

August 18, 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, August 18, 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 Clifford Giantonio, Carol Sventy, William Neely, Adam Barish, William Yago and James Freda.

TREASURER'S REPORT

The Treasurer's Report for August 18, 2016, indicated we started out with cash on hand as of June 30, 2016, in the amount of \$2,671,924.55. Receipts for the month of July 2016 totaled \$4,102,330.56 with disbursements amounting to \$1,476,326.15. The balance on hand as of July 31, 2016 .was \$5,297,928.96.

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

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

MAYOR'S REPORT:

Mayor Robert Collins stated that the borough attorney has informed the Mayor and Council that the non-binding referendum has been filed with the county clerk's office and will be placed on the November 8th ballot. Mayor Collins also stated that he met with the governor's office to talk about the fair share school funding act. Mayor Collins also mentioned that the 2015 Municipal Audit has still not been presented to the council for consideration.

On September 11th a ceremony will be held at 7:00 pm for remembrance of 9/11, it has been 15 years since this occurred. Mayor Collins also attended the Lakeland Hills Championship swimming meet on August 13th. We had close to 1,000 participants. He requested that the brochure which detailed the event be given to the Historical Commission and filed in the L'Ecole Museum's archives.

UTILITIES

Chairman Clifford Giantonio spoke about the Gas Tax to fund the Transportation Trust Fund and that it has been placed on hold. He stated that this will affect the Fayson Lakes Road project. Regarding the water meters, he said that we are still looking into the costs and how we can fund these meters.

COORDINATING & OPEN SPACE

Chairwoman Carol Sventy stated that the Board of Education had a meeting with Maser Engineering and the perk borings were completed.

Board of Health will hold their free rabies clinic in November and will have a booth at K-Fest.

Environmental Commission would like to make some recommendations to the Ordinance Committee on the Tree Ordinance and they would also like to have a booth at K-Fest.

August 18, 2016

Historical Commission will have the Pathways of History Tour on October 8 & 9.
Kamelot has completed the FY 2016, and will have an Annual Report by end of
September/October.
Open Space Advisory Committee recommend the appointment of Lauren Abderhalden.

PUBLIC WORKS

Chairman William Neely reported on the solid waste contract, and that the bid opening will be August 24th at 10:00, one bid has been picked up so far and we are hoping there will be additional bids requested. The DPW's last invoice has been received and is now in the hands of the Borough's Attorney. The DPW punch list has also been completed.

FINANCE, PUBLIC SAFETY & TECHNOLOGY

Councilman A. Barish, reported that there were no status updates regarding the 2015 Audit. OEM will have a grant meeting for generators and fire equipment, they were also able to secure two message boards for the upcoming paving project in Smoke Rise.

Kinnelon Police Department is quiet, and the negotiations are ongoing.

Kinnelon Volunteer Fire Company offered mutual aid to a fire on route 23. Also there is a resolution on tonight's agenda for adoption to continue the Fire Mutual Aid Agreement Between Participating Morris County Municipalities & Fire Districts.

Technology: we are preparing to move ahead with digital document storage and retrieval.

ORDINANCE & PERSONNEL

Chairman William Yago stated that the borough will be hiring three part time employees. There are also three ordinance to be adopted tonight. Planning Board, there is nothing to report at this time.

RECREATION

Chairman James Freda stated that the lights on the Boonton Ave Field are being worked on and will be able to turn them on and off by using a cell phone. John Whitehead is working on the pathway to the municipal fields and that the work on the KRP buildings will be started soon. He also reminded everyone that summer is almost over and school will be starting soon please drive careful.

HEARING FROM THE PUBLIC

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

Avery Hart, 5 Cherry Tree Lane, Kinnelon NJ spoke on the grant that the borough had received for the community garden. So far we have had no luck in finding a location for it but we are not giving up.

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

PAYMENT OF BILLS AS SUBMITTED BY THE TREASURER

A motion was offered by Councilwoman C. Sventy and seconded by Councilman A. Barish for the payment of bills dated August 18, 2016.

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Range of Checking Accts: GENERAL to GENERAL Range of Check Ids: 15582 to 15691
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
15582	07/25/16	BOW02 BOWTIE CINEMA	1,803.00	4647
15583	07/26/16	LAK02 LAKELAND BANK	1,589.10	4648
15584	08/01/16	KIN09 KINNELON BOARD OF EDUCATION	3,042,862.67	4649
15585	08/18/16	ACC07 ACCURATE WASTE SYSTEMS, INC	1,802.50	4650
15586	08/18/16	ACT04 ACTION DATA SERVICES	1,298.89	4650
15587	08/18/16	AFF02 AFFILIATED TECHNOLOGY	1,085.40	4650
15588	08/18/16	AIR03 AIR GROUP	1,712.83	4650
15589	08/18/16	AJ01 AJ'S PIZZA	280.00	4650
15590	08/18/16	ALL02 ALL SERVICE INC.	965.00	4650
15591	08/18/16	ALL04 ALLIED OIL COMPANY	2,763.52	4650
15592	08/18/16	ALL12 ALL TRAFFIC SOLUTIONS	405.00	4650
15593	08/18/16	AME16 AMERICAN HOSE & HYDRAULIC CO.	397.00	4650
15594	08/18/16	AP001 APOLLO FLAG COMPANY INC.	35.00	4650
15595	08/18/16	BOR01 BOROUGH OF BUTLER ELECTRIC	6,055.55	4650
15596	08/18/16	BOR02 BOROUGH OF KINNELON	11,125.97	4650
15597	08/18/16	BOR04 BOROUGH OF BUTLER SEWER	10,017.42	4650
15598	08/18/16	BOR11 BOROUGH OF BLOOMINGDALE	107.72	4650
15599	08/18/16	BUR02 CHRISTOPHER BURNS	12.00	4650
15600	08/18/16	BUR08 BURGIS ASSOCIATES, INC	2,152.50	4650
15601	08/18/16	BUZ01 THE BUZAK LAW GROUP, LLC.	28,062.83	4650
15602	08/18/16	CAB01 CABLEVISION	627.85	4650
15603	08/18/16	CAM05 CAMPBELL FOUNDRY COMPANY	161.50	4650
15604	08/18/16	CAM09 CAMP AUTO & TRUCK PARTS, INC	175.00	4650
15605	08/18/16	CIN05 CINTAS CORPORATION NO.2	284.53	4650
15606	08/18/16	COO03 COOPERATIVE COMMUNICATIONS INC	1,545.59	4650
15607	08/18/16	CRE01 CREW ENGINEERS INC.	2,485.00	4650
15608	08/18/16	CRO02 CROWN AWARDS	1,594.59	4650
15609	08/18/16	DAR01 DARMOFALSKI ENGINEERING ASSOC.	721.00	4650
15610	08/18/16	DEB03 DE BLOCK ENVIRONMENTAL SERVICE	24,877.18	4650
15611	08/18/16	DEL08 DELTA DENTAL OF NEW JERSEY INC	4,397.79	4650
15612	08/18/16	DEL16 DE LAGE LANDEN	196.61	4650
15613	08/18/16	DEP06 GIANNA DEPALMA	24.20	4650
15614	08/18/16	DEP07 ANTHONY DEPALMA	24.20	4650
15615	08/18/16	DMC01 DMC ASSOCIATES INC.	10,300.00	4650
15616	08/18/16	DOR06 Dorsey & Semrau, LLC	450.00	4650
15617	08/18/16	DRA02 DRAEGER SAFETY DIAGNOSTICS, INC	66.00	4650
15618	08/18/16	EJG01 EJG SPORTS	356.15	4650
15619	08/18/16	ELE03 ELECTRO BATTERY SYSTEMS INC.	25.74	4650
15620	08/18/16	EMR EMR Power Systems, LLC	640.00	4650
15621	08/18/16	FAV01 RALPH M. FAVA, ATTORNEY AT LAW	4,550.00	4650
15622	08/18/16	FRE10 MARLENE FREDERICKS	55.00	4650
15623	08/18/16	GEN09 GENERAL FOUNDRIES, INC	2,025.00	4650
15624	08/18/16	GRA02 GRAMCO	52.80	4650
15625	08/18/16	GRA15 GRASS ROOTS TURF PRODUCTS	241.92	4650
15626	08/18/16	HAW03 HAWTHORNE AUTOMOBILE SALES CO.	180.88	4650
15627	08/18/16	HOM02 HOME DEPOT CREDIT SERVICE	213.58	4650
15628	08/18/16	HOR04 Horizon Office Equipment	55.00	4650
15629	08/18/16	HOU01 HOUSING PARTNERSHIP	1,000.00	4650
15630	08/18/16	HSU01 ROBERT HSU	160.00	4650
15631	08/18/16	JAC05 JACK BRANAGAN	775.00	4650
15632	08/18/16	JCP01 JCP & L	21.41	4650

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num	
15633	08/18/16	JIM01	JIMMY THE SHOE DOCTOR	580.95	4650
15634	08/18/16	KIN08	KINNELON VOLUNTEER FIRE CO.	6,000.00	4650
15635	08/18/16	KIN09	KINNELON BOARD OF EDUCATION	3,042,862.67	4650
15636	08/18/16	KIN31	KINNELON JR FOOTBALL	9,295.00	4650
15637	08/18/16	KIN34	KINNELON REC CHEERLEADING	1,899.54	4650
15638	08/18/16	KYB01	KYBA	2,274.00	4650
15639	08/18/16	LAK10	LAKESIDE BAGELS & DELI	188.72	4650
15640	08/18/16	LAN06	LANGUAGE LINE SERVICES	37.54	4650
15641	08/18/16	LOE01	LOEFFELS WASTE OIL SERVICE	138.75	4650
15642	08/18/16	MAG03	MAGLOCLEN	400.00	4650
15643	08/18/16	MAY02	ROBERT MAYER	200.00	4650
15644	08/18/16	MGL01	M.G.L. FORMS SYSTEM	520.00	4650
15645	08/18/16	MOB01	L-3 COM MOBILE VISION INC	61.95	4650
15646	08/18/16	MOM01	MOMAR INCORPORATED	1,429.05	4650
15647	08/18/16	MOR08	MORRIS COUNTY FIRE FIGHTERS &	340.00	4650
15648	08/18/16	MOR21	MORRIS COUNTY M.U.A.	37,734.77	4650
15649	08/18/16	NES01	NESTLE PURE LIFE DIRECT	104.72	4650
15650	08/18/16	NEW04	NJ ST.LEAGUE OF MUNICIPALITIES	320.00	4650
15651	08/18/16	NJA10	NJ ADVANCE MEDIA	114.70	4650
15652	08/18/16	NJCA06	NJMCAA/MICHELLE AMBRECHT,CMCA	90.00	4650
15653	08/18/16	NJD07	NJ DEPT HEALTH & SENIOR SERV	6.00	4650
15654	08/18/16	NJP02	NJ POLICE TRAFFIC OFFICERS	50.00	4650
15655	08/18/16	NOR02	NORTH JERSEY NEWSPAPER	452.07	4650
15656	08/18/16	NOR18	NORTHEAST COMMUNICATIONS, INC.	1,180.00	4650
15657	08/18/16	ONE02	One Call Concepts, INC.	85.00	4650
15658	08/18/16	PEE01	PEERLESS CONCRETE PRODUCTS CO.	572.00	4650
15659	08/18/16	PIT06	PITNEY BOWES-RESERVE ACCOUNT	2,500.00	4650
15660	08/18/16	PIT07	PITNEY BOWES	160.99	4650
15661	08/18/16	PRI06	PRIME UNIFORM SUPPLY, INC	535.30	4650
15662	08/18/16	PRO17	HEATHER PROKOP	50.00	4650
15663	08/18/16	PSE01	P.S.E. & G.	121.46	4650
15664	08/18/16	QUA05	QUALITY GLASS LLC	735.00	4650
15665	08/18/16	RAC02	RACHLES/MICHELE'S OIL CO.,INC	1,491.23	4650
15666	08/18/16	RIV06	Riverdale Environmental	800.00	4650
15667	08/18/16	ROU01	ROUTE 23 AUTO MALL	33.82	4650
15668	08/18/16	RUT08	RUTGERS YTH SPORTS RESRCH COUN	762.50	4650
15669	08/18/16	SAN03	Tony Sanchez, LTD	739.42	4650
15670	08/18/16	SCH30	MELANIE SCHUCKERS	152.54	4650
15671	08/18/16	SHO06	DOUGLAS SHORTWAY	100.00	4650
15672	08/18/16	SPO05	SPOT-A-WAY	225.00	4650
15673	08/18/16	STA	STAPLES ADVANTAGE, DEPT NY	228.00	4650
15674	08/18/16	STA01	STAGERS AUTO BODY	704.00	4650
15675	08/18/16	STA05	STATE OF NEW JERSEY PWT	41.48	4650
15676	08/18/16	STA22	STADIUM SYSTEM	4,175.00	4650
15677	08/18/16	STE19	STERTIL-KONI USA, INC	50,657.00	4650
15678	08/18/16	STO01	STORR TRACTOR COMPANY	481.06	4650
15679	08/18/16	SUB03	SUBURBAN DISPOSAL	48,583.33	4650
15680	08/18/16	SUP03	SUPERIOR TREE WIZARDS,LLC	600.00	4650
15681	08/18/16	TIL01	TILCON NY	1,914.45	4650
15682	08/18/16	TRI01	TRI-BORO FIRST AID SQUAD	25,000.00	4650
15683	08/18/16	TRI16	PATRICK J. TRIANO	120.00	4650
15684	08/18/16	VER11	VERIZON WIRELESS - KPD	194.97	4650
15685	08/18/16	VFI01	VFIS BENEFITS DIVISION	3,703.32	4650
15686	08/18/16	WAL11	WALLINGTON PLUMBING & HEATING	121.64	4650

