Projects:		<u>1,855.00</u>

PROCLAMATION

HONORING JUNE 2016 AS NATIONAL ALZHEIMER'S AND BRAIN
AWARENESS MONTH AND
JUNE 20, 2016 AS THE LONGEST DAY

WHEREAS, Today there are more than 5 million Americans living with Alzheimer's disease, a figure that is expected to grow to as many as 16 million by mid-century if we don't develop a cure or an effective treatment; and

WHEREAS, Researchers are making great progress in developing ways to accurately diagnose and treat Alzheimer's disease, and we need to accelerate the pace of that research if we are going to have a disease-altering treatment in the next 15 years; and

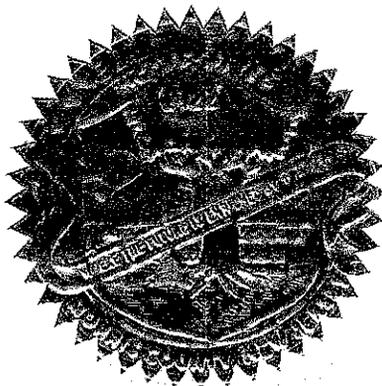
WHEREAS, The Longest Day is a team event to raise funds and awareness for the Alzheimer's Association held annually in June. The duration of sunrise-to-sunset event symbolizes the challenging journey of those living with the disease and their caregivers. Teams are encouraged to create their own experience as they fundraise and participate in an activity they love to honor someone facing the disease; and

WHEREAS, The Alzheimer's Association is marking June as Alzheimer's and Brain Awareness Month and June 20th as the Longest Day, asking residents of Kinnelon to visit actionalz.org to learn more about Alzheimer's and become part of the effort to combat this disease.

NOW, THEREFORE, BE IT RESLOVED, The Mayor and Council of the Borough of Kinnelon, do hereby proclaim June as Alzheimer's and Brain Awareness Month and June 20, 2016 as "The Longest Day" in the Borough of Kinnelon.

Dated: May 19, 2016

Robert W. Collins, Mayor



PROCLAMATION

WHEREAS, Sensei John Porta started training in Martial Arts in 1954 and has devoted his life to its mastery; and

WHEREAS, he has personally taught thousands of men, women and children through local recreation departments, church, scouting and home schooled children's karate programs; and

WHEREAS, established the first Kinnelon Recreation Karate program; and

WHEREAS, Sensei Porta has recently been awarded the rank of 9th degree black belt in Okinawan Goju-Ryu Karate-Do. With advanced master teacher certification by the International Okinawan Goju-Ryu Shobukan Karate-Do Association and the Okinawan Goju-Kai, Okinawa, Japan; and

WHEREAS, inducted into "World Martial Arts Hall of Fame" and listed in "Masters, Leaders and Founders of American Martial Arts" and "Who's Who of Karate; and

WHEREAS, he holds the distinction of being awarded the highest rank ever issued to an American from these prestigious international karate certification organizations.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Kinnelon recognize the 50th anniversary of Porta's Karate-Do Academy and applaud his many contributions to the local communities.

Signed and sealed before me on the 16th day of September, Two Thousand and Sixteen.

Robert W. Collins, Mayor

RESOLUTION # 6.01.16

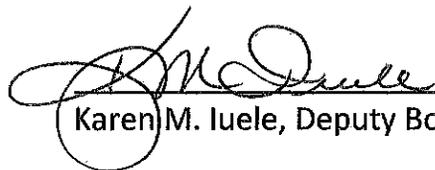
BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to SUDHIR & VAISHALI JATEGAONKAR in the amount of \$780.50 for overpayment of 2015 property taxes on Block 56503, Lot 107 known as 7 Geoffrey Dr. The overpayment is due to a successful 2015 State Tax Court Appeal.

ROLL CALL: *Truda, yes* *Neely, yes*
Yago, yes *Stevy, yes*
Bausil, yes

June 16, 2016
Judith O'Brien, CTC
Acting Tax Collector
Borough of Kinnelon

I, Karen M. Iuele, Deputy Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon May and Council June 16, 2016.

Date: 06/16/16



Karen M. Iuele, Deputy Borough Clerk

Resolution: 6.02.16

**Resolution Requesting Approval of Items of Revenue and Appropriation
NJS 40A: 4-87**

WHEREAS, NJS 40A: 4-87 provides that the Director of the Division of Local Governments Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon, in the county of Morris, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$135,840.00, which is now available as a revenue from Morris County Historic Preservation Grant. Pursuant to the provision of the statute, and the \$33,960.00 Cash Match from Open Space Trust Fund.

BE IT FUTHER RESOLVED, that the like sum of \$135,840.00 is hereby appropriated under the caption Morris County Historic Preservation Grant and \$33,960.00 Cash Match from Open Space Trust Fund; and

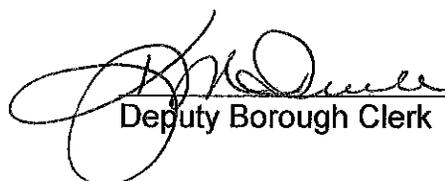
BE IT FUTHER RESOLVED, that the sum of \$135,840.00 representing the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the budget of the year 2015 under the caption Morris County Historic Preservation Grant and \$33,960.00 Cash Match from Open Space Trust Fund; and

Resolution No 6.02.16

Offered by Sweeney +

Seconded by Neely

Adopted 6/16/16 and certified as a correct and true copy of an original.


Deputy Borough Clerk

Resolution 6.03.16

**Morris County
Historic Preservation Trust Fund
Grant Agreement**

L'Ecole Kinnelon Museum – Roof Restoration

2015 Grant Award

BETWEEN Kinnelon Borough, having its offices at 130 Kinnelon Road, Kinnelon, NJ 07405, hereinafter "Grantee", and the Morris County Board of Chosen Freeholders, P.O. Box 900, Morristown, NJ 07963-0900, hereinafter "County."

WITNESSETH:

WHEREAS, Grantee has made application (Exhibit 1) to the County for financial assistance under the County Historic Preservation Trust Fund Program hereinafter "Program"; and

WHEREAS, the County has reviewed said application and has found it to be in conformance with the scope and intent of the Program's Rules and Regulations and has approved Grantee's request for funding; and

WHEREAS, The Grantee is an eligible applicant in accordance with the guidelines; and

WHEREAS, the project, located on property known as Block 34, Lot 56 & 57 on the tax map of the Kinnelon Boro., is on or has been deemed eligible for listing on the New Jersey Register of Historic Places; and

WHEREAS, the Grantee owns, leases the property, or has shown significant involvement with the property's preservation, and has the owner's permission to submit the application; and

WHEREAS, the project application has been reviewed and recommended for an award by the Morris County Historic Preservation Trust Fund Review Board.

NOW, THEREFORE, in consideration of the award for funding, and in accordance with the application heretofore filed, the County and Grantee agree to perform in accordance with the terms and conditions set forth in this Grant Agreement, hereinafter referred to as "Agreement."

Dated:


Robert W. Collins, Mayor

RESOLUTION 06.04 .16

SALARY RESOLUTION FOR
NON UNION EMPLOYEES
FOR THE YEAR 2016

BE IT RESOLVED by the Kinnelon Mayor and Council that the following salary for the hereinafter listed official position of employment for the year 2016 commencing on January 1, 2016 shall be as follows:

<u>DEPARTMENT</u>	<u>SALARY</u>
DPW Superintendent John Whitehead	2% Raise
DPW Foreman Brain Kimble	\$5000.00
DPW Foreman Mark Aluzzo	\$5000.00
Fire Prevention Robert Westdyk	\$2,000.00
Municipal Court Judge Andrew Webbenhorst Esq.	2% Raise
Police Lieutenant Joseph Napaletano	2% Raise

Dated 06/16/16



Robert W. Collins, Mayor

RESOLUTION 06.05.16

SALARY RESOLUTION FOR
MELANIE SCHUCKERS
RECREATION DIRECTOR

BE IT RESOLVED by the Kinnelon Mayor and Council that the following salary for the hereinafter listed official position of employment for the year 2015 & 2016 commencing on January 1, 2016 shall be as follows:

DEPARTMENT

Recreation Director
Melanie Schuckers

SALARY

2015 \$5000.00 Stipend
2015 \$57,500.00
2016 \$57,500.00

Dated 06/16/16



Robert W. Collins, Mayor

1415 Kinnelon Borough - County of Morris

Select your local Government unit by pressing the triangle

Budget Amendment Certification Form, Appropriations Offset by Revenue

Counties/Municipalities (N.J.S.A.40A:4-87) or Fire Districts (N.J.S.A.40A:14-78.5)

Resolution Date: 6/16/2016

Resolution # 06.06.16

Muni Code 1415 Organization Name 1415 Kinnelon Borough - County of Morris

Fiscal Year 2016 Calendar Year State Fiscal Year Transitional year

Revenue Title Municipal Alcohol Education/Rehabilitation Program Amount \$ 604.31
Description _____

Appropriation Title Municipal Alcohol Education/Rehabilitation Program Amount \$ 604.31
Description _____

Local Match _____ Amount _____

Municipalities and Counties only	<u>Chapter 85 - Title and Text</u>	
Appropriation (From) Title	_____	Amount _____
Appropriation (To) Title	_____	Amount _____

By electronic transmittal of this form the County Clerk of the Board/Municipal Clerk/Fire District Executive Director certify that this resolution, reference above and included as an attachment with this form, is a true resolution and was properly adopted by the respective governing body

By electronic transmittal of this form the County/Municipality CFO or the Fire District Accountant certifies that this revenue has been realized and/or is in receipt of written notification from the funding source cited in the resolution and included as an attachment with this form and that the revenue/appropriation identified above meets all statutory requirements and that the Annual Operating Budget has been amended to include this item of revenue/appropriation.

