

September 15, 2016

PROCLAMATION HONORING

Our

KINNELON PUBLIC SCHOOL TEACHERS

Whereas, a strong, effective system of free public education for all children and youth is essential to our democratic system of government; and

Whereas, the State of New Jersey and the Borough of Kinnelon District Schools have made considerable progress in the social, technological and scientific fields due to our system of free and universal public education; and

Whereas, the New Jersey Monthly Magazine rated the Kinnelon High School as the #3 best high school in the State of New Jersey for 2016; and

Whereas, much of this progress can be attributed to the qualified and dedicated teachers entrusted with the educational development of our children; and

Whereas, teachers should be accorded high public esteem, reflecting the value the community places on public education; and

Whereas, teachers have had a profound effect on each of our individual life successes and accomplishments; and

Whereas, teachers are exceptional role models, motivators and mentors for our youth; and

Whereas, the Mayor and the Kinnelon Borough Council and the Kinnelon Board of Education are keenly aware of the importance of teachers in helping children reach their full potential in life; and

Whereas, it is appropriate that teachers be recognized for their dedication and commitment to educating our children;

Now, therefore, I, Robert W. Collins, Mayor of the Borough of Kinnelon of Morris County, New Jersey do hereby proclaim this school year for Kinnelon's Teacher Appreciation, recognize their significant contributions to our community and urge all citizens to pay tribute to our public school teachers.

Mayor Robert W. Collins

Borough of Kinnelon

September 1, 2016

TREASURER'S REPORT

The Treasurer's Report for September 15, 2016, indicated we started out with cash on hand as of July 31, 2016, in the amount of \$5,297,928.96. Receipts for the month of August 2016 totaled \$10,566,785.54 with disbursements amounting to \$8,204,358.05. The balance on hand as of August 31, 2016 was 7,660,356.45.

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 reported that Councilman Freda had reached out to him and asked what proactive steps could be taken with the recreation program. Both the Board of Health and Recreation directors were asked to coordinate & come up with steps to address the issue of the spread of the recent Coxsackie virus outbreak. The result was that Saturday games will be cancelled, the coaches and players will assist with cleaning of the facility and of the uniforms and equipment.

Mayor Collins stated that we are also excited about K-Fest this year. He asked Councilman Freda, Councilman Yago and Councilwoman Sventy to serve on a committee that would coordinate with a professional event planner. This year will be very special. Troop 277 will be serving food at the fireworks that will be held that evening.

Mayor Collins stated that we are in a drought situation and we are hoping for some rain and asked that residents be mindful of this situation.

School resource officers have been vote down at the state level. The whole idea behind this was to have additional security in our schools.

Chief Schwartz did mention that will we be moving forward on an ordinance for a safe zone for online sales / purchases. Mayor Collins stated that he will be talking with Councilman Yago regarding this ordinance to help make it happen.

Mayor Collins reported that we will be accepting the 2015 Audit tonight. He stated that we still have some work to do but the audit is complete.

UTILITIES

Chairman Clifford Giantonio stated that the building department had nothing new to report. They are still working on clearing up outstanding building permits. Our town engineer, Darmofalski Engineering, State Transportation Trust Fund and the Gas Tax.

Councilman Giantonio also stated that they are still working on the new water meters to be installed in homes.

COORDINATING & OPEN SPACE

Chairwoman Carol Sventy thanked our Superintendent of Schools, Diane DiGiuseppe and the Kinnelon Board of Education for their dedication and success.

The Historical Commission will have a booth at K-Fest with information regarding the Pathways of History Tour, and that a pre-bid meeting was held last week regarding the ongoing restoration of L'Ecole Museum.

The Library Board of Trustees met after a summer break, Friends of the Library held there Annual Book Sale – their most successful sale in 38 years, and also the Library's CLL Fall Semester began.

September 15, 2016

Open Space Advisory Committee will be inviting members of the Morris County Park Commission and members of the NY/NJ Trail Conference to discuss trail plans.

The Board of Health placed information on the borough website regarding the Cocksackie virus.

PUBLIC WORKS

Chairman William Neely stated that the animal shelter scope of work has been ironed out. There have been challenges in getting quotes to perform the work. Most likely we will have to go out to bid.

Regarding the DPW Garage, we received the final invoice from IBN and have rejected it. Our Borough Attorney is currently reviewing this.

Regarding the Solid Waste Bid, we only received one bid and our Borough Attorney is currently reviewing it.

FINANCE, PUBLIC SAFETY & TECHNOLOGY

Councilman A. Barish, reported on Finance Committee and the Kinnelon Police Department is looking at body armor that was budgeted for in capital. The Chief of Police is discussing with his staff and with the Kinnelon Superintendent of Schools about placing officers into the schools similar to the previous experiment two years ago.

Councilman Barish also stated that the 2015 Audit was accepted tonight.

On Public Safety the OEM is instrumental in obtaining and coordinating variable road signs for Smoke Rise paving project, and coordinating for K-Fest for 2 additional light poles.

The Kinnelon Police Department will award 3 Citation awards next month. Negotiations have, for the most part, concluded.

On the Kinnelon Volunteer Fire Company there were 19 alarms in August, one of which was a suspicious package at the Kinnelon Mall. The 20 year apparatus and equipment schedule is being reviewed per recommendation of Phoenix Consultants. The Pancake Breakfast will be held on October 16th.

Technology, an RFP was prepared to move ahead on digital document storage and retrieval.

ORDINANCE & PERSONNEL

Chairman William Yago reported that there is no report for personnel. Ordinance 15-16 and 16-16 are being introduced tonight. 15-16 is Amending Land Use Ordinance of the Borough of Kinnelon and 16-16 is Ordinance to petition the Highlands Council for Plan Conformance for the Planning Area.