August 18, 2016
12:51 PM

BOROUGH OF KINNELON
Check Register By Check Id

August 18, 2016

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
15687	08/18/16	WBM01 W.B. MASON COMPANY INC.	66.52		4650
15688	08/18/16	WES01 WEST GROUP PAYMENT CENTER	173.50		4650
15689	08/18/16	WUB01 ANDREW WUBBENHORST	750.00		4650
15690	08/18/16	ZAP01 ZAPHYR LLC	5,200.00		4650
15691	08/18/16	CAB01 CABLEVISION	290.01		4653
<hr/>					
Report Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
	Checks:		110	0	6,431,166.39
	Direct Deposit:		0	0	0.00
	Total:		110	0	6,431,166.39

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND APPROPRIATIONS	5-01	11,004.00	0.00	0.00	11,004.00
CURRENT FUND APPROPRIATIONS	6-01	6,296,597.11	0.00	0.00	6,296,597.11
WATER FUND	6-05	5,324.37	0.00	0.00	5,324.37
SEWER FUND	6-07	33,501.83	0.00	0.00	33,501.83
Year Total:		6,335,423.31	0.00	0.00	6,335,423.31
	C-04	55,167.55	0.00	0.00	55,167.55
DOG TAX	D-13	22.83	0.00	0.00	22.83
STATE AND FEDERAL GRANTS	G-02	2,731.06	0.00	0.00	2,731.06
	I-14	200.00	0.00	0.00	200.00
RECREATION SPECIAL	R-16	22,580.72	0.00	0.00	22,580.72
	V-27	3,297.50	0.00	0.00	3,297.50
RECYCLE FUND	Y-21	739.42	0.00	0.00	739.42
Total of All Funds:		6,431,166.39	0.00	0.00	6,431,166.39

August 18, 2016
09:02 AM

BOROUGH OF KINNELON
Check Register By Check Id

Page No: 1

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Range of Checking Accts: POLICE to POLICE Range of Check Ids: 1617 to 1617
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
1617	08/18/16	MIL05 MILLER PIPELINE	6,108.68		4652

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	1	0	6,108.68	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	6,108.68	0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	T-23	6,108.68	0.00	0.00	6,108.68
Total of All Funds:		<u>6,108.68</u>	<u>0.00</u>	<u>0.00</u>	<u>6,108.68</u>

August 18, 2016
08:52 AM

BOROUGH OF KINNELON
Check Register By Check Id

Page No: 1

August 18, 2016

Range of Checking Accts: PLANNING 2 to PLANNING 2 Range of Check Ids: 1700 to 1700
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
1700	08/18/16	DAR01 DARMOFALSKI ENGINEERING ASSOC.	625.00		4651

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	1	0	625.00	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	625.00	0.00

August 18, 2016
08:52 AM

BOROUGH OF KINNELON
Check Register By Check Id

Page No: 2

August 18, 2016

Project Description	Project No.	Project Total
20 ORCHARD ROAD	11003112	125.00
6 DIXON, JEFFERSON, #56403113	56403113	500.00
Total of All Projects:		<u>625.00</u>

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

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

CONSENT AGENDA:

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

- a. Resolution: 8.01.16 Authorize Mayor to Sign Contract with Blue Star Amusements – K-Fest
- b. Resolution: 8.02.16 Authorize Mayor to Sign Contract with International Fireworks – K-Fest
- c. Resolution: 8.03.16 Requesting Approval of Items of Revenue and Appropriation – L'Ecole Museum
- d. Resolution: 8.04.16 Authorize Mayor to Sign Morris County Historic Preservation Trust Fund Grant Agreement – L'Ecole Museum
- e. Resolution: 8.05.16 Authorizing the Expenditure of \$2,000 in Furtherance of the Purposes Municipal Shared Services(MSSDA)
- f. Resolution: 8.06.16 Authorize Mayor to Sign Renewal of Membership in the Morris County JIF
- g. Resolution: 8.07.16 Authorize to Hire Laura M. Gakos as Part Time Account Payable Clerk
- h. Resolution: 8.08.16 Authorize to Hire Nancy E. Szymansky as Part Time Tax Clerk
- i. Resolution: 8.09.16 Redemption Tax Sale Certificate No. 10-00001-Blk 45502 Lot 172-21, Walnut Lane-\$145,510.27
- j. Resolution: 8.10.16 Authorize Tax Sale for the Borough of Kinnelon-October 27, 2016
- k. Resolution: 8.11.16 Approving Settlement of Tax Appeal – Block 33602 Lot 120, 2 Goldfinch Run
- l. Resolution: 8.12.16 Authorize to Hire Richard Giannetti at a Part Time Dispatcher for the Kinnelon Police Department
- m. Raffle License: OLM, KN-793-KB
- n. Minutes: M&C, July 21, 2016
- o. Resolution: 8.13.16 Authorize Mayor to Sign Fire Mutual Aid Agreement Between Participating Morris County Municipalities & Fire Districts

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

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August 18, 2016

Keli (KN-1014)
KN Fest Games Resolution
080516

RESOLUTION NO. 8.01.16 RESOLUTION AUTHORIZING AGREEMENT WITH BLUE STAR AMUSEMENTS FOR THE PROVISION OF RIDES, GAMES AND CONCESSIONS AT KINNELON FEST

WHEREAS, Kinnelon Fest will be held in the Borough of Kinnelon ("Borough") on October 1, 2016 with a rain date of October 2, 2016; and

WHEREAS, the Borough desires to contract with Blue Star Amusements t/a Campy's Amusements and t/a Garden State Amusements ("Blue Star") for the provision of rides, games and concessions at Kinnelon Fest; and

WHEREAS, Blue Star provided a price quotation stating that it would pay the Borough 25 percent of the gross revenues for all rides, after New Jersey Sales Tax is deducted, in consideration for being authorized to provides rides, games and concessions at Kinnelon Fest; and

WHEREAS, an Agreement was provided to the Borough for the provision of rides, games and concessions by Blue Star at Kinnelon Fest dated July 27, 2016; and

WHEREAS, the Borough desires to authorize the execution of said Agreement with Blue Star for the provision of rides, games and concessions at Kinnelon Fest.

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

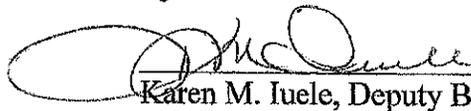
1. The terms and conditions of a certain Agreement between Blue Star t/a Campy's Amusements and t/a Garden State Amusements ("Blue Star") and the Borough of Kinnelon ("Borough") dated July 27, 2016 for the provision of rides, games and concessions at Kinnelon Fest be and the same is hereby approved, ratified and confirmed by the Borough.

2. The Mayor and Borough Clerk are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

3. This Resolution shall take effect retroactive to July 27, 2016.

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 August 18, 2016.


Karen M. Iuele, Deputy Borough Clerk

Blue Star Amusements t/a
Campy's Amusements
Garden State Amusements
PO Box 2424
Woodland Park, N.J. 07424
973-256-4190
Fax 973-256-5880

August 18, 2016

This agreement made and entered into this 27th day of July 2016 by and between Garden State Amusements & Blue Star/Campy's Amusements, hereinafter referred to as "party of the first part" and Borough of Kinnelon "party of the second part."

The party of the first part agrees to present rides and games, in the borough of Kinnelon, state of New Jersey for a period of 1 day, October 1, 2016. (rain date October 2, 2016.)

Rides to be furnished: B-10 Adult & Kiddy Rides, to consist of, but not limited to: Slide, Ferris Wheel, Scat, Scrambler, Berries, Kiddiown, Cars, Train, Tea Cups, Elephants.

Exclusive Concessions: Cotton Candy, Candy Apples, Popcorn, Snow-Cones, Fresh Squeezed Lemonade, Water Race game, Fishy game with inflatable prizes

In the event of sickness or death of any performer of attraction, the party of the first part shall have reasonable time to replace such act or performer of attraction. Party of the first part shall not in any way be liable for any damages or expenses caused by any failure of delay in presenting one of the above attractions as hereinafter provided if caused by war, riots, strikes, government regulations, labor or transportation difficulties, adverse weather conditions, or any other accident or circumstances over which party of the first part has no control.

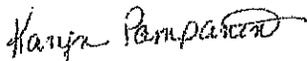
The party of the second part, hereby agrees to furnish all license, water, police protection and a suitable location of grounds, know as 130 Kinnelon Rd, Kinnelon, NJ 07406

In consideration thereof, the party of the first part agrees to pay the party of the second part the sum as follows: 25 percent of all ride gross revenues, after 7% NJ Sales Tax is deducted. It is agreed that the party of the first part receive all receipts due them immediately at the close of the aforesaid period.

This contract entered into and signed in duplicate in the city known as Woodland Park state of New Jersey, this the 27th day of July 2016 by a duly authorized representative of the parties hereto.

This contract is void if not returned within 14 days of the above date

Signature of the Party of the First Part:
Garden State/Blue Star Amusements



Signature of the Party of the Second
Part:



August 18, 2016

Keli (KN-1014)
KN Fest Fireworks Resolution
080516

RESOLUTION NO.

8-02-16

**RESOLUTION AUTHORIZING CONTRACT WITH
INTERNATIONAL FIREWORKS MFG. CO. FOR A
FIREWORKS EXHIBITION AT KINNELON FEST**

WHEREAS, Kinnelon Fest will be held in the Borough of Kinnelon ("Borough") on October 1, 2016 with a rain date of October 2, 2016; and

WHEREAS, the Borough desires to contract with International Fireworks Mfg. Co. for a fireworks exhibition to be provided at Kinnelon Fest; and

WHEREAS, the Borough received a price quotation from International Fireworks Mfg. Co. for a fireworks exhibition for the total cost of Ten Thousand Dollars (\$10,000.00); and

WHEREAS, a Contract dated July 26, 2016 was provided to the Borough for the fireworks exhibition by International Fireworks Mfg. Co. at Kinnelon Fest; and

WHEREAS, the Borough desires to authorize the execution of said Contract for the fireworks exhibition at Kinnelon Fest.

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

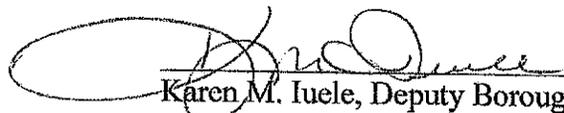
1. The terms and conditions of a certain Contract between Fireworks Mfg. Co. and the Borough of Kinnelon ("Borough") dated July 26, 2016 for the fireworks exhibition at Kinnelon Fest be and the same is hereby approved, ratified and confirmed by the Borough.

2. The Mayor and Borough Clerk are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

3. This Resolution shall take effect retroactive to July 26, 2016.

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 August 18, 2016.


Karen M. Iuele, Deputy Borough Clerk

August 18, 2016

**Contract of
International Fireworks Mfg. Co**

This agreement entered 7/26/2016 by and between the International Fireworks Mfg. Co., party of the first part and Borough of Kinnelon party of the second part.

International Fireworks Mfg. Co. agrees to display for said party of the second part at Kinnelon, NJ on October 1, 2016 in a location to be designated by said party of the second part and approved by International Fireworks Mfg. Co. one exhibition of fireworks, in accordance with the program that was mutually agreed upon. We reserve the right to make substitutions of equal or greater value as long as it does not reduce the value of the program that was agreed upon. The cost of this program is based on the value of the shells & effects and not on shell count. International Fireworks Mfg. Co. agrees to furnish sufficient skilled labor to set up and shoot the fireworks.

The party of the second part agrees to furnish the necessary police protection at all times during the preparation of the exhibition and firing of same, and for at least a period of 30 minutes after the exhibition is fired. The party of the first part agrees to inspect the area the night of the display to safely remove and dispose of any unexploded shells or live components. Furthermore, the party of the second part agrees to take responsibility for the cleanup of fallout debris after the display. The party of the second part agrees to procure any and all necessary permits and licenses, which may be required by the municipal or state authorities. International Fireworks Mfg Co will do a post display inspection the night of the display any first light inspection is the responsibility of the sponsor

International Fireworks Mfg. Co. agrees to furnish insurance, Public Liability and Property damage in the amount of Five Million Dollars, a certificate being furnished to that effect to the party of the second part. Those entities/individuals listed on the certificate of insurance shall be deemed an additional insured per this contract.

International Fireworks Mfg. Co. agrees that in the event of rain or inclement weather, a postponement may be made to a date to be determined up until March 1, 2017. There will be a postponement fee, if the display has been delivered to the site of actual cost incurred. If the sponsor notifies us of a postponement prior to the display leaving our warehouse there will be an administration fee for cost incurred. In the event of total cancellation before set up, the party of the second part agrees to pay 50% of the contract price plus expenses incurred. It is also understood and agreed by the parties hereto that in the event the fireworks have been taken out and set up before any rain then such exhibition of fireworks must be carried out in the best possible manner without any deductions whatever from the hereinafter named compensation.

The party of the first part shall not incur any liability for any loss or for any failure to perform any obligation hereunder due to causes beyond its control without limitation legal or regulatory restrictions.

The party of the second part agrees to pay the total contract price of \$10,000.00 to International Fireworks Mfg. Co. within 10 days after this display has been performed.

By
International Fireworks Mfg. Co. Inc
Gerakline Serpico
Vice President

By
Borough of Kinnelon



August 18, 2016

RESOLUTION 8.03.16

**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 2016 on the sum of \$115,000.00, which is now available as a revenue from Morris County Historic Preservation Grant. Pursuant to the provision of the statute, and \$28,750.00 Cash Match from Open Space Trust Fund.

BE IT FURTHER RESOLVED, that the like sum of \$115,000.00 is hereby appropriated under the caption Morris County Historic Preservation Grant and \$28,750.00 Cash Match from Open Space Trust Fund; and

BE IT FUTHER RESOLVED, that the sum of \$115,000.00 representing the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the budget of the year 2016 under the caption Morris County Historic Preservation Grant \$28,750.00 Cash Match from Open Space Trust Fund; and

Resolution No. 8.03.16

Offered by Councilwoman Sweeny

Seconded by Councilman Stanton

Adopted August 18, 2016 and certified as a correct and true copy of an original.