By checking this box, I am swearing that the above statement is true. (The email function will not work until you acknowledge the above statement as

Karen M. Iuele
County Clerk of the Board, Municipal Clerk, or Fire District Director

Deputy Borough Clerk
Title of Certifying Officer

kiuele@kinnelonboro.org
Email Address

973-838-5401 ex 1
Telephone Number

Kelly Lombardi
County/Municipal CFO or Fire District Accountant

Municipal CFO
Title of Certifying Officer

klombardi@kinnelonboro.org
Email Address

973-838-5401 ex 202
Telephone Number

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A.40A: 4-87

For Director, Division of Local Government Services by:

New

Approved Date: _____

Duly Appointed Designee _____

karen Iuele

From: Kelly Lombardi
Sent: Tuesday, June 07, 2016 8:50 AM
To: karen Iuele
Subject: Chapter 159

Karen,

Please include a Chapter 159 resolution for "Alcohol Education, Rehabilitation and Enforcement Fund" in the amount of \$ 604.31 at the June Council meeting.

Thanks,
Kelly

RESOLUTION: 6. 07 .16

CONTINUE COVERAGE FOR
THE KINNELON VOLUNTEER FIRE
COMPANY UNDER THE JIF POLICY

WHEREAS, the Borough of Kinnelon joined the Morris County Municipal Joint Insurance Fund on January 1, 2011; and

WHEREAS, the Borough of Kinnelon submission for application included the exposures and claims experience of the Kinnelon Volunteer Fire Company; and

WHEREAS, the Morris County Municipal Joint Insurance Fund included the Kinnelon Volunteer Fire Company when determining the borough's assessment; and

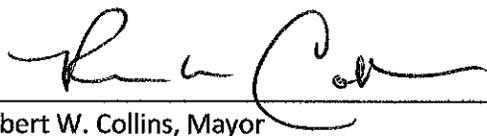
WHEREAS, the Kinnelon Volunteer Fire Company is unique in that it was incorporated in 1930 and is an independent 501-C-4 entity; and

WHEREAS, the Borough of Kinnelon has historically provided insurance coverages to the Kinnelon Volunteer Fire Company; and

WHEREAS, the Morris County Municipal Joint Insurance Fund adopted a policy that organizations historically covered by a member municipality will be extended coverage by the Fund.

NOW, THEREFORE BE IT RESOLVED as requested by the MJIF this will reconfirm the boroughs intent to continue coverage for the KVFC with all the same coverages as if it were a Fire Department of the Borough including by not limited to Worker's Compensation & Employer's Liability, General Liability, Liquor law legal liability (per JIF rules excluding coverage for halls rented out to other than members of the KVFC), Auto Liability, Property insurance AIMA, crime insurance, public officials/employment practices insurance, and environmental insurance etc.

Dated: 6/16/16



Robert W. Collins, Mayor

RESOLUTION 6.08.16

AUTHORIZE DEPUTY BOROUGH CLERK
TO ADVERTISE FOR SEALED BIDS FOR
BASIC SOLID WASTE REFUSE COLLECTION
AND SINGLE STREAM RECYCLABLE
MATERIAL COLLECTION

WHEREAS, the Kinnelon Mayor and Council desires for the Deputy Borough Clerk to advertise for sealed bids for Basic Solid Waste Refuse Collection and Single Stream Recyclable Material Collection; and

NOW, THEREFORE, BE IT RESOLVED that the Kinnelon Mayor and Council do hereby authorize the Deputy Borough Clerk to advertise for sealed bids for Kinnelon Basic Solid Waste Refuse Collection and Single Stream Recyclable Material Collection, when bids are available from the Borough Attorney.

June 16, 2016

A handwritten signature in cursive script, appearing to read "Karen Iuele", written over a horizontal line.

Karen Iuele, Deputy Borough Clerk

RESOLUTION 6.09 .16

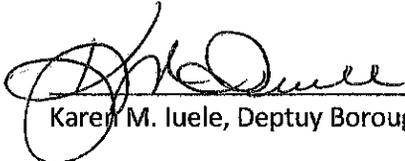
AUTHORIZING OF A SOIL
DISTURBANCE PERMIT
147 KIEL AVE, BLOCK 44902, LOT 124

WHEREAS, the Mayor and Council of the Borough of Kinnelon approved a Soil Disturbance Permit for 147 Kiel Ave, Block 44902, Lot 124; 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, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve an Extension of a Soil Disturbance Permit for 147 Kiel Ave, Kinnelon NJ.

Dated: June 16, 2016



Karen M. Luele, Deputy Borough Clerk

DARMOFALSKI ENGINEERING ASSOCIATES, INC.

CIVIL ENGINEERS

86 NEWARK POMPTON TURNPIKE

RIVERDALE, NJ 07457-1429

TEL: (973)835-8300 | FAX: (973)835-1117

Paul P. Darmofalski, P.E., P.P.
paul@darmofalski.com

Thomas A. Boorady, P.E., C.M.E.
tab@darmofalski.com

June 7, 2016

Karen M. Iuele
Acting Borough Clerk
Borough of Kinnelon
130 Kinnelon Road
Kinnelon, NJ 07405-2336

RE: Soil Disturbance Permit for Kinnelon Zoning Board Application No. 1412

Owner/Applicant: Robert & Maria Brobeck
147 Kiel Ave., Kinnelon, NJ 07405

Project Location: 147 Kiel Ave.
Block 44902, Lot 124 on Tax Map Sheet #49.02
Borough of Kinnelon, Morris County, New Jersey
Zone: Residential

Dear Mayor Collins and the Kinnelon Borough Council:

As required by the resolution of approval for Kinnelon Zoning Board of Adjustment Application #1412, we have received soil disturbance permit plans, jointly prepared by DMC Associates, Inc., professional land surveyors, and LT Consulting Engineers, Inc., professional engineers, consisting of five (5) sheets, as summarized by the following:

1. Cover Sheet by DMC Associates, Sheet #1, dated May 28, 2014, bearing seven (7) revisions through February 8, 2016;
2. Existing Conditions Survey by DMC Associates, Sheet #2, dated March 18, 2013, bearing (6) revisions through November 4, 2015;
3. Site Plan by LT Consulting Engineers, Sheet #3, dated June 3, 2014, bearing six (6) revisions through February 8, 2016;
4. Soil Disturbance Plan, Sheet #4, dated June 3, 2014, bearing four (4) revisions through November 4, 2015; and,
5. Soil Erosion and Sediment Control Plan Notes, Sheet #5, dated June 3, 2014, bearing four (4) revisions through November 4, 2015.

Project Summary

The homeowner received variance approvals from the Kinnelon Zoning Board of Adjustment to construct an addition to the right side of the dwelling, including a living room with garage under, back patio covered by an awning, reconfiguration of the driveway, construction of retaining walls, fencing and miscellaneous hardscaping and landscaping improvements. Although the subject property is situated within the Highlands Preservation Area, it is apparent the proposed work qualifies for an exemption. The proposed work will result in a net decrease in coverage of approximately 1,096 square feet and a net cut of approximately 246 cubic yards of material will be removed from the subject property.

Per Chapter 169-3.F.(2) of the Borough Code, no exemption from obtaining a Soil Disturbance Permit should be given in cases where stormwater facilities are being constructed or in cases where grading will redirect runoff which could potentially adversely affect neighboring properties or public and private roads. In addition, grade changes exceeding two feet and the import/export of more than 50 cubic yards of soil are proposed. Therefore, based upon the proposed stormwater management facilities, grading, and the quantities of fill imported/exported, the homeowner is required to obtain a Soil Disturbance Permit per Chapter 169-3.A. of the Borough Code.

