

August 9, 2016

ejb:fd (KN-1023)
(Kinn Referendum Ord on Turf Field)-B
071416
071516

ORDINANCE NO.: 13-16

**AN ORDINANCE AUTHORIZING THE
SUBMISSION OF A NON-BINDING
PROPOSITION TO THE LEGAL VOTERS
REGARDING THE INSTALLATION
AND FINANCING OF AN ARTIFICIAL
PLAYING SURFACE ON THE
KINNELON HIGH SCHOOL FIELD
PROPERTY OWNED BY THE
KINNELON BOARD OF EDUCATION
PURSUANT TO N.J.S.A. 19:37-1, et seq.**

WHEREAS, N.J.S.A. 19:37-1 permits the governing body of any municipality to ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government or internal affairs thereof; and

WHEREAS, the governing body of the Borough of Kinnelon desires to ascertain the sentiment of the legal voters of the Borough upon the question of whether the Borough of Kinnelon should install and finance an artificial playing surface on the Kinnelon High School field property owned by the Kinnelon Board of Education; and

WHEREAS, the Borough of Kinnelon desires to authorize the submission of such a non-binding proposition to the legal voters of the Borough as set forth hereinafter.

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

SECTION ONE. Pursuant to N.J.S.A. 19:37-1, et seq., the Borough of Kinnelon hereby determines to submit the following non-binding proposition to the legal voters of the Borough at the next general election to be held on November 8, 2016:

_____ YES
_____ NO

PUBLIC QUESTION NO. 1 (Non-Binding Referendum)

Shall the Borough of Kinnelon install an artificial playing surface (commonly known as "Artificial Turf") on the Kinnelon High School field property owned by the Kinnelon Board of Education and issue Bonds in the estimated range of \$1,000,000 to \$1,200,000 to finance the cost of such installation?

INTERPRETIVE STATEMENT.

This non-binding referendum will allow the Mayor and Borough Council of the Borough of Kinnelon to obtain the sentiment of the legal voters of the Borough as to whether the Borough of Kinnelon should install an artificial playing surface commonly referred to as "Artificial Turf" on the Kinnelon High School football field property owned by the Kinnelon Board of Education and fund the cost of such installation through the issuance of Bonds in an estimated range of \$1,000,000 to \$1,200,000. The estimated useful life of the Artificial Turf playing surface is projected to be 8 to 10 years with a currently estimated replacement cost of \$350,000. The replacement cost is not part of the initial installation and will require additional funding at the time of replacement. The Mayor and Borough Council are not required to act in accordance with the results of the vote on this question.

SECTION TWO. Upon the adoption and effectiveness of this Ordinance, the same shall be submitted to the Morris County Clerk, who shall be requested to print the

August 9, 2016

above Public Question No. 1 and Interpretive Statement on the Official Ballot for the General Election to be held on November 8, 2016.

SECTION THREE. The Deputy Borough Clerk, with the advice of the Borough Attorney, is hereby authorized to make any minor and/or insubstantial changes to the form of the Public Question or Interpretive Statement, provided that any such changes shall not modify any of the substantive provisions of the Public Question or the Interpretive Statement.

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

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

ATTEST:


Karen M. Iuele, Deputy Borough Clerk

BOROUGH OF KINNELON


Robert Collins, Mayor

August 9, 2016

PUBLIC HEARING:

Alan Kiswa, 295 Kinnelon Road, Kinnelon NJ, stated that he has been a resident for 28 years and commented that the Council saw the petition from last year and asked why is there a council debate, the council should know what the will of the people are on this issue.

Mayor Collins stated that the Council has had a number of meetings in the five years. We have reached out to the public with a survey and it was not all inclusive. This referendum will go out to all the legal voters. And every single voter will have the opportunity to vote on the issue.

Nelson De Bow, 29 Ricker Road, Kinnelon NJ, thanked the Mayor and Council for bringing this to a vote. It is due time to let the people vote on the turf issue.

Josephine Jordan, 4 Dogwood Trail, Kinnelon NJ, stated that she appreciated everyone on the council who has dealt with this over the last years. It has been a real effort.

Alexander Carmichael, 6 Derry Galley Circle, Kinnelon NJ, asked, what the history on this ordinance is, has there been other meetings and had there been a vote on this before.

Mayor Collins stated that there have been meetings on this before, but not a vote on this ordinance.

Mary Esther Arthur, 615 Mountain Road, Kinnelon NJ, asked the question of where the money would come from.

Mayor Collins stated that if the referendum passes, and NJDEP approves the permits, then the borough would issue bonds and the tax payer will be spending tax payer dollars.

Mrs. Arthur stated that she does not want to pay more taxes.

Randel Charles, 69 Green Hill Road, Kinnelon NJ, stated that we are not spending money on replacement of this field, which are only good for only 7 years, and that the burden of replacing the field would fall to the Board of Education.

Mayor Collins stated this is not what the referendum is about, and the ordinance stated 8 to 10 years for replacement of fields.

Mayor Collins asked if anyone from the council wish to speak on this ordinance at this time.

Mayor Collins stated that he has asked for public input four times with in the last six. Mayor Collins also stated that we are now at a point where this issue has become so divisive for our community and hopefully we can bridge some hard feelings and bring the community back together and do what is right for Kinnelon. We are a special community and this has been going on too long and we need to bring closure to the turf issue.

Councilman C. Barish stated that he has been on the council for over a year and a half. This was one of his platforms to have the turf issue come to a referendum.

Councilwoman C. Sventy stated that she agreed that this has been to long for the residents not to have a vote in this process, and it is time. This has divided our community over what should have been fun for the children and should never have become the divisive issue turning neighbor against neighbor, friend against friend and in some cases family against family.

Councilman W. Neely stated as the newest member on the council, it is quite upsetting on how this has divided the community. It's upsetting to see this group of people who have volunteered their time and are truly here to help the community. I am happy it is going to a vote and let us move on as a community. Kinnelon is a great place to live.

August 9, 2016

Councilman C. Giantonio agreed with everyone that this may not be a perfect solution, but is the best solution and once this vote is done we can move on as a community.

Councilman J. Freda agreed to go out to referendum and let the will of the people will be 100% taken.

Mayor Collins asked for a vote to adopt Ordinance 13-16

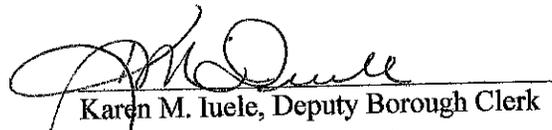
Councilwoman Carol Sventy offered a motion to adopt the foregoing resolution. This motion was seconded by Councilman Adam Barish.

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

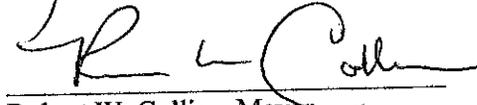
ADJOURNMENT

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

Respectfully submitted,



Karen M. Luele, Deputy Borough Clerk



Robert W. Collins, Mayor

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