Deputy Borough Clerk

August 18, 2016

Resolution 8.04.16

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

L'Ecole Kinnelon Museum Exterior Restoration

2016 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 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: *August 18, 2016*


Robert W. Collins Mayor

August 18, 2016

**MORRIS COUNTY
HISTORIC PRESERVATION TRUST FUND
GRANT AGREEMENT**

**L'Ecole Kinnelon Museum - Exterior Restoration
2016 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."

GENERAL PROVISIONS

1. DEFINITIONS

- a) "Approved Project" means an eligible construction or non-construction project as defined in the Morris County Historic Preservation Trust Fund Rules and Regulations and as in accordance with the project described in Exhibit 2.
- b) "County" means the Morris County Board of Chosen Freeholders.
- c) "Grantee" means Kinnelon Borough.
- d) "HPO" means the New Jersey Historic Preservation Office.
- e) "Program" means the Morris County Historic Preservation Trust Fund.
- f) "Standards" means the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68).

2. RULES AND REGULATIONS

The Grantee is bound to adhere to the rules and regulations of the Morris County Historic Preservation Trust Fund as set forth here in their entirety.

3. PROJECT ADMINISTRATION

- a) The Grantee agrees to perform in the manner set forth in this agreement for the consideration stated herein.
- b) If Grantee received funds for the purchase of a site, the Grantee agrees, in perpetuity, not to sell, exchange or donate the property or any features of the property described herein pursuant to P.L. 1997 c.24, N.J.S.A. 40:12-15, et seq. except upon approval of the Morris County Board of Chosen Freeholders and upon such conditions as the Morris County Board of Chosen Freeholders may establish.
- c) The project site must be open to the general public as stipulated.
- d) No official or employee of the Grantee who is authorized in his/her official capacity to negotiate, make, accept or approve, or take part in such decisions regarding a contract or subcontract in connection with the Approved Project shall have any financial or other personal interest in any such contract or subcontract.
- e) For non-construction grants, the Grantee agrees to provide two draft plans/reports to the County. After the documents have been reviewed and deemed conforming to the Standards by the County, the Grantee will send two final documents of the plans/reports to the County.

- f) The Grantee, at the request of the County, may be required to prepare a progress report and submit it to the County within 30 calendar days after the date requested. The report shall include a narrative description of the status of the Approved Project, the date on which the Approved Project will be completed, and any contractor voucher. The County may, at its discretion, make visits to the site to monitor project compliance.

4. PERIOD OF PERFORMANCE

The Grantee has 60 days to execute this Agreement. In the event that this Agreement has not been executed by the Grantee in the above time period, the Agreement may be considered void.

The period of performance under this Agreement is specified as two years from the date of execution by the County. Said Agreement shall expire on September 28, 2018 . There shall be no obligation on the part of the County to renew or extend this time period.

5. AWARD OF FUNDING

- a) The amount of the award to be provided by the County under this contract is \$115,000. The County award is based upon the Grantee's application to the County for financial assistance, which was received by the County Department of Planning and Public Works (Attached as Exhibit 1).
- b) Grantee will submit the Applications for Payment as certified by the architect, as well as photo documentation. Payments will be scheduled upon receipt of conformance comments from the county consultant.
- c) All work invoiced must be related to the Scope of Work in the Approved Project Description (Exhibit 2).
- d) Site visits will be performed intermittently as appropriate to verify the extent of work completed.
- e) Grantee agrees that any Program funds received from the County shall be used only for the purposes described in the application and not for any ineligible activities as provided for under the statute or guidelines. Grantee further agrees that if it uses program funds for any other purposes other than those specified and approved in this agreement, the county may recover all such funds with interest.
- f) All monies dedicated for this project will be kept separate and earmarked from other agency funds.

6. MATCHING FUND

August 18, 2016

The Grantee agrees to provide all matching funds as necessary for the completion of the project as stipulated in the scope of work (Exhibit 2) and in accordance with this Agreement and the conditions, specifications, plans, estimates, project proposals submitted to the County and incorporated herein by reference. Specifically, the grantee will provide at least a 20% match. For this project the match amount will be \$28,750. Said amount is available and provided in _____ (e.g. Capital Ordinance, savings account, special trust account).

7. ADMINISTRATIVE APPROVAL

Before the Grantee of a construction grant expends or encumbers any funds provided from the County, the Grantee will request an Administrative Approval Letter for the authorization to proceed from the County.

8. CONTRACTORS

- a) The Grantee is responsible for obtaining contractors who will perform work on this project in compliance with the Standards.
- b) The Grantee agrees to send a fully executed contract with the contractor to the County.
- c) Prior to any construction beginning on the project, all plans and specifications shall be submitted to Morris County for review and approval to ensure consistency with the Standards as required by the Memorandum of Understanding between the County of Morris and the New Jersey Historic Preservation Office (HPO).

9. ARCHAEOLOGICAL RESOURCE

For construction grant that involves ground disturbing activity:

- a) The Grantee is responsible for obtaining a qualified archaeologist to review the ground disturbing activity and verify conformance to the Standards. The Grantee shall bear all costs related to such review.
- b) If the affected area is deemed to have high archaeological potential by HPO staff, the Grantee is responsible for obtaining an archaeological survey that will be performed by an archaeologist who meets the National Park Service's Professional Qualification Standards for Archaeology (attached as Exhibit 3). The scope of work shall be developed in consultation with the HPO. A report (meeting the HPO Report Guidelines) detailing the findings of the investigation shall be submitted to the HPO for review and approval.

- c) Significant archaeological resources shall be avoided or preserved in place whenever feasible. When preservation in place is not possible, in whole or in part, the Grantee is responsible for performing a treatment for "data recovery" consistent with the Advisory Council's Handbook, Treatment of Archaeological Properties, and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716). This will be developed and implemented in consultation with HPO.
- d) In the event that previously unidentified and undocumented, high density archaeological deposits are unearthed during construction, the Grantee shall contact the County and HPO for an archaeologist from HPO to make an on-the-spot appraisal of the significance of the remains.

10. ENCROACHMENT REVIEW

If, at any point during the period of performance, County or the HPO determines that the Standards cannot be met for any reason, and that the project will be considered an encroachment, the Grantee shall make an application to the New Jersey Historic Sites Council for review pursuant to the procedures listed in N.J.A.C. 7:4-7.2 (e). The time used for such review shall not be considered part of the period of performance for the project. The County is not bound to fund any work which is considered to be an encroachment. Any such work performed may make null and void this Agreement for that portion of the grant.

11. CREDIT

- a) For construction projects, the Grantee shall permit the erection of a permanent sign which describes the Approved Project undertaken and credits the Morris County Historic Preservation Trust Fund as a funding source. The sign shall be erected as soon as possible after the completion of the Approved Project. The County shall provide the sign to the Grantee.
- b) The Grantee shall credit the Morris County Historic Preservation Trust Fund in all printed materials, releases and announcements (including television and radio interviews) regarding all activities to which the County Historic Preservation Trust Fund has contributed.

12. COMPLIANCE

- a) The Grantee now complies with all applicable State and Federal Laws in connection with its business and activities related to the services to be provided including, without limitation, bidding requirements and any applicable Federal or State Civil Rights Law, order or regulation.

- b) The execution of this Agreement has been authorized by the Grantee's Board of Trustees and the Morris County Board of Chosen Freeholders.
- c) No warranty, representation or statement in this Agreement is in violation of the Certificate of Incorporation or By-Laws of the Grantee.

13. EASEMENT AGREEMENT

For a) all acquisition projects and b) construction grants over \$50,000, applied cumulatively over any number of funding cycles, the Grantee shall execute an easement agreement with the County to assure, to the extent practicable, the preservation, enhancement and protection of the property from inappropriate use and alteration now and until 30 years after the final payment for the Approved Project -- regardless who owns, maintains, rehabilitates, restores, renovates, adapts, revitalizes, occupies or uses it.

14. REGISTER LISTING

For properties not already on the National and New Jersey Registers of Historic Places, the Grantee agrees to submit a nomination to the State Historic Preservation Office by _____.

15. CLAIMS AND NOTICES

- a) For construction grants only, the Grantee will notify, within two weeks of the date of execution of this Agreement by the County, the affected local government unit and owners of all real property as certified by the Local Government Unit(s) to be within 200 feet in all directions of the property that the Approved Project is located on, as shown on the current tax duplicates; provided that this requirement shall be deemed satisfied by notice to the (1) condominium association, in the case of any unit owner whose unit has a unit above or below it, or (2) horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. The notice shall include information on the grant award as contained in the Approved Project Description (Exhibit 2).
- b) For non-construction grants only, the Grantee will notify, within two weeks of the date of execution of this Agreement by the County, the local government unit. The notice shall include information on the grant award as contained in the Approved Project Description (Exhibit 2).
- c) All claims and notices required to be given under the terms of this Agreement of which any of the parties desire to give hereunder shall be in writing and sent by registered or certified mail, postage pre paid, return receipt requested, each addressed as follows:

As to the COUNTY:

Ray Chang, Historic Preservation Program Coordinator
Morris County Dept. of Planning and Public Works
P. O. Box 900
Morristown, New Jersey 07963 0900

As to the GRANTEE:

Thomas L. Kline, Chairman, Historical Commission
Kinnelon Borough
130 Kinnelon Road
Kinnelon, NJ 07405

16. FINANCIAL RECORDS AND AUDITING REQUIREMENTS

- a) The Grantee's financial management system shall provide for the following:
- 1) Accurate, current and complete disclosure of the financial results of this Agreement and any other agreement with the County, contract, grant, program or other activity administered by the Grantee;
 - 2) Records adequately identifying the source and application of all Grantee funds specific to this project and all funds administered by the Grantee. These records shall contain information pertaining to all contract and grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income;
 - 3) Effective internal and accounting controls over all funds, property and other assets. The Grantee shall adequately safeguard all such assets and shall ensure that they are used solely for authorized purposes;
 - 4) Comparison of actual outlays with budgeted amounts for this Agreement and for any other agreement with the County, contract, grant, program or other activity administered by the Grantee;
 - 5) Accounting records supported by source documentation;
 - 6) Procedures to minimize elapsed time between any payment issued by the County and the disbursement of such funds by the Grantee; and,
 - 7) Procedures for determining the reasonableness, allowableness and allocability of costs under this Agreement and procedures consistent with the provisions of any applicable County policies.
- b) The County, or its duly authorized representative(s), shall have access to all records, books, documents and papers pertaining to this Agreement and/or the Approved Project for audit, examination, excerpt and transcript purposes. Obtaining information shall be made practicable for the County.

August 18, 2016

Such access shall apply during performance of the Approved Project and for three years after the latter date of either final payment or audit resolution.

All records shall be maintained accordingly.

Grantee shall cite this provision in all project related contracts.

- c) Audit reports must address Grantee's compliance with the material terms and conditions of this Agreement and applicable laws/regulations. Grantee shall conduct annual audits in conformance with the Single Audit Act, Federal OMB Circular A-128: "Audits of State and Local Governments," and State OMB Circular 92-05: "Single Audit Policy."
- d) Audit reports must contain an itemized schedule of Grantee's County grant which identifies: grantor agency, program title, County account number, program amount, and total disbursement.
- e) Grantee's account will be adjusted, if necessary, upon the County's review of the annual audit reports.

17. RELEASE AND INDEMNIFICATION

- a) The Grantee shall indemnify and hold harmless the County, the Board of Chosen Freeholders, their Employees, Agents and Servants from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees (including attorneys' fees) or other expenses or liabilities including the investigation and defense of any claims, arising out of or resulting from the performance of the Grantee's work or the completed operations provided that any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of the use resulting therefrom, and (b) is caused in whole or in part by any negligent act or omission of the Grantee, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable (including a claim by an employee of the Grantee) regardless of whether it is caused in part by a party indemnified hereunder.

In any and all claims against County of Morris, the Board of Chosen Freeholders, their Employees, Agents and Servants by any employees of the Grantee, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, the indemnification obligation under this Agreement shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Grantee under worker's compensation acts, disability benefit acts or other employee benefit acts.

- b) The Grantee shall, within thirty (30) days after a claim has been made against it, give written notice thereof to the County along with full and complete particulars of the claim. If suit is brought against the County or any of their agents, servants or employees, for which indemnification is provided under this paragraph, the County shall expeditiously forward to the Grantee every demand, complaint, summons, pleading, or other process received.

18. PROJECT TERMINATION

- a) Grantee may not terminate, modify or rescind this Agreement without the express written approval of the County. Any attempt by the Grantee to terminate, modify or rescind this Agreement after commencement without the express written approval of the County shall constitute a material breach and subject the Grantee to any and all appropriate remedies at law.
- b) County may terminate this Agreement in whole or in part at any time for good cause. The term "good cause" shall include, but not be limited to, failure to comply with the terms and conditions of this Agreement or the rules and regulations of the Trust Fund.

19. REMEDIES

- a) In addition to any other rights and remedies available to the County pursuant to law, in the event of failure to comply with this Agreement and/or with the rules and regulations of the Trust Fund, the County may take any of the following actions or combinations thereof:
 - 1) Issue a Notice of Noncompliance.
 - 2) Withhold County funds.
 - 3) Order suspension of project work.
 - 4) Recover County funds with interest
 - 5) Terminate or annul this Agreement.
- b) No remedy herein conferred or reserved by the County is intended to be exclusive of any other available remedy or remedies, but each and every other remedy shall be cumulative and shall be in addition to every other remedy given under the Agreement or now or hereafter existing at law or in equity by statute. No delay or omission to exercise any right or power accruing upon failure of compliance with this Agreement shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as deemed expedient. In order to entitle the County to exercise any remedy reserved to it in this Section, it shall not be necessary to give notice other than such notice as may be provided by this Section.

August 18, 2016

- c) In addition to the above remedies, if a Grantee commits a breach, or threatens to commit a breach of this Agreement, the County shall have the right and remedy, without posting bond or other security, to have the provisions of this Agreement specifically enforced by any court having equity jurisdiction, it being acknowledged and agreed that any such breach or threatened breach will cause irreparable injury to the County and that money damages will not provide an adequate remedy therefor.
- d) The County shall not be required to do any act whatsoever or exercise any diligence whatsoever to mitigate the damages to Grantee if any event or failure of compliance shall occur hereunder.