We recommend approval of the Soil Disturbance Permit subject to the applicant agreeing to all of the following items:

1. The proposed quantity of soil movement is greater than 50 cubic yards and less than 500 cubic yards. Therefore, per Chapter 169-4.A. of the Borough Code, the applicant shall pay an *application fee* in the amount of \$150.00. ***The application fee should be paid prior to this permit requested being placed on the agenda. Payment of this application fee shall be confirmed by the Borough Clerk and Treasurer.***
2. The total proposed soil movement is 249 cubic yards. The proposed net soil export is 246 cubic yards. Per Chapter 169-6.B. of the Borough Code, the applicant shall pay a *permit fee* in the amount of \$61.80 (3 cubic yards X \$0.10 per cubic yard for movement of soils within the site plus 246 cubic yards X \$0.25 per cubic yard for exported soils). ***The applicant shall remit a \$61.80 permit fee to the Borough Clerk prior to being issued signed and sealed copies of the resolution of approval. This engineering report shall be stapled to and made part of the approving resolution.***
3. Tree removal permits may be required per Chapter 186 of the Borough Code. ***No clearing or other site work can begin prior to obtaining any necessary tree removal permits.***
4. A driveway permit may be required per Chapter 113 of the Borough Code. ***No work can begin prior to obtaining any necessary driveway permits.***
5. The limit of disturbance shall be adhered to by the applicant, owner and all contractors. ***There shall be no temporary or permanent disturbance beyond the limits shown on the approved plans.***

6. All existing and proposed retaining walls having an exposed height thirty (30") inches or greater shall be designed to include permanent fence along the top. Permanent fence height and openings shall be consistent with the current building code requirements for pool fence.
7. The applicant shall provide documentation showing any imported materials conform to Chapter 169-13B of the Borough Code which states "***fill shall consist of topsoil, earth, rock, gravel, quarry process, or sand obtained solely from virgin sources.***" If the soil disturbance permit is issued, the applicant and all contractors retained by the applicant shall agree to provide written documentation for any and all imported fill originated from virgin sources. ***Note: The use of recycled asphalt pavement (RAP), commonly known as "millings," and the use of recycled concrete products are prohibited.***
8. There shall be no changes to the approved plans, including site plans, architectural plans, deck plans, landscaping plans, pool plans, driveway configuration, contours, spot elevations, retaining wall plans, HVAC unit locations, generator locations, etc. If field conditions necessitate deviations from approved plans, then all work shall stop until revised plans can be prepared by the owner's professionals and submitted to the Borough Engineer and Building Department for review and approval prior to constructing any modifications.
9. Per Chapter 169-3C of the Borough Code, ***the soil disturbance permit shall expire after one year from issue.*** In the event the soil disturbance activity for which the permit was issued is not completed within one year, the applicant may apply to the Borough Council for an extension.
10. There shall be no changes to the site plan which would create slopes steeper than shown.
11. There shall be no field changes deviating from the approved site plan which would cause wall construction above or beyond the limits of any walls shown on the approved plans.
12. ***Homeowners and all contractors are responsible for contacting the Borough Engineer for site inspections prior to and during the construction of all improvements,*** including but not limited to: retaining walls, curbs, seepage pits, trench drains, storm drainage and associated piping, landscaping, guide rails, fence, etc. Adequate notice of at least three business days shall be provided prior to beginning the construction of these improvements. ***This office will not approve improvements which have been constructed and backfilled without inspections.***
13. An as-built topographic survey, prepared by a licensed professional land surveyor and a final site inspection by the Construction Official and Borough Engineer will be necessary prior to the issuance of a certificate of occupancy to ensure all items of construction are in conformance with the approved plans. The as-built survey shall provide the location of all aboveground and below ground improvements, including septic systems, wells, drainage structures and utilities.

To: Kinnelon Borough Mayor & Council
Re: Soil Disturbance Permit for Brobeck Residence, 147 Kiel Ave.

June 7, 2016
Page 4 of 4

14. The applicant's escrow account should be kept current during construction and until as-built drawings and a final site inspection are completed. Stop work orders will be issued on projects that do not maintain sufficient escrow for inspections.

Please contact me if you have any questions.

Very truly yours,

Darmofalski Engineering Associates, Inc.



Thomas A. Boorady, P.E.

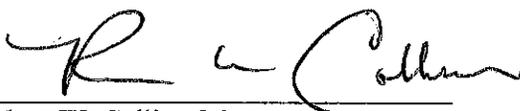
cc: Mayor & Council
Jennifer Highers - Secretary to the Kinnelon Zoning Board of Adj.
John Whitehead - Superintendent of Kinnelon DPW
Daniel Hagberg - Construction & Zoning Official - Bloomingdale Building Dept.
Mark Thomas - Kinnelon Zoning Officer
Robert & Maria Brobeck
DMC Associates, Inc.
LT Consulting Engineers, Inc.

RESOLUTION 6. 10.16

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 \$715.00.00 for the 2016/2017 license period beginning July 1, 2016, be and the same is hereby granted; and

BE IT FURTHER RESOLVED That Karen M. Iuele, Deputy 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 16, 2016


Robert W. Collins, Mayor

CERTIFIED to be a true copy of a resolution, which was adopted at the regular meeting of the Kinnelon Mayor and Council on June 16, 2016.

Date: June 16, 2016

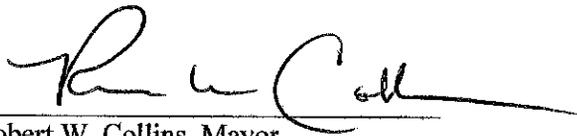
Karen M. Iuele, Deputy Borough Clerk

RESOLUTION 6. // .16

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 Perimeter Road, Kinnelon, New Jersey, at the fee of \$715.00 for the 2016/2017 license period beginning July 1, 2016, be and the same is hereby granted; and

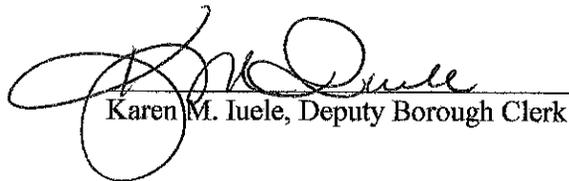
BE IT FURTHER RESOLVED That Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 16, 2016


Robert W. Collins, Mayor

CERTIFIED to be a true copy of a resolution, which was adopted at the regular Work Shop meeting of the Kinnelon Mayor and Council on June 16, 2016.

Date: June 16, 2016


Karen M. Iuele, Deputy Borough Clerk

RESOLUTION 6.16.16

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 Consumption License for premises situated on Perimeter Road, Kinnelon, New Jersey, at the fee of \$650.00 for the 2016/2017 license period beginning July 1, 2016, be and the same is hereby granted; and

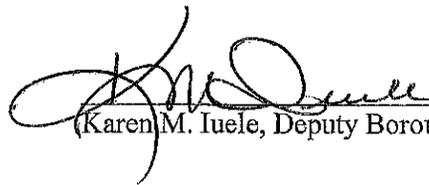
BE IT FURTHER RESOLVED That Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 16, 2016


Robert W. Collins, Mayor

CERTIFIED to be a true copy of a resolution, which was adopted at the regular meeting of the Kinnelon Mayor and Council on June 16, 2016.

Date: June 16, 2016


(Karen) M. Iuele, Deputy Borough Clerk

RESOLUTION 6.13.16

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 Perimeter Road, Kinnelon, New Jersey, at the fee of \$715.00 for the 2016/2017 license period beginning July 1, 2016, be and the same is hereby granted; and

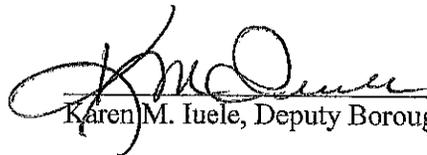
BE IT FURTHER RESOLVED That Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 16, 2016


Robert W. Collins, Mayor

CERTIFIED to be a true copy of a resolution, which was adopted at the regular meeting of the Kinnelon Mayor and Council on June 16, 2016.

Date: June 16, 2016


Karen M. Iuele, Deputy Borough Clerk

RESOLUTION 06. 14 .16

AUTHORIZING APPOINTMENT OF
ELLEN HAID AS A PERMANENT PART
TIME EMPLOYEE FOR THE BOROUGH OF
KINNELON

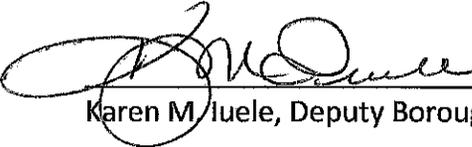
WHEREAS, the Borough Council wishes to hire Ellen Haid as a permanent part time employee for the Borough of Kinnelon; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon approve appointing Ellen Haid as a permanent part time employee for the Borough of Kinnelon as of June 13, 2016.

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk, do hereby certify this to be a true copy of a resolution duly adopted at the regular meeting of the Kinnelon Mayor and Council held on June 16, 2016.

Dated: 06/16/16



Karen M. Iuele, Deputy Borough Clerk

RESOLUTION 6. 15 .16

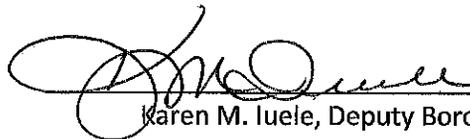
AUTHORIZATION TO HIRE
JAKE WOODRUFF
DPW MAINTAINER

WHEREAS, the Council of the Borough of Kinnelon wishes to hire Jake Woodruff as a DPW Maintainer; and

WHEREAS Jake Woodruff start date is June 27, 2016, with a start rate of pay \$16.65 per hour.

NOW THERE FOR BE IT RESOLVED BY, the Mayor and Council of the Borough of Kinnelon approved hiring Jake Woodruff as a DPW Maintainer for the Borough of Kinnelon with a rate of pay of \$16.65 per hour.

Dated: June 16, 2016



Karen M. Luele, Deputy Borough Clerk

RESOLUTION 06.16.16

SALARY RESOLUTION FOR
UNION EMPLOYEE
FOR THE YEAR 2014, 2015, 2016

BE IT RESOLVED by the Kinnelon Mayor and Council that the following salary for the hereinafter listed official position of employment for the year 2014, 2015 & 2016

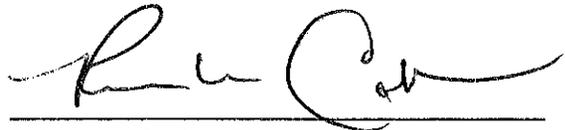
DEPARTMENT

Environmental &
Deputy Registrar
Karen M. Iuele

SALARY

2% Raise

Dated 06/16/16

A handwritten signature in black ink, appearing to read 'Robert W. Collins', written over a horizontal line.

Robert W. Collins, Mayor

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

Resolution No. *6-17-16*
Offered by Council Member
Seconded by Council Member

**RESOLUTION AUTHORIZING A CONTRACT WITH AN APPROVED STATE
CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the Borough of Kinnelon, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Borough of Kinnelon has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough of Kinnelon intends to enter into a contract with Stertil-Koni USA, dealer Hoffman Services, Inc., N.J. State Contract number A80126 for the purchase of a lift system for the DPW Garage, Estimate # 3242, dated May 5, 2016 for an amount not to exceed \$50,657.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon authorizes the purchase of the aforementioned lift system, pursuant to all conditions of NJSC A80126; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Kinnelon pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against Capital Ordinance 17-2012 at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer; and

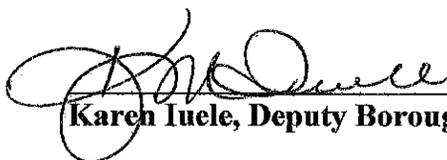
BE IT FURTHER RESOLVED, that the duration of the contract between the Borough of Kinnelon and the Stertil-Koni, USA shall be from January 1st to December 31st 2016.

ROLL CALL:

Council Member *Swaney*
Council Member *Keely*
Council Member *Baish*

Council Member *Yago*
Council Member *Fuda*
Council Member

I, the Borough Clerk of the Borough of Kinnelon, hereby certify that this is a true copy of a Resolution passed by the Council of the Borough of Kinnelon at a meeting held this 16th day of June 2016.



Karen Iuele, Deputy Borough Clerk

RESOLUTION # 6.18.16

WHEREAS, THE Tax Department received a payment in 4th quarter 2014 from the mortgage lender from the old homeowner, Hudson City, for property taxes on Block 11105, Lot 113, and

WHEREAS, THE Tax Department also received a payment from the closing attorney for the new property owner causing an overpayment on this account in the amount of \$4,403.02,

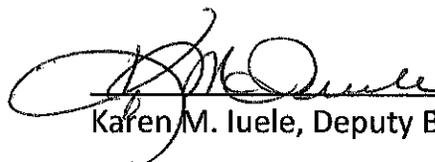
BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that the overpayment of \$4,403.02 be returned to Hudson City.

ROLL CALL: *Swartz, yes* *Yago, yes*
Neely, yes *Lueda, yes*
Bausch, yes

June 16, 2016
Judith O'Brien, CTC
Acting Tax Collector
Borough of Kinnelon

I, Karen M. Iuele, Deputy Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon May and Council June 16, 2016.

Date: 6/16/16



Karen M. Iuele, Deputy Borough Clerk

RESOLUTION # 6.19.16

WHEREAS, THE Tax Department received a payment from the State of New Jersey for the 2013 Homestead Credit to be applied to the 2nd quarter property taxes on Block 56101, Lot 123, and

WHEREAS, THE Tax Department notes that this property is owned by a fully disabled veteran, meaning there is no billing to apply the monies to causing an overpayment on this account in the amount of \$1,000.00, and

WHEREAS, THE Tax Collector has received approval from the State of New Jersey to refund the monies to Veteran because they paid the property taxes for the year covered by the tax credit.

BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that the overpayment of \$1,000.00 be returned to Peter & Carol Alessandra.

ROLL CALL: *Siverty, yes* *Fago, yes*
Neely, yes *Lueda, yes*
Bowser, yes

June 16, 2016
Judith O'Brien, CTC
Acting Tax Collector
Borough of Kinnelon

I, Karen M. Iuele, Deputy Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon May and Council June 16, 2016.

Date: 6/16/16


Karen M. Iuele, Deputy Borough Clerk

RESOLUTION # 6.20.16

WHEREAS, THE Tax Department received a tax court appeal in 2014 reducing the amount of taxes to be collected in the amount of \$2,292.54 on Block 33601, Lot 113, and

WHEREAS, THE Tax Department received the original amount billed from the mortgage company, Wells Fargo causing an overpayment on this account in the amount of \$2,292.54, and

WHEREAS, THE Tax Collector notes that there has been a change of ownership since that time and the overpayment must be returned to the original party.

BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that the overpayment of \$2,292.54 be returned to Wells Fargo Real Estate Tax Services.

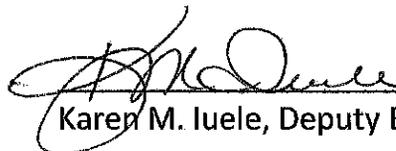
ROLL CALL: *Sweet, yes*
Berry, yes
Bausil, yes

Fago, yes
Lueda, yes

June 16, 2016
Judith O'Brien, CTC
Acting Tax Collector
Borough of Kinnelon

I, Karen M. Luele, Deputy Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon May and Council June 16, 2016.

Date: 6/16/16


Karen M. Luele, Deputy Borough Clerk

RESOLUTION 6.21.16

AUTHORIZATION FOR MAYOR TO
SIGN AGREEMENT BETWEEN THE
BOROUGH OF KINNELON AND THE
LAND CONSERVANCY IN THE
AMOUNT OF \$2,000.00 FOR
COMMUNITY GARDEN

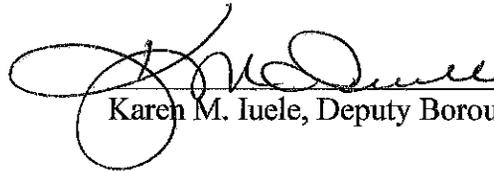
WHEREAS, the Borough of Kinnelon has received a grant for a Community Garden in the amount of \$10,000.00; and

WHEREAS, the fee for the Land Conservancy of New Jersey is \$2,000.00.

WHEREAS, it is necessary for the Mayor to sign said Agreement between the Borough of Kinnelon and The Land Conservancy of New Jersey in the amount of \$2,000.00, and

NOW, THEREFORE, BE IT RESOLVED the Mayor is hereby authorized to sign the agreement between the Borough of Kinnelon and The Land Conservancy of New Jersey for the Community Garden Grant for the amount not to exceed \$2,000.00

Dated: 6/16/16



Karen M. Iuele, Deputy Borough Clerk

RESOLUTION NO.

6.22.16

**RESOLUTION AUTHORIZING THE MAYOR TO
ENCUMBER THE AMOUNT OF \$100,000 FROM THE
BOROUGH'S OPEN SPACE, RECREATION AND
HISTORIC PRESERVATION TRUST FUND**

WHEREAS, the Trust for Public Land will be submitting a grant application to the Morris County Open Space Trust Fund in the amount of \$2,000,000; and

WHEREAS, the purpose of said grant is to obtain funding for the acquisition of property located at Block 57401, Lot 149 and Block 57101, Lot 120 on the Official Tax Map of the Borough of Kinnelon, and commonly known as the Badanco Property; and

WHEREAS, the appraised value of the Badanco Property is \$2,900,000; and

WHEREAS, upon acquisition, title to the Badanco Property will be transferred to the Borough of Kinnelon ("Borough") for passive recreational purposes; and

WHEREAS, the Borough has an Open Space, Recreation and Historic Preservation Trust Fund and the expenditure of funds towards the acquisition of the Badanco Property is an appropriate use of the monies in the Open Space, Recreation and Historic Preservation Trust Fund; and

WHEREAS, the Borough desires to authorize the encumbrance of \$100,000 from the Open Space, Recreation and Historic Preservation Trust Fund toward the acquisition of the Badanco Property.