20. MISCELLANEOUS

- a) This Agreement constitutes the entire agreement and supersedes all prior agreements and understandings both written and oral between the parties with respect to the subject matter thereof and may be executed simultaneously in several counterparts, each of which shall be deemed an original, all of which together shall constitute one and the same instrument.
- b) Modifications or waivers of provisions of this Agreement of the Approved Project must be in writing and submitted to the County for prior approval.
- c) In the event that any provision of the Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
- d) In the event that any provision of this Agreement should be breached by the Grantee and thereafter waived by the County, such waiver shall be limited to the particular breach so waived by the County and shall not be deemed to waive any other by the Grantee.
- e) This Agreement shall inure to the benefit of and be binding upon the heirs, successors and administrators of Grantee, but no part hereof shall be assigned without the prior written consent of the County.
- f) This Agreement shall be construed and enforced under the laws of the State of New Jersey.
- g) In the event of litigation, Grantee waives whatever right it may have to trial by jury.

August 18, 2016

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

ATTEST/SEAL

Morris County Board of Chosen Freeholders

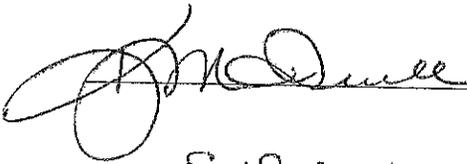
BY _____

Date _____

Kathryn A. DeFillippo
Freeholder Director

ATTEST/SEAL

For the GRANTEE:

 _____

BY  _____

Date 8-18-2016 _____

Robert W. Collins _____

(Typed Name)

Deputy Borough Clerk _____

Mayor _____
(Title)

August 18, 2016

EXHIBIT 1: PROJECT APPLICATION MADE TO TRUST FUND

EXHIBIT 2: APPROVED PROJECT DESCRIPTION

Grantee(s): Kinnelon Borough

Address: 130 Kinnelon Road, Kinnelon, NJ 07405

Phone: (973) 492-2620

Fax:

E-Mail: thomaslkline3@aol.com

Contact Person: Thomas L. Kline, Chairman, Historical Commission

Project Name: L'Ecole Kinnelon Museum

Project Location: 25 Kiel Avenue
Block 34 Lot 56 & 57

Type of Application: Exterior Restoration

Grant Award: \$115,000.00

Project Period: Two years from date of execution by the County, this date being Friday, September 28, 2018

Public Access: 100 days/year at completion of project.

Scope of Work:

L'Ecole Kinnelon Museum

Finishes	\$29,560
Carpentry/Roofing/Doors	\$35,240
Concrete/Masonry/Metals	\$3,800
Site Work	\$19,600
General Requirements/Temp Facilities	\$20,160
Construction Administration	\$4,640
Bidding/Negotiations	\$2,000
Total:	<u>\$115,000</u>

The Scope of Work shall include selected items described in "For the Preparation of Design and Contract Documents for Phase IIB: Exterior Restoration at the L'Ecole Kinnelon Museum", prepared by Connolly & Hickey, Revised Mar. 10, 2016, submitted as part of the 2016 grant application from the Borough of Kinnelon.

EXHIBIT 3
PROFESSIONAL QUALIFICATION STANDARDS
(NATIONAL PARK SERVICE)

ARCHEOLOGY AND HISTORIC PRESERVATION:

Secretary of the Interior's Standards and Guidelines
[As Amended and Annotated]

Professional Qualifications Standards

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

Archeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology, and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Note: The above Professional Qualification Standards have been reprinted from the web site of the National Park Service on June 25, 2003.

August 18, 2016

Keli (Kinnelon)
MSSDA Kinnelon Resolution 3
072516

**RESOLUTION NO. 8.05.16 RESOLUTION AUTHORIZING THE EXPENDITURE
OF \$2000 IN FURTHERANCE OF THE PURPOSES
OF THE MUNICIPAL SHARED SERVICES
DEFENSE AGREEMENT**

WHEREAS, the Borough Council of the Borough of Kinnelon ("Borough") entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert with regard to the calculation of municipal affordable housing obligations; and

WHEREAS, the Mayor and Council authorized the expenditure of \$2,000 for the preparation of the expert report; and

WHEREAS, an Amendment to the MSSDA ("Amendment") was authorized by Resolution to substitute Econsult Solutions, Inc. as the expert for the municipalities participating in the MSSDA (the "Consortium"); and

WHEREAS, the Mayor and Council authorized the expenditure of an additional \$2,000 in connection with the Amendment and in furtherance of the MSSDA; and

WHEREAS, the Borough recognizes that further reports need to be prepared with regard to municipal affordable housing obligations as well as other legal matters to be addressed by the Consortium; and

WHEREAS, the Borough has determined that it is in the best interests of the citizens of the Borough of Kinnelon to approve additional funding to enable the Consortium and its expert to address the multiplicity of issues raised and associated with the calculation of municipal affordable housing obligations and the continued implementation of the MSSDA.

August 18, 2016

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kinnelon, County of Morris, State of New Jersey, they being the Governing Body thereof as follows:

1. The amount of \$2,000 is hereby authorized to be expended by the Borough of Kinnelon in furtherance of the purposes of the MSSDA.
2. 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 August 18, 2016.


Karen M. Iuele, Deputy Borough Clerk

Resolution 8.06.16

August 18, 2016

**RESOLUTION FOR RENEWAL OF MEMBERSHIP
IN THE
MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, Kinnelon Borough is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. Kinnelon Borough agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

This Resolution agreed to this 18th day of August 2016 by a vote
of: Yes Affirmative
 Negative

MAYOR

[Signature]
ATTEST

[Signature]

August 18, 2016
DATE

August 18, 2016

RESOLUTION 8. 07.16

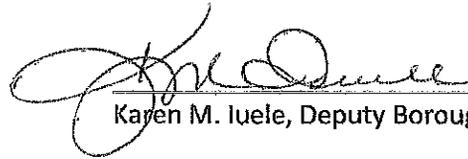
AUTHORIZATION TO HIRE
LAURA M. GAKOS
PART TIME ACCOUNTS PAYABLE
CLERK IN FINANCE OFFICE

WHEREAS, the Council of the Borough of Kinnelon wishes to hire Laura M. Gakos as a Part Time Accounts Payable in the Finance Office; and

WHEREAS Laura M. Gakos start date is August 8, 2016, with a rate of pay of \$15.00 an hour.

NOW THERE FOR BE IT RESOLVED BY, the Mayor and Council of the Borough of Kinnelon approved hiring Laura M. Gakos in the finance office as a part time accounts payable clerk.

Dated: August 18, 2016



Kayen M. Iuele, Deputy Borough Clerk

August 18, 2016

RESOLUTION 8.08 .16

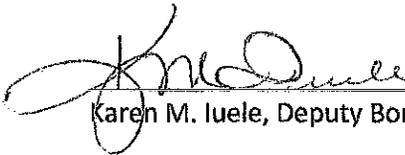
AUTHORIZATION TO HIRE
NANCY E. SZYMANSKY AS A
PART TIME TAX CLERK IN THE
TAX COLLECTORS OFFICE

WHEREAS, the Council of the Borough of Kinnelon wishes to hire Nancy E. Szymansky as a Part Time Tax Clerk in the Tax Collectors Office; and

WHEREAS Nancy E. Szymansky start date is August 8, 2016, with a rate of pay of \$15.00 an hour.

NOW THERE FOR BE IT RESOLVED BY, the Mayor and Council of the Borough of Kinnelon approved hiring Nancy E. Szymansky as a part time tax clerk in the Tax Collectors Office.

Dated: August 18, 2016



Karen M. Luele, Deputy Borough Clerk

August 18, 2016

RESOLUTION # 8.0916

BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to R. ROTHMAN in the amount of \$145,510.27 for redemption of Tax Sale Certificate No. 10-00001, Block 45502 Lot 172 also known as 21 Walnut Lane, Kinnelon, New Jersey.

ROLL CALL:

August 18, 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 August 18, 2016.

Date: 08/18/2016


Karen M. luele, Deputy Borough Clerk

August 18, 2016

RESOLUTION # 8-10-16

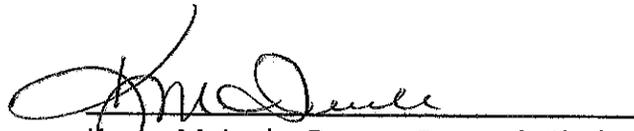
BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that in accordance with NJSA 54:5 the Tax Collector will hold the annual Tax Sale for the Borough of Kinnelon on Thursday, October 27, 2016.

ROLL CALL:

August 18, 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 Mayor and Council August 18, 2016.

Date: 08/18/2016


Karen M. Iuele, Deputy Borough Clerk

August 18, 2016

Jackie (KN-4082)
Fleming Settlement Resolution
081016

RESOLUTION NO. 8.11.16

**RESOLUTION APPROVING SETTLEMENT OF TAX
APPEAL BY KRISTEN A. FLEMING, BLOCK 33602,
LOT 120 (2 GOLDFINCH RUN), BOROUGH OF
KINNELON, MORRIS COUNTY, NEW JERSEY**

WHEREAS, Kristen A. Fleming ("Taxpayer") filed a tax appeal against the Borough of Kinnelon (hereinafter "Borough") to the Tax Court of New Jersey for the Tax Year 2016 challenging the assessment of real property known as Block 33602, Lot 120 (2 Goldfinch Run) as shown on the Official Tax Map of the Borough of Kinnelon; and

WHEREAS, there were negotiations between the parties and a settlement has been proposed and is being recommended by the Borough Attorney and the Borough Assessor; and

WHEREAS, the Governing Body desires to approve the same.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Kinnelon, County of Morris, State of New Jersey, they being the Governing Body thereof as follows:

1. The settlement of the tax appeal for Block 33602, Lot 120 (2 Goldfinch Run) reducing the assessment of \$1,025,600 to \$725,600 for Tax Year 2016 is hereby authorized and approved.
2. Plaintiff's agreement to waive prejudgment interest on any tax overpayment that is due is approved provided that the refund is paid within sixty days of the date of the Tax Court Judgment.
3. The Borough Attorney is hereby authorized to sign the Stipulation of Settlement incorporating the complete agreement between the parties.
4. The Borough Assessor, Borough Attorney, Borough Tax Collector, employees, agents

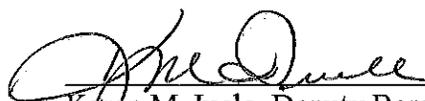
August 18, 2016

or representatives of the Borough are hereby authorized to do whatever is necessary to effectuate the purpose of this Resolution.

5. 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 August 18, 2016.



Karen M. Iuele, Deputy Borough Clerk

August 18, 2016

RESOLUTION 8.18.16

AUTHORIZING HIRE OF A
PART TIME DISPATCHER
FOR THE KINNELON POLICE
DEPARTMENT

WHEREAS, the Kinnelon Police Department wishes to hire a part time dispatcher; and

WHEREAS, Kinnelon Police Department wishes to hire Richard Giannetti, 105 Miller Road, Kinnelon New Jersey; and

WHEREAS, the rate of pay for Mr. Giannetti will be \$14.00 per hour for the first 6 months then \$14.50 after the first complete 6 months.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kinnelon authorize the hire Richard Giannetti as a part time dispatcher.

CERTIFICATION

I, Karen M. luele, 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 August 18, 2016.

Dated: August 18, 2016


Karen M. luele, Deputy Borough Clerk

August 18, 2016

**FIRE MUTUAL AID AGREEMENT BETWEEN
PARTICIPATING MORRIS COUNTY MUNICIPALITIES &
FIRE DISTRICTS**

RESOLUTION NO. 8.13.16

**RESOLUTION SUPPORTING THE MORRIS COUNTY FIRE MUTUAL AID PLAN IN
THE BOROUGH OF KINNELON, COUNTY OF MORRIS, STATE OF NEW JERSEY**

Whereas, the Borough of Kinnelon provides fire protection resources for ordinary emergency response requirements within its jurisdiction; and

WHEREAS, the Fire Departments in Morris county have a day-to-day responsibility to provide for the safety and security of lives and property and

WHEREAS, local resources can become exhausted during the small percentage of large magnitude fire disaster occurrences; and

WHEREAS, mutual aid is the most cost-effective method of providing sufficient resources to a local jurisdiction for those extraordinary occurrences; and

WHEREAS, it is of mutual benefit for fire agencies located within the County of Morris to provide supplemental resources to each other in the event of a local emergency or disaster; and

WHEREAS, this plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of fire department personnel and equipment whenever a local fire agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of a fire or emergency; and

WHEREAS, a county area mutual aid plan is encouraged by, and is compatible with the State of New Jersey Resource Deployment Act; and

WHEREAS, participation in a county area mutual aid plan will not impose liability on the local entity; and

WHEREAS, it is the desire of the governing body of the Borough of Kinnelon to participate in fire mutual aid plan in accordance with the plan as submitted by the Morris County Alliance of Active Fire Chiefs;

August 18, 2016

**FIRE MUTUAL AID AGREEMENT BETWEEN
PARTICIPATING MORRIS COUNTY MUNICIPALITIES &
FIRE DISTRICTS**

NOW, THEREFORE, BE IT RESOLVED, THE Mayor and Council of the Borough of Kinnelon does hereby agree; (1) to authorize their fire protection agency to provide mutual aid assistance to each participating municipality, district, state or federal organization, as identified in the Morris County Fire Mutual Aid Plan approved by the Morris County Alliance of Active Fire Chiefs on the 18th day of August, 2016 and as may be amended from time to time by the Morris County Alliance of Active Fire Chiefs and ratified by this body; and

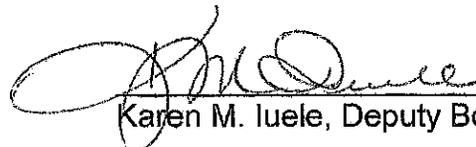
BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the County Board of Chosen Freeholders, the County Fire Coordinator, the County OEM Coordinator and all Morris County Municipalities.