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

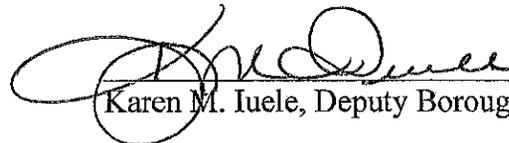
1. The Borough hereby authorizes the encumbrance of \$100,000 from the Open Space, Recreation and Historic Preservation Trust Fund in connection with the acquisition of property located at Block 57401, Lot 149 and Block 57101, Lot 120 on the Official Tax Map of the Borough of Kinnelon, and commonly known as the Badanco Property.

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

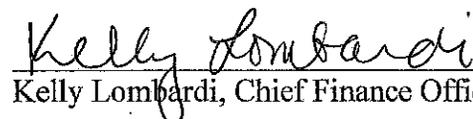
I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the governing body of the Borough of Kinnelon at a duly convened meeting held on June 16th 2016.



Karen M. Iuele, Deputy Borough Clerk

CERTIFICATION OF FUNDS

I, Kelly Lombardi, Chief Finance Officer of the Borough of Kinnelon, hereby certify that sufficient funds are available in the Open Space, Recreation and Historic Preservation Trust Fund to encumber \$100,000 toward the acquisition of the Badanco Property.



Kelly Lombardi, Chief Finance Officer



The Smoke Rise Club

9 Perimeter Road, Kinnelon, New Jersey 07405
973.838.7449 Fax: 973.838.2287
www.smokerise-nj.com

5/24/2016

Mayor and Council
Borough of Kinnelon
130 Kinnelon Road
Kinnelon, NJ 07405

Dear Mayor and Council:

We are requesting your approval for our annual fireworks display as a part of our Smoke Rise Days celebration. The date of the display is planned for Saturday July 2nd, with a rain date of Sunday July 3rd. We will be filing the application to the Fire Bureau, along with payment to the related permit fee.

Please confirm your approval of this request.

Thank you for your consideration.

Feel free to contact me if you have any questions.

Sincerely,

Jon A. Pandel
General Manager
The Smoke Rise Club

CC: The Smoke Rise Club Board of Governors

Keli (KN-2076)
Verizon Agreement Ordinance
042716
050216

ORDINANCE NO. 4-16

AN ORDINANCE GRANTING NON-EXCLUSIVE PERMISSION AND CONSENT TO VERIZON WIRELESS TO USE ALL OF THE VARIOUS PUBLIC RIGHTS-OF-WAY AND PARTS THEREOF IN THE BOROUGH OF KINNELON, MORRIS COUNTY, NEW JERSEY FOR THE CONSTRUCTION, INSTALLATION, OPERATION, REPAIR, MAINTENANCE AND REPLACEMENT OF ITS TELECOMMUNICATIONS SYSTEM

WHEREAS, New York SMA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") has been approved by the Federal Communications Commission to provide telecommunications services throughout the State of New Jersey and, pursuant to N.J.S.A. 48:3-18, Verizon Wireless may jointly use facilities that have been lawfully erected within municipal rights-of-way; and

WHEREAS, Verizon Wireless has requested consent from the Borough of Kinnelon ("Borough") to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the public rights-of-way within the Borough for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, the Borough is obligated to grant Verizon Wireless said consent pursuant to 47 U.S.C. §253(a); and

WHEREAS, in response to the Borough's requests, Verizon Wireless will submit to the Borough (1) a \$2,500.00 escrow to cover all fees and costs incurred by the Borough in granting Verizon Wireless's request as described above, including, but not limited to, the Borough's

attorneys' fees for the negotiation and preparation of a Rights-of-Way Use Agreement and this accompanying Ordinance and costs for traffic safety during construction of the telecommunications system within the Borough; and (2) a route map which depicts Verizon Wireless's initial planned installation route throughout the Borough; and

WHEREAS, the Borough desires to grant consent to Verizon Wireless to construct, install, operate, repair, maintain and replace its telecommunications system within the Borough's public rights-of-way.

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

SECTION ONE. Subject to the provisions of applicable Borough Ordinances, non-exclusive permission and consent is hereby granted to Verizon Wireless, its successors and assigns, to construct, install, operate, repair, maintain, and replace its telecommunications system in, through, upon, over, under and across all of the various public rights-of-way, and parts thereof, in this Borough.

SECTION TWO. All equipment will be installed on existing poles and underground conduit.

SECTION THREE. All construction, installation, operation, repair, maintenance and replacement of Verizon Wireless's telecommunications system shall be done so as not to interfere with any public water, sanitary sewer, storm drainage or other public facilities, fixtures and appurtenances (hereinafter "Public Facilities").

Verizon Wireless shall install its telecommunications system underground to the extent required by applicable State Law or regulation.

Verizon Wireless further agrees to remove and relocate, at its sole expense, all or any part of

its telecommunications system hereafter located and installed that unreasonably interfere with construction, reconstruction and maintenance of any Public Facility, except as otherwise provided by law and subject to the right of Verizon Wireless to recover the costs of such work from third parties who may be legally responsible for such costs.

Any and all rights expressly granted to Verizon Wireless under this Ordinance, which shall be exercised at Verizon Wireless's sole cost and expense, shall be subject to the prior and continuing right of the Borough under applicable laws to use any and all parts of the municipal rights-of-way exclusively or concurrently with any other person or persons, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such municipal rights-of-way. Nothing in this Ordinance shall be deemed to grant, convey, create or vest in Verizon Wireless a real property interest in land, including any fee, leasehold interest, easement, or any other form of interest or ownership.

Subject to obtaining the permission of the owner(s) of existing Utility Poles and underground conduit, which shall be the sole responsibility of Verizon Wireless to undertake and obtain, the Borough hereby authorizes and permits Verizon Wireless to enter upon the municipal rights-of-way and to attach, install, operate, maintain, remove, reattach, relocate and replace its telecommunications facilities, in or on Utility Poles and underground conduit owned by public utility companies or property owners located within the municipal rights-of-way as may be permitted by the public utility company or property owner, as the case may be.

SECTION FOUR. Verizon Wireless, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Borough, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Verizon Wireless's actions under this Ordinance and costs in connection therewith, except to the extent resulting from the negligent or willful acts or omissions of Kinnelon. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by the Borough in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceeding which may arise in connection with Verizon Wireless's activities pursuant to the rights granted in the Ordinance.

SECTION FIVE. The surface of the public rights-of-way, and any pavement or flagging taken up or soil and/or planting disturbed by Verizon Wireless in building its telecommunications system shall be restored to as good condition as it was before the commencement of work thereon by Verizon Wireless at no cost to the Borough of Kinnelon, except as otherwise provided by law. No public rights-of-way shall be encumbered for a longer period than shall be necessary to execute the work. Such restoration shall be subject to the approval of the Mayor and Council after an inspection by its authorized representative upon completion of the work.

SECTION SIX. Verizon Wireless agrees to pay reasonable costs incurred by the Borough by reason of Verizon Wireless's telecommunications system, including, but not limited to, the Borough's attorneys' fees for the negotiation and preparation of a Rights-of-Way Use Agreement

and this accompanying Ordinance and costs for traffic safety during construction of the telecommunications system within the Borough.

SECTION SEVEN. The use of all public rights-of-way by Verizon Wireless shall be subject to such police and other regulations and restrictions as may be lawfully adopted by the Governing Body of the Borough of Kinnelon.

SECTION EIGHT. Verizon Wireless shall at all times maintain a comprehensive liability insurance policy with a single amount of at least Five Million Dollars (\$5,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein. The Borough shall be indicated as an additional insured under said insurance policy.

Prior to the commencement of any work pursuant to this Ordinance, Verizon Wireless shall provide the Borough with a Certificates of Insurance evidencing the coverage provided by said liability policy.

The Borough shall notify Verizon Wireless within fifteen (15) days after the presentation of any claim or demand to the Borough, either by suit or otherwise, made against the Borough on account of Verizon Wireless or any of its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Ordinance.

SECTION NINE. Following the adoption of this Ordinance by the Borough, and acceptance thereof by Verizon Wireless, Verizon Wireless and the Borough shall execute a Rights-of-Way Use Agreement which shall set forth the terms and conditions of the permission and consents granted herein. Said permission and consent shall continue and be in force for the later of fifteen (15) years from the date of such Agreement. Throughout the full term of this Ordinance, Verizon Wireless, its successors and assigns, shall furnish safe, adequate and proper service within

the Borough of Kinnelon and keep and maintain its property and equipment in such condition as to enable it to do so.

SECTION TEN. Nothing herein contained shall be construed to grant unto Verizon Wireless, its successors and assigns, an exclusive right or to prevent the granting of permission and consent to other companies for like purposes on any of the public rights-of-way of the Borough of Kinnelon.

SECTION ELEVEN. The term "Borough" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Borough of Kinnelon or any part thereof may at any time hereafter be changed, annexed or merged, and the term "Borough" or any other term herein used in referring to the Governing Body of the Borough of Kinnelon shall be held to apply and include the Governing Body of such other form of municipality.

SECTION TWELVE. Upon adoption of this Ordinance in accordance with law, the Borough Clerk shall provide Verizon Wireless with written notice thereof by Certified Mail. Verizon Wireless shall file with the Borough Clerk, its written acceptance of said Ordinance within 30 days of the receipt of said notice.

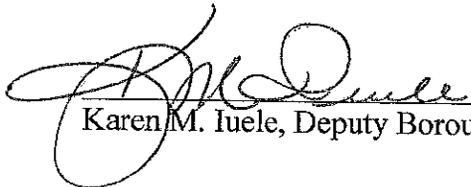
SECTION THIRTEEN. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION FOURTEEN. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

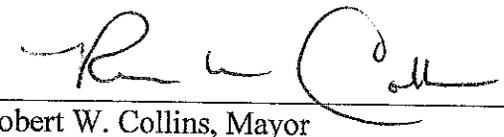
SECTION FIFTEEN. This Ordinance shall take effect immediately upon adoption.

ATTEST

BOROUGH OF KINNELON



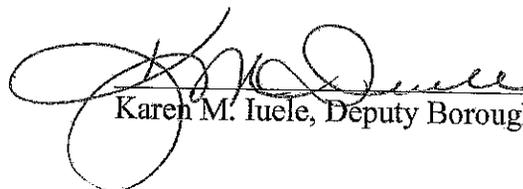
Karen M. Iuele, Deputy Borough Clerk



Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk, 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 first reading at a regular meeting of the Kinnelon Borough Council held on May 11, 2016 and adopted by the Governing Body at a regular meeting of the Borough held on June 16, 2016.



Karen M. Iuele, Deputy Borough Clerk

Keli (KN-2076)
Verizon Agreement
042716
050216

RIGHTS-OF-WAY USE AGREEMENT

THIS RIGHTS-OF-WAY USE AGREEMENT ("Use Agreement") is dated 10/16 2016 (the "Effective Date"), and entered into by and between the Borough of Kinnelon ("Kinnelon"), a New Jersey municipal corporation, having its address at 130 Kinnelon Road, Kinnelon, New Jersey, 07405, and New York SMA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), a New York Limited Partnership with a principal business address of One Verizon Wireless Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920.

RECITALS

WHEREAS, Verizon Wireless has been approved by the Federal Communications Commission to provide telecommunications services throughout the State of New Jersey and, pursuant to N.J.S.A. 48:3-18, Verizon Wireless may jointly use facilities that have been lawfully erected within municipal rights-of-way; and

WHEREAS, Verizon Wireless proposes to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the public rights-of-way within Kinnelon for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, it is in the best interests of Kinnelon and its citizenry for Kinnelon to grant consent to Verizon Wireless to occupy said public rights-of-way within Kinnelon for this purpose; and

WHEREAS, the consent granted herein is for the non-exclusive use of the public rights-

of-way within Kinnelon for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

NOW THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, Kinnelon and Verizon Wireless hereby agree to and with each other as follows:

Section 1: Definitions.

- a. "Verizon Wireless" is the grantee of rights under this Use Agreement.
- b. "Kinnelon" is the grantor of rights under this Use Agreement and is known as the Borough of Kinnelon, County of Morris, State of New Jersey.
- c. "Rights-of-Way" means the areas devoted to passing under, over, on or through lands with public utility facilities.
- d. "Utility Pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto and any replacement thereof which is similar in construction and use.

Section 2: Grant of Consent.

Kinnelon hereby grants Verizon Wireless its municipal consent for the non-exclusive use of the public rights-of-way within Kinnelon for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

Section 3: Public Purpose.

It is deemed to be in the best interests of Kinnelon and its citizenry for Kinnelon to grant consent to Verizon Wireless to occupy said public rights-of-way within Kinnelon for this purpose.

Section 4: Project Description.

Any construction to be undertaken for the purposes described herein shall require prior notice by Verizon Wireless to Kinnelon. Verizon Wireless shall fully describe the construction to be undertaken including, but not limited to, system components, wires, transformers, panels, mechanical, moving or noise emitting parts, etc., and shall coordinate and work with the appropriate Municipal department(s) before scheduling and commencing any construction. All underground work shall follow standard road opening permit requirements. Upon completion of installation, Verizon Wireless shall furnish to Kinnelon a pole list showing the exact locations of the equipment in public rights-of-way.

A. Relocation and Displacement of Equipment. Verizon Wireless understands and acknowledges that Kinnelon may require Verizon Wireless to relocate its equipment installations. Verizon Wireless shall, at Kinnelon's direction, relocate such equipment at the sole cost and expense of Verizon Wireless, whenever Kinnelon reasonably determines that the relocation is needed for any of the following purposes: (a) if required for the construction, completion, repair, relocation, or maintenance of a Kinnelon project; (b) because the equipment is interfering with or adversely affecting proper operation of light poles; or (c) to protect or preserve public health and safety. If Verizon Wireless shall fail to relocate any equipment as requested by Kinnelon within a reasonable time under the circumstances in accordance with the foregoing provision, Kinnelon shall be entitled to relocate the equipment at the sole cost and expense of Verizon Wireless, without further notice to Verizon Wireless.

B. Damage to Public Rights-of-Way. Whenever the removal or relocation of equipment is required or permitted under this Use Agreement, and such removal or relocation shall cause public rights-of-way to be damaged, Verizon Wireless, at its sole cost and expense, shall

promptly repair and return the public rights-of-way in which the equipment is located to safe and satisfactory conditions in accordance with applicable laws, normal wear and tear excepted. If Verizon Wireless does not repair the public rights-of-way as just described, then Kinnelon shall have the option, upon fifteen (15) days prior written notice to Verizon Wireless, to perform or cause to be performed such reasonable and necessary work on behalf of Verizon Wireless and to charge Verizon Wireless for the proposed costs to be incurred or the actual costs incurred by Kinnelon. Upon receipt of a demand for payment from Kinnelon, Verizon Wireless shall promptly reimburse Kinnelon for such costs.

Section 5: Scope of Use Agreement.

Any and all rights expressly granted to Verizon Wireless under this Use Agreement, which shall be exercised at the sole cost and expense of Verizon Wireless, shall be subject to the prior and continuing right of Kinnelon under applicable laws to use any and all parts of the municipal rights-of-way exclusively or concurrently with any other person or persons, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such municipal rights-of-way. Nothing in this Use Agreement shall be deemed to grant, convey, create or vest in Verizon Wireless a real property interest in land, including any fee, leasehold interest, easement, or any other form of interest or ownership, and does not include any State or County road rights-of-way.

Subject to obtaining the permission of the owner(s) of existing Utility Poles and/or underground conduits, which shall be the sole responsibility of Verizon Wireless to undertake and obtain, Kinnelon hereby authorizes and permits Verizon Wireless to enter upon the municipal rights-of-way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities in or on Utility Poles or other structures

owned by public utility companies or other property owners located within the municipal rights-of-way as may be permitted by the public utility company or property owner, as the case may be.

Section 6: Compliance with Ordinance.

Verizon Wireless shall comply with all existing ordinances of Kinnelon as may be lawfully amended from time to time and with all future ordinances as may be lawfully enacted.

Section 7: Municipal Costs.

Verizon Wireless agrees to pay the reasonable costs incurred by Kinnelon by reason of Verizon Wireless's telecommunications system, including, but not limited to, Kinnelon's attorneys' fees for the negotiation and preparation of this Use Agreement and accompanying ordinance and costs for traffic safety during construction of the telecommunications system within Kinnelon.

Section 8: Duration of Consent.

The non-exclusive municipal consent granted herein shall expire fifteen (15) years from the Effective Date of this Use Agreement. Upon expiration of such consent, or at such earlier date that Verizon Wireless ceases to maintain its telecommunications system equipment in Kinnelon, Verizon Wireless shall remove the telecommunications system equipment at its cost and expense.

Section 9: Indemnification.

Verizon Wireless, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless Kinnelon, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any

Section 11: Liability Insurance.

Verizon Wireless shall at all times maintain a comprehensive liability insurance policy with a single amount limit of at least Five Million Dollars (\$5,000,000 .00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein. Kinnelon shall be indicated as an additional insured under said insurance policy.

Prior to the commencement of any work pursuant to this Use Agreement, Verizon Wireless shall provide Kinnelon with a Certificate of Insurance evidencing the coverage provided by said liability policy.

Kinnelon shall notify Verizon Wireless within fifteen (15) days after the presentation of any claim or demand to Kinnelon, either by suit or otherwise, made against Kinnelon on account of any of Verizon Wireless's or its sub-contractors', agents', employees', officers', servants', designees', guests' and invitees', activities pursuant to the rights granted in this Use Agreement.

Section 12: Assignment.

This Use Agreement may be assigned by Verizon Wireless to its principal affiliates, subsidiaries or to any entity that acquires all or substantially all of its assets in the applicable Federal Communications Commission license area by reason of a merger, acquisition or other business reorganization without the consent of Kinnelon. As to any other parties, Verizon Wireless may not assign this Use Agreement without the written consent of Kinnelon, which shall not be unreasonable withheld.