Date: August 18, 2016



Mayor Robert W. Collins

I, Karen M. luele, 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 meeting held on August 18, 2016



Karen M. luele, Deputy Borough Clerk

LICENSE FOR: Raffles License No. KN- 793 -KB

(Insert Bingo or Raffles)

Identification No. 238-8-32242

Insert Name (Display this license conspicuously)

Of Municipality BOROUGH OF KINNELON During the conduct of the games)

Insert Name of

Licensee Our Lady of the Magnificat RC Church

Address 2 Miller Rd, Kinnelon, New Jersey 07405

(cross out line which) Bingo (not to Exceed 35 games),
Raffles of the kind stated,

1. This license allows the licensee to conduct
The winner to be determined on each of the dates, at the places and during the hours shown below:

Kind of Game	Date	Place	During hours
<u>Amusement Rides</u>			
<u>Games of Chance</u>	<u>10/29/16</u>	<u>2 Miller Rd Kinnelon, NJ</u>	<u>6:00pm</u>
<u>11/26/16</u>	<u>12/31/16</u>	<u>1/28/17</u>	<u>2/25/17</u>
<u>6/24/17</u>	<u>7/29/17</u>	<u>8/26/17</u>	<u>9/30/17</u>

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

1st prize \$400.00 2nd prize \$300.00 3rd prize \$200.00 4th prize \$100.00

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose:

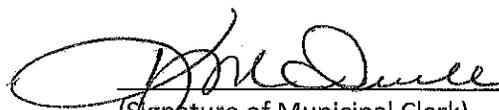
General Fund – Our Lady of the Magnificat Ladies Guild charitable works, Womenn’s Shelters, Food Banks, Homeless Shelters, Cancer Support Groups, Nursing Homes, activities including nursing home residents picnic, Christmas toy drive.

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

Names	Addresses
<u>Deborah Goolian</u>	<u>7 Mica Dr Kinnelon, NJ 07401</u>

Issued by order of MAYOR AND COUNCIL ON August 18, 2012

(SEAL)


(Signature of Municipal Clerk)

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

August 18, 2016

Keli (KN-1017)
Meadtown Traffic Ordinance
062715

ORDINANCE NO. 10-16

AN ORDINANCE AMENDING SECTIONS 84-4.1.B. AND 84-34 OF CHAPTER 84, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF KINNELON

WHEREAS, pursuant to N.J.S.A.40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon desires to amend the regulations set forth in Section 84-4.1.B. of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon for the control of traffic within the portion of the Meadtown Shopping Center located in the Borough of Kinnelon; and

WHEREAS, the Borough of Kinnelon also desires to amend and supplement Section 84-34 of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon to designate Kiel Avenue, from the terminus at Meadtown Shopping Center to a point 120 feet west of the entrance to the Meadtown Shopping Center, as a one-way street.

August 18, 2016

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

SECTION ONE. Section 84-4.1.B. of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby deleted in its entirety and replaced by the following:

B. Meadtown Shopping Center.

1. 1483 Rt. 23, Meadtown Shopping Center. Pursuant to written consent of UB Kinnelon I, LLC, the provisions of Subtitle 1 of Title 39 of the New Jersey Statutes and, unless otherwise provided herein, all pertinent municipal ordinances are applicable to the semipublic roads, streets, driveways and parking lots at 1483 Rt 23 (Block 45301, Lot 101), located in the Borough of Kinnelon, County of Morris, as approved by Kinnelon Planning Board, Application No. 804, and the following regulations shall be enforceable:

(a) This subsection B shall only be effective with respect to that portion of the shopping center located within the jurisdiction of the Borough of Kinnelon, that is Block 45301, Lot 101 on the Official Tax Map of the Borough of Kinnelon.

(b) The Borough of Butler is hereby requested to adopt a companion ordinance to this one making Title 39, Subtitle 1 applicable to that portion of the Meadtown Shopping Center located in the Borough of Butler.

2. Parking.

(a) All vehicles must park in designated areas/spaces and between the lines provided.

(b) No person shall stop or stand a vehicle upon any of the streets or parts of streets described below in areas covered by other parking restrictions.

Name of street	Sides	Hours
All Roads and Aisles	Both	All

(c) Handicapped parking. All stalls shall be 12 feet wide and signed with the R7-8 and R7-8P (reserved parking sign and penalty plate) in the designated parking areas for persons who have been issued handicapped parking permits by the Division of Motor Vehicles.

(d) Time Limit. Customer parking is limited to a maximum of three hours and no person shall stand or park any vehicle in excess of three hours without obtaining permission from one of the businesses in the Meadtown Shopping Center. Notice of these restrictions shall be posted at various locations within the parking area and such notice shall consist of signs not less than 18 inches by 24 inches upon which there shall be written words "three-hour parking for customers only".

3. Entrance and Exits.

(a) Entrance Only. The locations described are hereby designated as entrance only.

Name of street	At cross street
West Drive	Kiel Ave

(b) Exit Only. The locations described are hereby designated as exit only.

Name of street	At cross street
Middle Drive	Kiel Ave
East Drive	Kiel Ave

4. One-way streets. The following described streets or parts of streets are hereby designated as one-way streets in the direction indicated.

Name of street	Direction	Limits
West Drive	South	Kiel Ave to Main Drive

5. Stop intersections. The following described streets or parts of streets are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

Intersection	Stop sign on
Middle Drive and Kiel Avenue	Middle Drive
West Drive and Main Drive	All 3 legs of intersection
West Drive and South Drive	West Drive
Main Drive and East Drive	East Drive (Northbound) and Main Drive (Eastbound)

Rear Drive and Kiel Avenue

Rear Drive

6. Speed limits.

(a) The speed limit for both direction of traffic in parking lots shall be 15 mph.

(b) The speed limit for both direction of travel on the following roadways are:

Name of street	Speed Limit (mph)	Limits
All roads and aisles	15	Entire length

(c) Regulatory and warning signs shall be erected and maintained regarding the designated speed limits, which were authorized by the Department of Transportation.

7. Tow-away zones. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, pedestrian walkways, or present, in any way, a safety or traffic hazard, may be removed by towing the vehicle at the owner's or operator's expense.

8. Load zones. The locations described are hereby designated as loading zones. No person shall park a vehicle in said location during times indicated, other than for the loading or unloading of goods and materials.

Name of street	Sides	Hours
Rear Driveway	Along west side of building	All

9. All signs, posts, or other necessary material must be installed and paid for by UB Kinnelon I, LLC. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

10. Violations and penalties. Unless another penalty is expressly provided for by New Jersey Statute, all municipal ordinances, including 84-2 (violations and penalties), shall be fully applicable to the semipublic areas of 1483 Rt 23.

SECTION TWO. Section 84-34 of Chapter 84, of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby deleted in its entirety and replaced by the following:

Section 84-34. Schedule VI- One-Way Streets.

In accordance with the provisions of Section 84-12, the following described streets or parts of streets are hereby designated as one-way streets in the direction indicated:

August 18, 2016

Name of Street	Direction	Limits
East Gate Road	Northbound	Between East Gate House and Spice Bush Road
Spice Bush Road	Westbound	Between East Gate Road and Stonehouse Road
Stonehouse Road	Southbound	Between Robbins Lane and East Gate House
Turnabout Road	Counter- Clockwise	Between East Gate Road and Stonehouse Road
Kiel Avenue	Westbound	From the terminus at Meadtown Shopping Center to a point 120 feet west of the entrance to Meadtown Shopping Center

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

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

August 18, 2016

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

ATTEST:

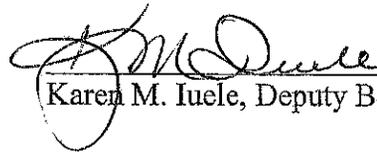
BOROUGH OF KINNELON


Karen M. Iuele, Deputy Borough Clerk


Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on July 21, 2016 and adopted by the Governing Body at a regular meeting of the Borough held on August 18, 2016.


Karen M. Iuele, Deputy Borough Clerk

August 18, 2016

Keli (KN)
Tax Fees Ordinance
071116

ORDINANCE NO. 11-16

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 119, FEES, OF
THE CODE OF THE BOROUGH OF
KINNELON BY THE ADDITION OF
ARTICLE II: TAX DEPARTMENT FEES**

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

WHEREAS, the Borough of Kinnelon desires to amend and supplement Chapter 119, Fees, of the Code of the Borough of Kinnelon, Morris County, New Jersey by the addition of Article II governing Tax Department Fees.

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

SECTION ONE. The Chapter 119, Fees, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby amended and supplemented by the addition of the following:

Article II: Tax Department Fees

- Duplicate tax bills. The Tax Collector shall charge a maximum of \$5 for the first duplicate copy and a maximum of \$25 for each subsequent duplicate copy of the same tax bill in the same fiscal year.

- Calculate redemption of tax lien.

(1) Purpose of fee: calculate redemption of tax lien (other than lienholder). Any party entitled to redeem a certificate pursuant to N.J.S.A. 54:5-54, or any related or successor statutory provision, may receive two calculations of the amount required for redemption within a calendar year at no cost. A fee of \$50 shall be charged for each subsequent calculation.

(2) Purpose of fee: calculate redemption of tax lien (lienholder). Any lienholder requesting a calculation pursuant to N.J.S.A. 54:5-97.1, or any related or successor statutory provision, shall be charged \$50 for each calculation.

- Cancellation of balances of \$10.00 or less. All overpayments or delinquencies of taxes, water or sewer in the amount of ten dollars (\$10.00) or less may be automatically cancelled by the Tax Department when they occur anytime during the current year without benefit of a specific resolution so canceling.

- Redemption Penalty on Tax Lien Certificate redeemed by delinquent property owner prior to foreclosure. Pursuant to N.J.S.A. 54:5-61 and 54:5-32, the Borough may charge a redemption penalty of 2 percent on a balance greater than \$200, 4 percent on balance greater than \$5,000 and 6 percent on a balance greater than \$10,000.

- Cost of Sale - 2 percent on delinquency. Minimum of \$15 and maximum of \$100. \$25 for mailing of tax list with a maximum of 2 mailings.

- Fee for duplicate Certificate of Redemption for Tax Lien Certificate - \$50.00.

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

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

August 18, 2016

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

ATTEST:

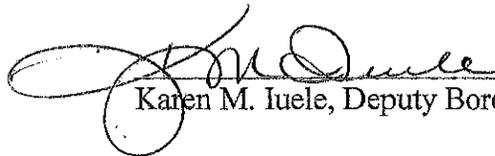
BOROUGH OF KINNELON


Karen M. Iuele, Deputy Borough Clerk


Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on July 21, 2016 and adopted by the Governing Body at a regular meeting of the Borough held on August 18, 2016.


Karen M. Iuele, Deputy Borough Clerk

August 18, 2016

Keli (KN-1019)
Abandoned Property Ordinance
071216

ORDINANCE NO. 12-16

**AN ORDINANCE AMENDING AND
SUPPLEMENTING THE CODE OF THE
BOROUGH OF KINNELON BY THE ADDITION
OF CHAPTER 142, REHABILITATION OF
ABANDONED PROPERTY**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to N.J.S.A. 55:19-55 to 59 and 55:19-78 to 105, the governing body of a municipality may adopt an Ordinance directing the establishment of an abandoned property list and authorizing the municipality to take certain actions to rehabilitate abandoned properties; and

WHEREAS, the Borough of Kinnelon ("Borough") desires to enact an Ordinance directing the establishment of an abandoned property list and authorizing the Borough to take certain actions to rehabilitate abandoned properties within the Borough.

August 18, 2016

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

SECTION ONE. The Code of the Borough of Kinnelon, Morris County, New Jersey is hereby amended and supplemented by the addition of the following:

Chapter 142: Rehabilitation of Abandoned Property

§142-1. Definitions relating to abandoned property (from N.J.S.A. 55:19-54)

"Abandoned property" means any property that is determined to be abandoned pursuant to N.J.S.A. 55: 19-78 et seq., which is set forth in §142-8 of this Chapter;

"Public officer" means the Zoning Officer of the Borough of Kinnelon.

§142-2. Abandoned property list; identification of abandoned property; notice to property owners and utilities; rehabilitation; official publication; challenge to listing by owner or lienholder; disposal of property by Borough (from N.J.S.A. 55:19-55)

a. The Borough of Kinnelon may direct the public officer to identify abandoned property for the purpose of establishing an abandoned property list throughout the Borough. Each item of abandoned property so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot.

~~b. The public officer shall establish and maintain a list of abandoned property, to be known as the "abandoned property list." The Borough of Kinnelon may add properties to the abandoned property list at any time, and may delete properties at any time when the public officer finds that the property no longer meets the definition of an abandoned property. An interested party may request that a property be included on the abandoned property list following that procedure set forth in N.J.S.A. 55:19-105.~~

An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the Borough of Kinnelon has purchased or taken assignment from the Borough of a tax sale certificate which has been placed on the abandoned property list may be removed in accordance with the provisions of N.J.S.A. 55:19- 103.

c. (1) The public officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the Borough of Kinnelon, which publication shall constitute public notice, and, within 10 days after publication, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The public officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the public officer's finding that the property is abandoned property as that term is defined in N.J.S.A. 55:19-54 and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the public officer in the office of the Morris County Clerk. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the property owner as defendant and the name of the Borough as plaintiff, as though an action had been commenced by the Borough against the owner.

(2) The public officer, within ten days of the establishment of the abandoned property list, or any additions thereto, shall send by regular mail, facsimile or electronic mail, a copy of the abandoned property list to the electric and gas utilities serving the Borough.