Section 13: Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 14: Governing Law.

This Use Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey. Venue shall be Morris County, New Jersey.

Section 15: Incorporation of Prior Agreements.

This Use Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 16: Modification of Agreement.

This Use Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 17: Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Use Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible.

Section 18: Headings.

The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 19: Counterparts.

This Use Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

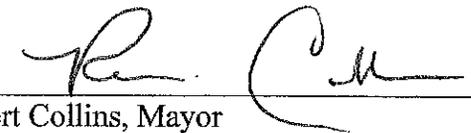
IN WITNESS WHEREOF, the parties have caused this instrument to be signed, sealed, attested and delivered on the date written above.

ATTEST:



Karen Iuele, Deputy Borough Clerk

BOROUGH OF KINNELON



Robert Collins, Mayor

ATTEST:

[Print Name and Title Below Signature]

VERIZON WIRELESS

[Print Name and Title Below Signature]

ACKNOWLEDGMENT, CORPORATE OR OTHER ENTITY

STATE OF NEW JERSEY |
COUNTY OF _____ | SS

I CERTIFY that on _____, 2016, _____ personally came before me and stated under oath to my satisfaction that this person (or if more than one, each person):

(a) was the maker of the attached instrument; and

(b) was authorized to and did execute this instrument as _____ of

Verizon Wireless, the entity named in this instrument.

Sworn and subscribed to before me this
_____ day of _____, 2016.

[Print Name and Title Below Signature]

ORDINANCE # 5-16

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$658,600 THEREFOR, CONSTITUTING PROCEEDS OF OBLIGATIONS OF THE BOROUGH HERETOFORE ISSUED AND MONEYS ON DEPOSIT IN THE OPEN SPACE TRUST FUND.

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

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized to be made or acquired by the Borough of Kinnelon, in the County of Morris, New Jersey, as general improvements, and there is hereby appropriated therefor the sum of \$658,600, said sum, to the extent of \$306,600, constituting proceeds of obligations of the Borough heretofore issued and not necessary for financing the purposes for which issued and now available for financing the said improvements or purposes and, to the extent of \$352,000, constituting funds available in the Open Space Trust Fund of the Borough.

Section 2. The improvements or purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance are: the improvement of Borough parks including the installation of new lighting, netting and screens and the upgrade of the fields (\$447,000); the improvement of the Kinnelon Museum including the installation of an irrigation system (\$5,000); acquisition of new vehicular equipment for use by the Department of Public Work of the Borough including one (1) pick-up truck (\$50,000); acquisition of new equipment for use by the Police Department of the Borough including computers, generators and

defibrillators (\$49,600); and acquisition of new equipment for use by the Fire Department of the Borough including turnout gear, self-contained breathing apparatus, hoses and cameras (\$107,000), together with for all the aforesaid all structures, site work, accessories, appurtenances, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

Section 3. It is the opinion of the Borough Council of the Borough, as the governing body thereof, that it is in the best interest of the Borough that \$306,600 constituting proceeds of obligations of the Borough heretofore issued under Ordinance Nos. 6-10 (\$128,896) and 16-11 (\$177,704) of the Borough, shall be appropriated to and used to finance costs of the improvements or purposes above-described in Section 2 of this ordinance.

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

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

ORDINANCE # 6-116

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF FAYSON LAKES ROAD IN AND BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$230,000 THEREFOR, CONSTITUTING PROCEEDS OF BONDS OF THE BOROUGH HERETOFORE ISSUED AND PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.

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 \$230,000, said sum, to the extent of \$119,000, constituting proceeds of bonds of the Borough heretofore issued and not necessary for financing the purposes for which issued and now available for financing the said improvement or purpose and, to the extent of \$111,000, constituting proceeds of a grant received or expected to be received 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 Fayson Lakes 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. It is the opinion of the Borough Council of the Borough, as the governing body thereof, that it is in the best interest of the Borough that \$119,000 constituting proceeds of bonds of the Borough heretofore issued under Ordinance No. 16-11 shall be appropriated to and used to finance costs, including incidental expenses, of the improvement or purpose above described in Section 2 of this ordinance.

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

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

ORDINANCE # 7-16

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF KAKEOUT ROAD IN AND BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$350,000 THEREFOR, CONSTITUTING PROCEEDS OF BONDS OF THE BOROUGH HERETOFORE ISSUED AND PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.

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 \$350,000, said sum, to the extent of \$190,000, constituting proceeds of bonds of the Borough heretofore issued and not necessary for financing the purposes for which issued and now available for financing the said improvement or purpose and, to the extent of \$160,000, constituting proceeds of a grant received or expected to be received 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 Kakeout 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. It is the opinion of the Borough Council of the Borough, as the governing body thereof, that it is in the best interest of the Borough that \$190,000 constituting proceeds of bonds of the Borough heretofore issued under Ordinance No. 16-11 shall be appropriated to and used to finance costs, including incidental expenses, of the improvement or purpose above described in Section 2 of this ordinance.

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

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

ORDINANCE 8-16
 AN ORDINANCE ESTABLISHING SALARY RANGES
 FOR THE BOROUGH OF KINNELON

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

1. Commencing January 1, 2016 the following constitutes the salary ranges for the hereinafter listed officials, position of employment within which the Governing Body shall, from time to time, by resolution, fix the salaries for persons employed in positions within a salary range.

TITLE	MINIMUM	PER	MAXIMUM	PER
Mayor	\$ 3,000.00	Year	\$ 8,000.00	Year
Council	\$ 1,000.00	Year	\$ 3,000.00	Year
Temp Chief Financial Officer	\$ 50,000.00	Year	\$ 100,000.00	Year
Chief Financial Officer	\$ 80,000.00	Year	\$ 116,000.00	Year
Borough Clerk	\$ 50,000.00	Year	\$ 100,000.00	Year
Acting Borough Clerk	\$ 2,000.00	Year	\$ 5,000.00	Year
Deputy Borough Clerk	\$ 25,000.00	Year	\$ 62,000.00	Year
Clerk Assistant	\$17	Hour	\$19	Hour
Web Master	\$ 1,500.00	Year	\$ 3,200.00	Year
Treasurer	\$ 25,000.00	Year	\$ 66,000.00	Year
Administrative Assist./Finance	\$ 35,000.00	Year	\$ 56,000.00	Year
Administrative Assist./Finance PT	\$18.00	Hour	\$19.00	Hour
Tax Collector/Utility Collector	\$ 25,000.00	Year	\$ 60,000.00	Year
Part Time Tax & Utility Asist./Office Asst	\$ 9.00	Hour	\$ 25.00	Hour
Assessor/Appraiser	\$ 20,000.00	Year	\$ 36,000.00	Year
Part Time Assessor Secretary	\$ 15,000.00	Year	\$ 30,000.00	Year
Environmental Secretary	\$ 1,000.00	Year	\$ 7,000.00	Year
Forester	\$ 2,000.00	Year	\$ 3,000.00	Year
Open Space Secretary	\$ 20.00	Hour	\$ 25.00	Hour
Historic Preservation Secretary	\$ 20.00	Hour	\$ 25.00	Hour
Planning Board Secretary P/T	\$ 5,000.00	Year	\$ 16,000.00	Year
Zoning Official	\$ 5,000.00	Year	\$ 12,000.00	Year
Board of Health Secretary P/T- Registrar	\$ 20,000.00	Year	\$ 50,000.00	Year
Deputy Registrar	\$ 500.00	Year	\$ 1,500.00	Year
Recreation Director	\$ 25,000.00	Year	\$ 57,500.00	Year
DPW Superintendent	\$ 50,000.00	Year	\$ 115,000.00	Year
DPW Foreman	\$ 45,000.00	Year	\$ 94,000.00	Year
DPW Working Foreman	\$ 40,000.00	Year	\$ 87,000.00	Year
Snow/Weather Emergency Call outs (Foreman)	\$ 250.00	Day	\$ 350.00	Day
DPW Secretary P/T	\$ 12,000.00	Year	\$ 21,000.00	Year
DPW Maintainers	\$ 13.83	Hour	\$ 40.00	Hour
Recycling Watchman	\$ 14.00	Hour	\$ 16.00	Hour
Janitorial Service Staff	\$ 15.00	Hour	\$ 20.00	Hour
Temporary Part Time DPW/B&G/Recycling	\$ 10.00	Hour	\$ 12.50	Hour
Board of Adjustment Secretary	\$ 1,000.00	Year	\$ 5,000.00	Year

Fire Official	\$ 5,000.00	Year	\$ 12,000.00	Year
Municipal Court Judge	\$ 10,000.00	Year	\$ 30,000.00	Year
Temporary Part time Building Inspector	\$ 10,000.00	Year	\$12,000.00	

Municipal Court Administrator	\$ 20,000.00	Year	\$ 56,500.00	Year
Deputy Court Clerk/Violations Clerk P/T	\$ 14.00	Hour	\$ 23.00	Hour
Call Out	\$ 30.00	Hour	\$ 50.00	Hour
Police Chief	\$ 110,000.00	Year	\$ 165,000.00	Year
Police Lieutenant	\$ 110,000.00	Year	\$ 138,000.00	Year
Police Patrolment	\$ 40,500.00	Year	\$ 109,641.00	Year
Police Sergeants	\$ 104,695.00	Year	\$ 116,000.00	Year
Police Dispatchers Part Time	\$ 13.00	Hour	\$ 25.00	Hour
Crossing Guards	\$ 15.00	Hour	\$ 20.00	Hour
Matron	\$ 15.00	Hour	\$ 20.00	Hour
Fire Prevention Officer	\$ 7,000.00	Year	\$ 12,000.00	Year
Museum Docents	\$ 10.00	Hour	\$ 20.00	Hour
Emergency Management Secretary P/T	\$ 1,200.00	Year	\$ 1,500.00	Year
Temporary Clerical Help	\$ 10.00	Hour	\$ 30.00	Hour
Library Director	\$ 80,000.00	Year	\$ 100,000.00	Year
Library Adm. Asst./Office Manager	\$ 35,000.00	Year	\$ 45,000.00	Year
Reference Librarian F/T	\$ 50,000.00	Year	\$ 60,000.00	Year
Youth Services	\$ 36,000.00	Year	\$ 40,000.00	Year
Head of Circulation	\$ 45,000.00	Year	\$ 50,000.00	Year
Clerk Interlibrary Loan	\$ 30,000.00	Year	\$ 45,000.00	Year
Asst.Clerical P/T Library	\$ 13.00	Hour	\$ 30.00	Hour
Library Page	\$ 7.25	Hour	\$ 10.00	Hour
Recreation Summer Staff P/T	\$ 7.25	Hour	\$ 21.00	Hour
Custodians	\$ 25.00	Hour	\$ 25.00	Hour
Records Clerk	\$ 10,000.00	Year	\$ 35,000.00	Year
Technical Service Library	\$ 10,000.00	Year	\$ 35,000.00	Year
Library Technologist	\$ 13.50	Hour	\$ 15.00	Hour
Youth Services Asst.	\$ 10.00	Hour	\$ 15.00	Hour

Certified to be a true copy of an ordinance which was introduced at the regular meeting of the
Kinnelon Mayor and Council held on _____, 2016 and Adopted on _____, 2016.

, 2016

Robert W. Collins
Mayor

ORDINANCE NO. 9-16

**AN ORDINANCE CREATING A UNIFIED
ELECTRONIC REPORTING SYSTEM FOR
DEALERS IN PRECIOUS METALS AND OTHER
SECONDHAND GOODS**

WHEREAS, the Borough desires to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods; and

WHEREAS, the Borough desires to mandate electronic reporting requirements, developed by the County of Morris for uniform countywide reporting requirements, for dealers in precious metals and other secondhand goods.

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, County of Morris, State of New Jersey is hereby amended by the addition of the following:

Chapter 154: Precious Metals and Other Secondhand Goods.

§ 154-1 Purpose and Intent.

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact manner described herein.

§ 154-2 Definitions.

"ACCEPTABLE IDENTIFICATION" means a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification with an address, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department upon request. All of the above listed identification procedures require the Dealer to capture/record evidence of the person's current address.

"DEALER" means any person, partnership, Limited Liability Company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

"ITINERANT BUSINESS" means a dealer who conducts business intermittently within the municipality or at varying locations.

"MUNICIPAL CLERK" means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the "city," "town," "township, village," or "borough."

"PAWNBROKER" means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

"PRECIOUS METALS" means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5 -1 et seq. and N.J.S.A. 51:6 -1 et seq.

"PUBLIC" means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

"REPORTABLE TRANSACTION" means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

"SECONDHAND GOODS" means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic

devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

"SELLER" means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

"TRANSIENT BUYER" means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

§ 154-3 License Requirement for Dealers.

No person, partnership, Limited Liability Company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly person offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in §154-2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, Limited Liability Company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower -right -hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in §154-9.

§ 154-4 Application Process for Dealers; Approval or Denial.

- A. Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
1. The experience of the applicant in the business of purchase and sale of those articles or goods referred to in §154-2 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 2. The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 3. Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 4. The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by §154-6(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under §154-6(A).

- B. The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C. The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- D. Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in §154-5, the retention and inspection requirements of §154-6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by §1 54-8 of this chapter.
- E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three -person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.

F. No license shall be assignable by the dealer.

§ 154-5 Identification of Seller; Recordkeeping Requirements for Dealers.

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A. Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §154-2
- B. Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*
- C. Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
 - 1. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - 2. the name, address, date of birth, and telephone number of the seller or sellers;
 - 3. a photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
 - 4. a photographed recording of the seller's presented acceptable identification, as set forth in §154-2, in a format acceptable by the Chief of Police;
 - 5. a photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;
 - 6. the receipt number;

7. a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;
 8. the price paid for the purchase or pawn of the item(s);
 9. if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 5126-1 et seq.;
 10. the time and date of the transaction.
- D. The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.
- E. In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty -four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in §154-6.
- F. It shall be the requisite duty of every dealer, and of every person in the dealer's

employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in §154-6 itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

§154-6 Retention; Revocation; Other Restrictions.

- A. All precious metals and other secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in §154-5 except for precious metals and jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the seven-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.
- B. Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by §154-5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C. If market conditions would create a hardship on the dealer by holding precious metals or other secondhand goods for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver of the requirement under this section.

- D. In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in §154-5(C).
- E. No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F. Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to §154-9 of this chapter.
1. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
 2. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
 3. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chiefs designee, been cured, corrected, or appropriately rectified; or reinstatement is deemed appropriate by the three -person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (I).

- G. Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under §154-9.
1. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
 2. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three -person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.
- H. Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- I. A dealer shall have the right to change the location of the licensed business within the municipality, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

§154-7 Bond.

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the Borough of Kinnelon, be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

§154-8 Fees; Period of License Validity.

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$300. The annual renewal fee for a license is \$300. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by §154-5(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

§154-9 Violations and Penalties.

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in §154-6(F) and §154-6(G) above.

Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in §154-6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

§154-10 Time Limit for Conformance; Repealer; Severability.

- A. Any person, partnership, Limited Liability Company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- B. Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22 -1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21 -36 et seq., or any other statutory provision regarding any subject matter discussed herein.

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 Iuele, Deputy Borough Clerk

Robert Collins, Mayor

CERTIFICATION

I, Karen Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at a regular meeting of the Borough held on _____, 2016 and adopted by the Governing Body at a regular meeting of the Borough held on _____, 2016.

Karen Iuele, Deputy Borough Clerk

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

Roll Call:	A. Barish, Yes:
C. Sventy, Yes;	W. Yago, Yes;
W. Neely, Yes;	J. Freda, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 16, 2016 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED that at the regular meeting to be held on July 21, 2016 at 8:00pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

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

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

Roll Call:	A. Barish, Yes:
C. Sventy, Yes;	W. Yago, Yes;
W. Neely, Yes;	J. Freda, Yes.

TAX COLLECTOR'S REPORT

During the month of May 2016 the Tax Collector's Report indicated we collected \$8,446,787.25 in taxes.

INVESTMENT OFFICER'S REPORT

A total of \$991.65 was collected in interest for the month of May 2016.

DISTRICT SCHOOL

On motion of Councilman A. Barish, and seconded by Councilman J. Freda, followed by the "yes" roll call vote of all Council Members present the payment of \$2,889,430.42 to the District School when funds become available was approved for payment.

Roll Call:	A. Barish, Yes:
C. Sventy, Yes;	W. Yago, Yes;
W. Neely, Yes;	J. Freda, Yes.

APPOINTMENT

Upon motion of Councilwoman C. Sventy, and seconded by Councilman A. Barish, followed by the "yes" roll call vote of all Council Members present, the appointment of Mesrob Odian, to the Kinnelon Board of Library Trustees was approved.

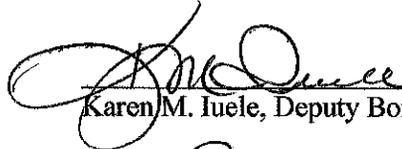
Roll Call:	A. Barish, Yes:
C. Sventy, Yes;	W. Yago, Yes;
W. Neely, Yes;	J. Freda, Yes.

June 16, 2016

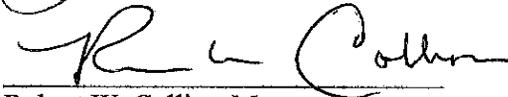
ADJOURNMENT

This meeting adjourned at approximately 10: 30 p.m. on motion by Councilwoman C. Sventy, with the unanimous affirmative voice vote of all present.

Respectfully submitted,



Karen M. Iuele, Deputy Borough Clerk



Robert W. Collins, Mayor

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