~~d. An owner or lienholder may challenge the inclusion of his property on the abandoned property list determined pursuant to subsection b. of this section by appealing that determination to the public officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the public officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the public officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice pursuant to subsection d. of this section, the public officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit~~

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or certification shall be accompanied by supporting documentation; such as but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in N.J.S.A. 55:19-54. The public officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.

e. The property owner may challenge an adverse determination of an appeal with the public officer pursuant to subsection d. of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, Morris County, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the public officer pursuant to subsection d. of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in N.J.S.A. 55: 19-54. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.

f. The public officer shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.

g. The abandoned property list shall become effective, and the Borough of Kinnelon shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to that property or upon the denial of an appeal brought by the property owner.

§142-3. Sale of tax lien on abandoned property; remediation costs (from N.J.S.A. 55:19-56)

a. Notwithstanding N.J.S.A. 54:5-19 or the provisions of any other law to the contrary, if a property is included on the abandoned property list and the property taxes or other Borough liens due on the property are delinquent six or more quarters as of the date of expiration of the right to appeal inclusion on the list, or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the list have been exhausted, then the tax lien on the property may be sold in accordance with the procedures in the "tax sale law," N.J.S.A. 54:5-1 et seq., on or after the 90th day following the expiration of that time of appeal or final determination on an appeal, as appropriate. The Borough of Kinnelon may, at its option, require that the sale of the tax sale

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certificate or any subsequent assignment or transfer of a tax sale certificate held by the Borough be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the abandoned property list pursuant to N.J.S.A. 55:19-55 and to post a bond in favor of the Borough to guarantee the rehabilitation or repair of the property. The public officer may waive a requirement to post a bond imposed by the Borough of Kinnelon for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the public officer that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in N.J.S.A. 55:19- 80. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for redemption of the property. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the tax collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of \$1,500 pursuant to N.J.S.A. 54:4-67 of the Borough of Kinnelon in effect for the time period when the amounts were expended. The tax sale certificate purchaser, assignee or transferee, under the auspices and with the authority of the Borough of Kinnelon, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement holding the Borough of Kinnelon harmless is filed with the public officer. If the tax sale certificate is not purchased at the initial auction of the tax sale certificate and the Borough of Kinnelon purchases the certificate pursuant to N.J.S.A. 54:5-34, then the Borough of Kinnelon is authorized and empowered to convey and transfer to the New Jersey Redevelopment Authority ("Authority") or any of its subsidiaries, without receiving compensation therefor, all of its right, title and interest in that certificate; however, any portion of the amount paid to the tax collector to redeem the tax sale certificate that represents tax or other municipal lien delinquencies and subsequent municipal liens, including interest, shall be returned by the tax collector of the Borough of Kinnelon.

b. (1) If the Borough of Kinnelon or the Authority or its subsidiaries acquires the tax sale certificate for a property on the abandoned property list, then, upon 10 days' written notice to the property owner and any mortgagee as of the date of the filing of the lis pendens notice under N.J.S.A. 55:19-55, that entity shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the abandoned property list. No remediation shall be commenced, however, if within that 10-day period the owner or mortgagee shall have notified the Borough of Kinnelon or its subsidiary, as appropriate, in writing that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Borough of Kinnelon or the Authority or its subsidiaries, as appropriate, in order to ensure performance. The amount and conditions of the bond shall be determined by the public officer.

(2) The cost of remediation incurred by the Borough of Kinnelon or the Authority or its subsidiaries pursuant to this subsection, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to, or after the filing of any lien by the Borough of Kinnelon, except for Borough taxes, liens and assessments and any lien imposed pursuant to the "Spill Compensation and Control Act," N.J.S.A. 58:10-23.11 et seq., together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the Morris County Clerk.

c. (1) Failure of an owner or lienholder to remove a property from the abandoned property list within the period of time for appeal of inclusion of the property on the list pursuant to N.J.S.A. 55:19-55, shall be prima facie evidence of the intent of the owner to continue to maintain the property as abandoned property.

(2) The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to paragraph (1) of this subsection shall be a public purpose and public use for which the power of eminent domain may be exercised.

§142-4. Removal of property from list of abandoned properties; remediation (from N.J.S.A. 55:19- 57)

a. An owner may remove a property from the list of abandoned properties prior to sale of the tax sale certificate by paying all taxes and Borough liens due, including interest and penalties and:

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(1) by posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to N.J.S.A. 55:19-55 and posting cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public officer stating that the cash or bond adequately covers the cost of the cleanup; or

(2) by demonstrating to the satisfaction of the public officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the public officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-55, as evidenced by significant rehabilitation activity on the property, the public officer may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.

b. If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Borough which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

§142-5. Acquisition of tax sale certificate for abandoned property; action to foreclose right of redemption (from N.J.S.A. 55:19-58)

a. When a person other than the Borough Kinnelon or the Authority or its subsidiaries acquires a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of six months following the date of the sale of the tax sale certificate.

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b Notwithstanding N.J.S.A. 54:5-104.34, when the Borough of Kinnelon is the purchaser at tax sale of any property on the abandoned property list pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of N.J.S.A. 54:5-77.

c. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:

(1) posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the court; or

(2) demonstrates to the court that the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56 have been remedied in full.

§142-6. Entry of final judgment barring right of redemption; grounds for reopening judgment (from N.J.S.A. 55:19-59)

Once a final judgment barring the right of redemption with respect to a property on the list of abandoned properties has been recorded, no court shall reopen such judgment at any time except on the grounds of lack of jurisdiction or fraud in the conduct of the action; in any such proceeding, the provisions of N.J.S.A. 55:19-20, et seq. shall be construed liberally in favor of the purchaser, assignee or transferee of the tax sale certificate.

§142-7. Legislative findings and declarations regarding the Abandoned Properties Act (adapted from N.J.S.A. 55:19-79)

a. Abandoned properties create a wide range of problems for the Borough of Kinnelon, fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas.

b. Abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization.

c. For these reasons, abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those properties.

d. The continued presence of abandoned properties in the Borough of Kinnelon acts as a significant barrier to the Borough's continue progressive development and revitalization.

e. The responsibility of a property owner to maintain a property in sound condition and prevent it from becoming a nuisance to others extends to properties which are not in use and 'demolition by neglect', leading to the deterioration and loss of the property, or failure by an owner to comply with legitimate orders to demolish, stabilize or otherwise repair his or her property creates a presumption that the owner has abandoned the property.

f. Many abandoned buildings still have potential value for residential and other uses and such buildings should be preserved rather than demolished when feasible, particularly buildings that have historic or architectural value, or contribute to maintaining the character of neighborhoods or streetscapes, or both, as the case may be.

§142-8. Definitions (in addition to ¶142-1) (from N.J.S.A. 55:19-80)

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

"Lienholder" or "mortgage holder" means any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

"Municipality" means any city, borough, town, township or village situated within the boundaries of this State and shall include a qualified rehabilitation entity that may be designated by the municipality pursuant to N.J.S.A. 55:19-90 to act as its agent to exercise any of the municipality's rights pursuant thereto.

"Owner" means the holder or holders of title to an abandoned property. -----

"Property" means any building or structure and the land appurtenant thereto.

"Public officer" means the person designated by the Borough of Kinnelon pursuant to N.J.S.A. 40:48-2.5 or any officer of the Borough of Kinnelon qualified to carry out the responsibilities set forth in N.J.S.A. 55:19-78 et seq. and designated by the Mayor and Council of the Borough of Kinnelon.

"Qualified rehabilitation entity" means an entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provision of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff,

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professional consultants, financial resources, and prior activities set forth in N.J.S.A. 55:19-78 et seq. to carry out the rehabilitation of vacant buildings.

"Utility" means any electric or natural gas public utility that is regulated under the jurisdiction of the Board of Public Utilities.

§142-9. Abandoned property; criteria (from N.J.S.A. 55:19-81)

Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- a. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
- b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the public officer pursuant to this section; or
- d. The property has been determined to be a nuisance by the public officer in accordance with N.J.S.A. 55:19-82.

A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq. so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection a. or subsection d. of this section.

§142-10. Nuisance property; criteria (from N.J.S.A. 55:19-82)

A property may be determined to be a nuisance if:

- a. The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;
- b. The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
- c. The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the Borough of Kinnelon has secured the property in order to prevent such hazards after the owner has failed to do so;
- d. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
- e. The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

A public officer who determines a property to be a nuisance pursuant to subsections b. through e. of this section shall follow the notification procedures set forth in N.J.S.A. 40:48-2.3 et seq.

§142-11. Property deemed not abandoned; criteria; certification of abandonment provided upon request (from N.J.S.A. 55:19-83)

- a. If an entity other than the Borough of Kinnelon has purchased or taken assignment from the Borough of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list pursuant to N.J.S.A. 55: 19-55 if (1) the owner of the certificate has continued to pay all Borough of Kinnelon taxes and liens on the property in the tax year when due; and (2) the owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either subsection a. or subsection b. of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.

b. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in N.J.S.A. 55:19-81.

c. A determination that a property is abandoned property under the provisions of N.J.S.A. 55:19-78 et seq. shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

d. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to subsection b. N.J.S.A. 54:5-86, the public officer or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in N.J.S.A. 55:19-81 and C.55:19-82.

§142-12. Transfer of possession and control of abandoned property (from N.J.S.A. 55:19-84)

A summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation to the Borough of Kinnelon may be brought by the Borough of Kinnelon in the Superior Court in the county in which the property is situated. If the court shall find that the property is abandoned pursuant to N.J.S.A. 55:19-81 and the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the court may authorize the Borough of Kinnelon to take possession and control of the property and develop a rehabilitation plan.

The Borough of Kinnelon granted possession and control may commence and maintain those further proceedings for the conservation, protection or disposal of the property or any part thereof that are required to rehabilitate the property, necessary to recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however, that the court shall not direct the sale of the property if the owner applies to the court for reinstatement of control of the property as provided in N.J.S.A. 55:19-92.

Failure by the owner, mortgage holder or lien holder to submit plans for rehabilitation to the Borough of Kinnelon, obtain appropriate construction permits for rehabilitation or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, State or Federal agencies providing such funding within that six month period shall be deemed prima facie evidence that the owner has failed to take any action to further the rehabilitation of the property.

§142-13. Filing of complaint; required information (from N.J.S.A. 55:19-85)

A complaint filed pursuant to N.J.S.A. 55:19-84 shall include:

- a. documentation that the property is on the Borough's abandoned property list or a certification by the public officer that the property is abandoned; and
- b. a statement by an individual holding appropriate professional qualifications that there are sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic or historical character of the building or the relationship of the building to other buildings and lands within its immediate vicinity.

§142-14. Filing of complaint; notice requirements; entry to secure, stabilize, repair or inspect the property (from N.J.S.A. 55:19-86)

- a. Within 10 days of filing a complaint pursuant to N.J.S.A. 55: 19- 78 et seq., the plaintiff shall file a notice of lis pendens with the Morris County Clerk.
- b. At least 30 days before filing the complaint, the Borough of Kinnelon shall serve a notice of intention to take possession of an abandoned building. The notice shall inform the owner and interested parties that the property has not been legally occupied for six months and of those criteria that led to a determination of abandonment pursuant to N.J.S.A. 55: 19-81.

The notice shall provide that unless the owner or a party in interest prepares and submits a rehabilitation plan to the appropriate Borough of Kinnelon officials, the Borough of Kinnelon will seek to gain possession of the building to rehabilitate the property and the associated cost shall be a lien ~~against the property, which may be satisfied by the sale of the property,~~ unless the owner applies to the court for reinstatement of control of the property as provided in N.J.S.A. 55:19-92.

After the complaint is filed, the complaint shall be served on the parties in interest in accordance with the New Jersey Rules of Court.

- c. After serving the notice of intent pursuant to subsection b. of this section, the Borough of Kinnelon or its designee may enter upon that property after written notice to the owner by certified mail, return receipt requested, in order to secure, stabilize or repair the property, or in order to inspect the property for purposes of preparing the plan to be submitted to the court pursuant to N.J.S.A. 55: 19-89.

§142-15. Property owner, defense against complaint; requirements (from N.J.S.A. 55:19-87)

a. Any owner may defend against a complaint filed pursuant to N.J.S.A. 55:19-84 by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to 125 percent of the amount determined by the public officer or the court to be the projected cost of rehabilitation.

Any plan submitted by an owner to defend against a complaint shall be submitted within 60 days after the complaint has been filed, unless the court provides the owner with an extension of time for good cause shown.

b. A plan submitted by an owner pursuant to this section shall include, but not be limited to:

(1) A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;

(2) A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans;

(3) A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and

(4) Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.

c. (1) The court shall approve any plan that, in the judgment of the court, is realistic and likely to result in the expeditious rehabilitation and reuse of the property, which is the subject of the complaint.

(2) If the court approves the owner's plan, then it may appoint the public officer to act as monitor of the owner's compliance. If the owner fails to carry out any step in the approved plan, then the Borough of Kinnelon may apply to the court to have the owner's bond forfeited, possession of the building transferred to the Borough of Kinnelon to complete the rehabilitation plan and authorization to use the bond proceeds for rehabilitation of the property.

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(3) The owner shall provide quarterly reports to the Borough of Kinnelon on its activities and progress toward rehabilitation and reuse of the property. The owner shall provide those reports to the court on its activities that the court determines are necessary.

d. The court may reject a plan and bond if it finds that the plan does not represent a realistic and expeditious means of ensuring the rehabilitation of the property or that the owner or his representatives or agents, or both, lack the qualifications, background or other criteria necessary to ensure that the plan will be carried out successfully.

§142-16. Owner unsuccessful in defending against complaint; mortgage or lien holders to be designated in possession of property (from N.J.S.A. 55:19-88)

a. If an owner is unsuccessful in defending against a complaint filed pursuant to N.J.S.A. 55:19-84, the mortgage holder or lien holder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in N.J.S.A. 55:19-87. The plan shall be submitted within 60 days after the court has rejected the owner's plan, unless the court provides the mortgage holder or lienholder with an extension of time for good cause shown. If the court approves any such mortgage holder or lien holder's plan, it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation and reuse and may appoint the public officer to act as monitor of the party's compliance.

The mortgage holder or lien holder, as the case may be, shall provide quarterly reports to the court and the Borough of Kinnelon on its activities and progress toward rehabilitation and reuse of the property.

If the mortgage holder or lien holder fails to carry out any material step in the approved plan, then the public officer shall notify the court, which may order the bond forfeit, grant the Borough of Kinnelon possession of the property, and authorize the Borough of Kinnelon to use the proceeds of the bond for rehabilitation of the property.

b. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lien holder granted possession of a property pursuant to subsection a. of this section, including court costs and reasonable attorney's fees, may be added to the unpaid balance due that mortgage holder or lien holder, with interest calculated at the same rate set forth in the note or security agreement; or, in the case of a tax lien holder, at the statutory interest rate for subsequent liens.

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§142-17. Borough of Kinnelon to be designated in possession of property; submission of plan to court (from N.J.S.A. 55:19-89)

If no mortgage holder or lienholder meets the conditions of N.J.S.A. 55:9-88, then the Borough of Kinnelon shall submit a plan to the court which conforms with the provisions of subsection b. of N.J.S.A. 55:19-87. The plan shall designate the entity which shall implement the plan, which may be the Borough of Kinnelon or that entity designated in accordance with the provisions of N.J.S.A. 55:19-90.

The court shall grant the Borough of Kinnelon possession of the property if it finds that:

- a. the proposed rehabilitation and reuse of the property is appropriate and beneficial;
- b. the Borough of Kinnelon is qualified to undertake the rehabilitation and reuse of the property; and
- c. the plan submitted by the Borough of Kinnelon represents a realistic and timely plan for the rehabilitation and reuse of the property.

The Borough of Kinnelon shall take all steps necessary and appropriate to further the rehabilitation and reuse of the property consistent with the plan submitted to the court. In making its findings pursuant to this section, the court may consult with qualified parties, including the Department of Community Affairs, and, upon request by a party in interest, may hold a hearing on the plan.

Where either a redevelopment plan pursuant to N.J.S.A. 40A:12A-1 et seq. or a neighborhood revitalization plan pursuant to N.J.S.A. 52:27D-490 et seq. has been adopted or approved by the Department of Community Affairs, as appropriate, encompassing the property which is the subject of a complaint, the court shall make a further finding that the proposed rehabilitation and reuse of the property are not inconsistent with any provision of either plan.

§142-18. The Borough of Kinnelon; exercise of rights to further rehabilitation and reuse of property; designation of qualified rehabilitation entity (from N.J.S.A. 55:19-90)

The Borough of Kinnelon may exercise its rights under N.J.S.A. 55:19-78 et seq. directly, or may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising the Borough's rights where that designation will further the rehabilitation and reuse of the property consistent with Borough's plans and objectives. This designation shall be made by resolution of the Mayor and the Council of the Borough of Kinnelon. The Mayor and Council may

delegate this authority to the- public officer.

Regardless of whether the Borough of Kinnelon exercises its rights directly or designates a qualified rehabilitation entity pursuant to this section, while in possession of a property pursuant to N.J.S.A. 55:19-78 et seq., the Borough of Kinnelon shall maintain, safeguard, and maintain insurance on the property. Notwithstanding the Borough's possession of the property, nothing in N.J.S.A. 55:19-78 et seq. shall be deemed to relieve the owner of the property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.

§142-19. The Borough of Kinnelon deemed possessor of property; borrowing of funds; reporting and filing requirements (from N.J.S.A. 55:19-91)

a. If the Borough of Kinnelon has been granted possession of a property pursuant to N.J.S.A. 55:19-89, that Borough shall be deemed to have an ownership interest in the property for the purpose of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals, and submitting applications for financing or other assistance to public or private entities.

For the purposes of any State program of grants or loans, including but not limited to programs of the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency, possession of a property under this section shall be considered legal control of the property.

Notwithstanding the granting of possession to the Borough of Kinnelon, nothing in N.J.S.A. 55:19-78 et seq. shall be deemed to relieve the owner of the property of any obligation the owner or any other person may have for the payment of taxes or other Borough of Kinnelon liens and charges, or mortgages or liens to any party, whether those taxes, charges or liens are incurred before or after the granting of possession.

The granting of possession shall not suspend any obligation the owner may have as of the date of the granting of possession for payment of any operating or maintenance expense associated with the property, whether or not billed at the time of the granting of possession.

b. The court may approve the borrowing of funds by the Borough of Kinnelon to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the court shall find that (1) the Borough of Kinnelon sought to obtain the necessary financing from the senior lienholder, which declined to provide such financing on reasonable terms; (2)

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the Borough of Kinnelon sought to obtain a voluntary subordination from the senior lienholder, which refused to provide such subordination; and (3) lien priority is necessary in order to induce another lender to provide financing on reasonable terms.

No lien authorized by the court shall take effect unless recorded in the office of the Morris County Clerk. For the purposes of this section, the cost of rehabilitation shall include reasonable non-construction costs such as architectural fees or construction permit fees customarily included in the financing of the rehabilitation of residential property.

c. Where the Borough of Kinnelon has been granted possession by the court in the name of the Borough, the Borough of Kinnelon may seek the approval of the court to assign its rights to another entity, which approval shall be granted by the court when it finds that (1) the entity to which the Borough's rights will be assigned is a qualified rehabilitation entity; and (2) the assignment will further the purposes of this section.

d. Where the Borough of Kinnelon has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide quarterly reports to the Borough of Kinnelon on its activities and progress toward rehabilitation and reuse of the property. The Borough of Kinnelon or qualified rehabilitation entity, as the case may be, shall provide such reports to the court as the court determines to be necessary. If the court finds that the Borough of Kinnelon or its designee have failed to take diligent action toward rehabilitation of the property within one year from the grant of possession, then the court may request the Borough of Kinnelon to designate another qualified rehabilitation entity to exercise its rights, or if the Borough of Kinnelon fails to do so, may terminate the order of possession and return the property to its owner.

e. The Borough of Kinnelon shall file a Notice of Completion with the court, and shall also serve a copy on the owner and any mortgage holder or lien holder, at such time as the Borough of Kinnelon has determined that no more than six months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the public officer attesting that rehabilitation can realistically be anticipated to be complete within that time period, and a statement setting forth such actions as it plans to undertake to ensure that reuse of the property takes place consistent with the plan.

§142-20. Petition for reinstatement of control and possession by owner (from N.J.S.A. 55:19-92)

An owner may petition for reinstatement of the owner's control and possession of the property at any time after one year from the grant of possession, but no later than 30 days after the Borough of Kinnelon has filed a Notice of Completion with the court or, in the event the Notice of Completion is filed within less than one year of the grant of possession, within 30 days after the Borough of Kinnelon has filed notice.

The court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the Borough of Kinnelon, or affect any of the terms or conditions under which the Borough of Kinnelon, has applied for or received financing for the rehabilitation of the property.

§142-21. Contents of petition; filing and payment requirements (from N.J.S.A. 55:19-93)

Any petition for reinstatement of the owner's control and possession of the property filed pursuant to N.J.S.A. 55:19-92 shall:

- a. include a plan for completion of the rehabilitation and reuse of the property consistent with the plan previously approved by the court;
- b. provide legally binding assurances that the owner will comply with all conditions of any grant or loan secured by the Borough of Kinnelon or repay those grants or loans in full, at the discretion of the maker of the loan or grant; and
- ~~c. be accompanied by payment equal to the sum of (1) all Borough liens outstanding on the property; (2) all costs incurred by the Borough of Kinnelon in bringing action with respect to the property; (3) any costs incurred by the Borough of Kinnelon not covered by grants or loans to be assumed or repaid pursuant to this section; and (4) any costs remaining to complete rehabilitation and reuse of the property, as determined by the public officer, which payment shall be placed in escrow with the Clerk of the Court pending disposition of the petition.~~

§142-22. Obligations of owner prior to grant of petition (from N.J.S.A. 55:19-94)

Prior to the granting of a petition on the part of the owner by the court pursuant to N.J.S.A. 55:19-92, the owner may be required to post a bond or other security in an amount determined by the court, after consultation with the public officer, as likely to ensure that the owner will continue to maintain the property in sound condition. That bond or other security shall be made available to the Borough of Kinnelon to make any repair on the property in the event of a code violation which is not corrected in timely fashion by the owner. The bond or other security may be forfeit in full in the event that the owner fails to comply with any requirement imposed as a condition of the reinstatement petition filed pursuant to N.J.S.A. 55:19-92.

The owner may seek approval of the court to be relieved of this requirement after five years, which shall be granted if the court finds that the owner has maintained the property in good repair during that period, that no material violations affecting the health and safety of the tenants have occurred during that period, and that the owner has remedied other violations in a timely and expeditious fashion.

§142-23. Failure of owner to petition for reinstatement of control and possession of property; granting of title to the Borough of Kinnelon; authority to sell (from N.J.S.A. 55:19-95)

If the owner fails to petition for the reinstatement of control and possession of the property within 30 days after the entity in possession has filed a Notice of Completion or in any event within two years after the initial grant of possession, or if the owner fails to meet any conditions that may be set by the court in granting a reinstatement petition filed pursuant to N.J.S.A. 55: 19-92, upon ~~petition from the entity in possession, the court may grant the Borough of Kinnelon title or authorize the Borough of Kinnelon to sell the property,~~ subject to the provisions of N.J.S.A. 55:19-96.

§142-24. Procedure of the Borough of Kinnelon seeking to gain title to property; authorization to sell; proceeds (from N.J.S.A. 55:19-96)

a. Where the Borough of Kinnelon seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the court shall approve, and may place the proceeds of sale in escrow with the court.

The court may authorize the Borough of Kinnelon to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement.

The proceeds of the purchase of the property shall be distributed as set forth in N.J.S.A. 55:19-97.

b. The Borough of Kinnelon may seek approval of the court to sell the property to a third party when the court finds that such conveyance will further the effective and timely rehabilitation and reuse of the property.

c. Upon approval by the court, the Borough of Kinnelon shall sell the property on such terms and at such price as the court shall approve, and may place the proceeds of sale in escrow with the court. The court shall order a distribution of the proceeds of sale after paying court costs in the order of priority set forth in N.J.S.A. 55:19-97.

§142-25. Distribution of proceeds (from N.J.S.A. 55:19-97)

The proceeds paid pursuant to subsection c. of N.J.S.A. 55:19-96 shall be distributed in the following order of priority:

- a. The costs and expenses of sale;
- b. Other governmental liens;
- c. Repayment of principal and interest on any borrowing or indebtedness incurred by the Borough of Kinnelon and granted priority lien status pursuant to subsection a. of N.J.S.A. 55:19-98;
- d. A reasonable development fee to the Borough of Kinnelon consistent with the standards for development fees established for rehabilitation programs by the New Jersey Department of Community Affairs or the New Jersey Housing and Mortgage Finance Agency;
- e. Other valid liens and security interests, in accordance with their priority; and
- f. The owner.

§142-26. Public officer; authority to place lien on property; remedies (from N.J.S.A. 55:19-98)

a. The public officer, with the approval of the court, may place a lien on the property to cover any costs of the Borough of Kinnelon in connection with a proceeding under N.J.S.A. 55:19-78 et seq. incurred prior to the grant by the

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court of an order of possession under N.J.S.A. 55:19-78 et seq., which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a Borough lien for the purposes of N.J.S.A. 54:5-9 with the rights and status of a Borough lien pursuant thereto.

b. With the exception of the holding of special tax sales pursuant to N.J.S.A. 55:19-101, the remedies available under N.J.S.A. 55:19-78 et seq. shall be available to the Borough of Kinnelon with respect to any abandoned property, whether or not the Borough of Kinnelon has established an abandoned property list as provided in N.J.S.A. 55:19-55 and whether or not the property has been included on any such list.

§142-27. Court's denial of rights and remedies to lien holders and mortgage holders (from N.J.S.A. 55:19-99)

Notwithstanding any provision to the contrary in N.J.S.A. 55:19-78 et seq., a court may in its discretion deny a lien holder or mortgage holder of any or all rights or remedies afforded lien holders and mortgage holders under N.J.S.A. 55:19-78 et seq., if the court finds that the owner of a property subject to any of the provisions of N.J.S.A. 55:19-78 et seq. owns or controls more than a 50% interest in, or effective control of, the lienholder or mortgage holder or that the familial or business relationship between the lienholder or mortgage holder and the owner precludes a separate interest on the part of the lienholder or mortgage holder.

§142-28. Recourse of Borough of Kinnelon against individuals or corporations (from N.J.S.A. 55:19-100)

~~With respect to any lien placed against any real property pursuant to the provisions of N.J.S.A. 40:48-2.3, N.J.S.A. 40:48-2.5 or N.J.S.A. 40:48-2.3a or any receiver's lien pursuant to N.J.S.A. 2A:42-114 et seq., the Borough of Kinnelon shall have recourse with respect to the lien against any asset of the owner of the property if an individual, against any asset of any partner if a partnership, and against any asset of any owner of a 10% interest or greater if the owner is any other business organization or entity recognized pursuant to law.~~

§142-29. Properties eligible for tax sales; Borough of Kinnelon requirements of municipalities; notice (from N.J.S.A. 55:19-101)

The Borough of Kinnelon may hold special tax sales with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on

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an abandoned property list established by the Borough of Kinnelon pursuant to N.J.S.A. 55:19-55. If the Borough of Kinnelon elects to hold a special tax sale shall conduct that sale subject to the following provisions:

- a. The Borough of Kinnelon shall establish criteria for eligibility to bid on properties at the sale, which may include, but shall not be limited to: documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with Borough's plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with Borough's plans and regulations; commitments by the bidder to take action to foreclose on the tax lien by a date certain; and such other criteria as the Borough of Kinnelon may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
- b. The Borough of Kinnelon may establish minimum bid requirements for a special tax sale that may be less than the full amount of the taxes, interest and penalties due, the amount of such minimum bid to be at the sole discretion of the Borough of Kinnelon, in order to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
- c. The Borough of Kinnelon may combine properties into bid packages, and require that bidders place a single bid on each package, and reject any and all bids on individual properties that have been included in bid packages;
- d. The Borough of Kinnelon may sell properties subject to provisions that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale pursuant to subsection a. of this section or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Borough of Kinnelon, and any amount paid by the purchaser to the Borough of Kinnelon at the special tax sale shall be forfeit to the Borough;
- e. In the event there are two or more qualified bidders for any property or bid package in a special tax sale, the Borough of Kinnelon may designate the unsuccessful but qualified bidder whose bid was closest to the successful bid as an eligible purchaser;
- f. In the event that the purchaser of that property or bid package fails to meet any of the conditions of sale established by the Borough of Kinnelon pursuant to this section, and their interest in the property or properties reverts to the Borough of Kinnelon, the Borough of Kinnelon may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale

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certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.

g. The Borough of Kinnelon shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-26. The notice shall include any special terms of sale established by the Borough of Kinnelon pursuant to subsection b., c. or d. of this section. Nothing shall prohibit the Borough of Kinnelon from holding a special tax sale on the same day as a standard or accelerated tax sale.

§142-30. Eminent domain proceedings; establishment of fair market value (from N.J.S.A. 55:19-102)

With respect to any eminent domain proceeding carried out under N.J.S.A. 55:19-56, the fair market value of the property shall be established on the basis of an analysis which determines independently:

- a. the cost to rehabilitate and reuse the property for such purpose as is appropriate under existing planning and zoning regulations governing its reuse or to demolish the existing property and construct a new building on the site, including all costs ancillary to rehabilitation such as, but not limited to, marketing and legal costs;
- b. the realistic market value of the reused property after rehabilitation or new construction, taking into account the market conditions particular to the neighborhood or subarea of the Borough of Kinnelon in which the property is located; and
- c. the extent to which the cost exceeds or does not exceed the market value after rehabilitation, or demolition and new construction, and the extent to which any "as is" value of the property prior to rehabilitation can be added to the cost of rehabilitation or demolition and new construction without the resulting combined cost exceeding the market value as separately determined. If the appraisal finds that the cost of rehabilitation or demolition and new construction, as appropriate, exceeds the realistic market value after rehabilitation or demolition and new construction, there shall be a rebuttable presumption in all proceedings under this subsection that the fair market value of the abandoned property is zero, and that no compensation is due the owner.

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§142-31. Removal of property from abandoned property list (from N.J.S.A. 55:19-103)

If a property, which an entity other than the Borough of Kinnelon has purchased or taken assignment from the Borough of Kinnelon of a tax sale certificate, is placed on the abandoned property list, the property shall be removed from the list if the owner of the certificate pays all Borough's taxes and liens due on the property within 30 days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the list, the property shall be restored to the abandoned property list.

§142-32. Request for property to be placed on abandoned property list (from N.J.S.A. 55:19-105)

a. Any interested party may submit in writing a request to the public officer that a property be included on the abandoned property list prepared pursuant to N.J.S.A. 55:19-55, specifying the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within 30 days of receipt of any such request, the public officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For the purposes of this section, "interested party" shall include any resident of the Borough of Kinnelon, any owner or operator of a business within the Borough of Kinnelon or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

b. Any interested party may participate in any re-determination hearing held by the public officer pursuant to subsection e. of N.J.S.A. 55:19-55. Upon written request by any interested party, the public officer shall provide the party with at least 20 days' notice of any such hearing. The party shall provide the public officer with notice at least 10 days before the hearing of its intention to participate, and the nature of the testimony or other information that it proposes to submit at the hearing.

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

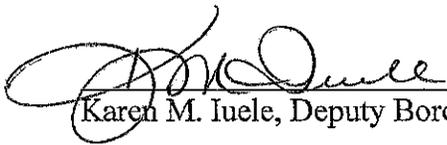
August 18, 2016

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

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

ATTEST:

BOROUGH OF KINNELON



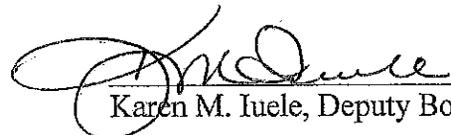
Karen M. Iuele, Deputy Borough Clerk



Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on July 21, 2016 and adopted by the Governing Body at a regular meeting of the Borough held on August 18, 2016.



Karen M. Iuele, Deputy Borough Clerk

August 18, 2016

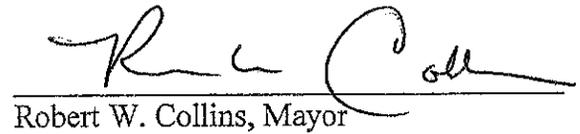
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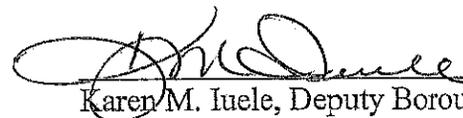
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Robert W. Collins, Mayor

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Karen M. Iuele, Deputy Borough Clerk

August 18, 2016

Keli (KN-1019)
Vacant Property Registration Ordinance
072516

**ORDINANCE NO. 14-16 ORDINANCE AMENDING AND SUPPLEMENTING
THE CODE OF THE BOROUGH OF KINNELON BY
THE ADDITION OF CHAPTER 143, VACANT
PROPERTY REGISTRATION**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon ("Borough") contains structures which are vacant in whole or large part; and;

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them, not maintaining or securing them to an adequate standard and/or not restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health and safety risks; and

WHEREAS, the Borough incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, police calls, fire calls, and property inspections; and

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WHEREAS, it is in the public interest for the Borough to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the Borough; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with the registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures; and

WHEREAS, the Borough desires to enact an Ordinance establishing minimum standards of accountability regarding vacant and abandoned structures and imposing a fee in conjunction with the registration of vacant and abandoned structures.

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

SECTION ONE. The Code of the Borough of Kinnelon, Morris County, New Jersey is hereby amended and supplemented by the addition of the following:

Chapter 143: VACANT PROPERTY REGISTRATION

§143-1. Definitions

"Owner" means the title holder, any agent of the title holder having authority to act with respect to a vacant property, any party holding a subordinate interest in the title holder of any property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 or any other entity determined by any Court of competent jurisdiction or by the Borough of Kinnelon to have authority to act or to have any demonstrable interest with respect to the property.

"Vacant Property" means any building used or to be used as a residential, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation provided, however, that any property that contains all building systems in working order, is fully compliant with the Borough's property maintenance code and is being actively marketed by its owner for sale or rent shall not be deemed vacant for the purposes of this Chapter. Property determined to be "abandoned property" in accordance with the

meaning of such term as set forth in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., and as set forth in Chapter 142, Rehabilitation of Abandoned Property, of the Code of the Borough of Kinnelon, shall also be deemed vacant property for the purposes of this Chapter.

§143-2. Registration Requirements

- A. Effective upon passage and adoption of this Ordinance and publication of same, the owner of any currently vacant property, or any property that subsequently becomes vacant as defined herein, shall within sixty (60) days after the building becomes vacant property or upon adoption of this Ordinance, or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Borough Zoning Officer on forms provided by the Zoning Officer for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in §143-4 of this Chapter for each vacant property registered. Each property having a separate block and lot number as designated in the official records of the Borough shall be registered separately.
- B. The owner shall notify the Borough Zoning Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Zoning Officer for such purpose.
- C. The registration statement shall be deemed *prima facie* proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Kinnelon against the owner or owners of the building.

§143-3. Registration Statement Requirements; Property Inspection

- A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough to conduct an exterior and interior inspection of the vacant property to determine compliance with the Code of the Borough of Kinnelon, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. Such inspections shall be carried out on weekdays between the hours of 9:00 am and 4:00 pm, or such other time as may be agreed upon between the owner and the Borough.

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- B. The registration statement shall include the name, street address, and telephone number of a natural person eighteen (18) years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name, street address, e-mail address and telephone number of the person responsible for maintaining and security of the property, if different.
- C. An owner who is a natural person and who meets the requirements of this Chapter as to location of residence or office may designate him or herself as agent.
- D. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough Zoning Officer of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this Chapter.
- E. If an owner fails to register vacant property under the provisions of this Chapter, notice of any and all code violations concerning the vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the vacant property shall be provided by posting on the vacant property and by service at the last known address of the owner of the property by regular and certified mail.

§143-4. Fee Schedule

The initial registration fee for each building shall be two hundred fifty (\$250.00) dollars. The fee for the first renewal is five hundred (\$500.00) dollars. The fee for the second and any subsequent renewal is seven hundred fifty (\$750.00) dollars.

Vacant and Abandoned Property Registration Fee Schedule

Initial registration - \$250.00

First renewal - \$500.00

Second and any subsequent renewal - \$750.00

§143-5. Requirements for Owners of Vacant Property

The owner of any building that has become a vacant property, and any person maintaining, operating, or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

- (1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Kinnelon; and
- (2) Post a sign affixed to the building indicating the name, address, and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to §143-3 of this Chapter), and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size, and placed in such a location, so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight by 10 inches (8" x 10"); and
- (3) Post the property with No Trespassing signs or signs of a sufficient nature to give notice to any person entering the property that it is against the law to enter the property without the permission of the owner; and
- (4) Secure the building from unauthorized entry and maintain all signs until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- (5) Ensure that the exterior grounds of the property, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter and weed and weed growth; and

- (6) Continue to maintain the structure in a secure and closed condition until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

§143-6. Administration

The Borough Zoning Officer may issue rules and regulations for the administration of the provisions of this Article. The Governing Body of the Borough of Kinnelon shall be notified in the event that any rules and regulations for the administration of the provisions of this article are adopted or amended.

§143-7. Violations and Penalties

- A. Any owner who violates any provision of this Chapter or of the rules and regulations issued hereunder shall be subject to a fine of not less than five hundred (\$500.00) dollars and not more than one thousand (\$1,000.00) dollars for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this Chapter shall be recoverable from the owner and may become a lien on the property, in accordance with the provisions of State Law and the Code of the Borough of Kinnelon.
- B. For purposes of this Chapter, failure to file a registration statement in time, failure to provide correct information on the registration statement and failure to comply with any rules and regulations established by the Zoning Officer pursuant to this Chapter shall be deemed to be violation of this Chapter.

§143-8. Compliance with Other Provisions

- A. Nothing in this Chapter is intended to nor shall be read to conflict or prevent the Borough from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Borough of Kinnelon and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this Chapter.

August 18, 2016

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

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

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

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, Deputy Borough Clerk

Robert W. Collins, Mayor

CERTIFICATION

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

Karen M. Iuele, Deputy Borough Clerk

August 18, 2016

LEGAL NOTICE

BOROUGH OF KINNELON, MORRIS COUNTY

ORDINANCE NO. _____

Notice is hereby given that an Ordinance entitled AAn Ordinance Amending and Supplementing the Code of the Borough of Kinnelon by the Addition of Chapter 143, Vacant Property Registration@ was submitted in writing at a regular meeting of the Mayor and Council of the Borough of Kinnelon, County of Morris, State of New Jersey, held on _____, 2016 and was introduced, read by title and passed on first reading. A Statement of Purpose of the Ordinance is contained below. The governing body of the Borough of Kinnelon will further consider the ordinance for second reading and final passage thereof at their regular meeting to be held on _____, 2016 at 8:00 p.m. prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the governing body and all parties in interest and citizens shall have an opportunity to be heard concerning said ordinance.

STATEMENT OF PURPOSE OF ORDINANCE

The purpose of the above Ordinance is to establish minimum standards of accountability regarding vacant and abandoned structures and impose a fee in conjunction with the registration of vacant and abandoned structures.

A copy of the full Ordinance is available to any member of the general public without cost, at the Borough of Kinnelon Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey, at the Office of the Borough Clerk, between the hours of 9:00 a.m. and 3:00 p.m.

Karen M. Iuele, Deputy Borough Clerk
Borough of Kinnelon
County of Morris, State of New Jersey

August 18, 2016

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: C. Giantonio, Yes; 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 August 18, 2016 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED that at the regular meeting to be held on September 15, 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: C. Giantonio, Yes; A. Barish, Yes;
C. Sventy, Yes; W. Yago, Yes;
W. Neely, Yes; J. Freda, Yes.

TAX COLLECTOR'S REPORT

During the month of July 2016 the Tax Collector's Report indicated we collected \$3,944,512.19 in taxes.

INVESTMENT OFFICER'S REPORT

A total of \$681.70 was collected in interest for the month of July 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 \$3,042,862.67 to the District School when funds become available was approved for payment.

Roll Call: C. Giantonio, Yes; 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 Richard Giannetti as a part-time Police Dispatcher was approved.

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

August 18, 2016

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 Lauren Abderhalden to the Open Space Advisory Committee as a part-time Police Dispatcher was approved.

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

RESIGNATION

Upon motion by Councilwoman C. Sventy and seconded by Councilman A. Barish, followed by the "yes" roll call vote of all Council Members present, the resignation of Donald Burnett, from the Kinnelon Recreation Committee, was accepted with the councils regrets.

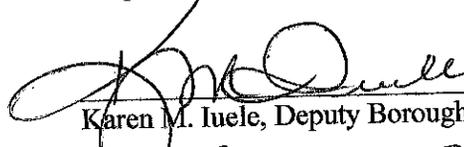
RESIGNATION

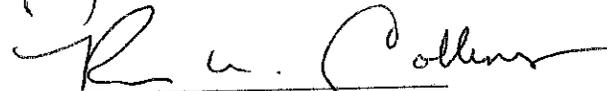
Upon motion by Councilwoman C. Sventy and seconded by Councilman A. Barish, followed by the "yes" roll call vote of all Council Members present, the resignation of Karol Sokolski, from the Kinnelon Police Dispatcher, was accepted with the councils regrets.

ADJOURNMENT

This meeting adjourned at approximately 9:15 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