The Planning Board held a meeting this month to restructure their Ordinance Committee.

RECREATION

Chairman James Freda stated that Football Season opened this past Saturday, the hottest day of the year and they still won all four games. The football children went to see the Jets training facility and the Football Hall of fame. All of the clinics have started. Fall Baseball is ongoing, and everything else is going great as well.

The Musco lights are now in at Boonton Ave Field and are controlled by cell phones. The infields on the baseball fields have been completed and that the building repairs at KRP have been completed, Boonton Ave Field building repairs will be completed in 2017.

Councilman Freda reported on K-Fest, which will be held on October 1st. Councilman Freda thanked Councilman Yago and Councilwoman Sventy who have also been working very hard on K-Fest. Councilman Freda also thanked Randy Charles for all his work on K-Fest.

Range of Checking Accts: GENERAL to GENERAL Range of Check Ids: 15692 to Last
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
15692	09/01/16	IPD01 INSTITUTE FOR PROFESSIONAL DEV	99.00	4654
15693	09/01/16	LAK02 LAKELAND BANK	3,078.20	4654
15694	09/01/16	ROT02 ROBERT ROTHMAN	145,510.27	4654
15695	09/12/16	LAK02 LAKELAND BANK	2,974.10	4655
15696	09/15/16	AC A.C. DAUGHTRY INC.	526.20	4656
15697	09/15/16	AC001 ACORN PEST CONTROL	200.00	4656
15698	09/15/16	ACC07 ACCURATE WASTE SYSTEMS, INC	842.50	4656
15699	09/15/16	ACT04 ACTION DATA SERVICES	3,123.70	4656
15700	09/15/16	AFF02 AFFILIATED TECHNOLOGY	1,237.45	4656
15701	09/15/16	AIR03 AIR GROUP	3,439.23	4656
15702	09/15/16	AME07 AMERICAN SEWER SERVICE LLC	350.00	4656
15703	09/15/16	ANJ02 ANJR	180.00	4656
15704	09/15/16	ASQ01 JENNIFER ASQUITH	200.00	4656
15705	09/15/16	ASS03 ASSOCIATED FIRE PROTECTION INC	814.00	4656
15706	09/15/16	BAC01 BERNARD BACCHETTA ESQ.	750.00	4656
15707	09/15/16	BOR BOROUGH OF BUTLER	9,000.00	4656
15708	09/15/16	BOR01 BOROUGH OF BUTLER ELECTRIC	6,826.59	4656
15709	09/15/16	BOR02 BOROUGH OF KINNELON	480.00	4656
15710	09/15/16	BOR11 BOROUGH OF BLOOMINGDALE	58,072.38	4656
15711	09/15/16	CAB01 CABLEVISION	1,238.01	4656
15712	09/15/16	CAI01 CAIN & SON	350.00	4656
15713	09/15/16	CAM05 CAMPBELL FOUNDRY COMPANY	97.02	4656
15714	09/15/16	CAR10 Cartridge World	395.16	4656
15715	09/15/16	CER02 CERTIFIED VALUATIONS, INC.	34,692.97	4656
15716	09/15/16	CHI06 ATLANTIC CORPORATE HEALTH	415.00	4656
15717	09/15/16	COO03 COOPERATIVE COMMUNICATIONS INC	1,404.42	4656
15718	09/15/16	COR02 CORRPRO COMPANIES	820.00	4656
15719	09/15/16	COU12 COUNTY OF MORRIS, TREASURER	4,976.99	4656
15720	09/15/16	DAN08 DANA M D'ANGELO	750.00	4656
15721	09/15/16	DAR01 DARMOFALSKI ENGINEERING ASSOC.	2,250.00	4656
15722	09/15/16	DEB03 DE BLOCK ENVIRONMENTAL SERVICE	6,000.00	4656
15723	09/15/16	DEL08 DELTA DENTAL OF NEW JERSEY INC	4,538.01	4656
15724	09/15/16	DEL16 DE LAGE LANDEN	196.61	4656
15725	09/15/16	DOTZ01 NICHOLAS DOTZMAN	24.20	4656
15726	09/15/16	DOV01 DOVER BRAKE & CLUTCH	75.80	4656
15727	09/15/16	DRA03 DRAEGER SAFETY DIAGNOSTICS INC	66.00	4656
15728	09/15/16	DUN04 NATALIE DUNST	230.00	4656
15729	09/15/16	ECO05 JAMES ECONOMOU	556.66	4656
15730	09/15/16	EJG01 EJG SPORTS	6,095.91	4656
15731	09/15/16	FEDERAL Federal Safety Compliance	298.50	4656
15732	09/15/16	FOX01 FOX ARCHITECTURAL	1,454.75	4656
15733	09/15/16	FRE09 FREDCO GROUP, LLC	12,500.00	4656
15734	09/15/16	GAM01 GAME DAY SPORTS	5,369.33	4656
15735	09/15/16	GIB02 GIBLIN & GANNATO, LLC	6,014.00	4656
15736	09/15/16	GRE03 GREENWOOD LAWN SERVICES, INC.	251.04	4656
15737	09/15/16	HAW03 HAWTHORNE AUTOMOBILE SALES CO.	423.96	4656
15738	09/15/16	HER02 HERO'S SALUTE AWARDS COMPANY	670.50	4656
15739	09/15/16	HOL04 HOLIDAY INN EXPRESS	189.74	4656
15740	09/15/16	HOM02 HOME DEPOT CREDIT SERVICE	927.44	4656
15741	09/15/16	HOR04 Horizon Office Equipment	881.45	4656
15742	09/15/16	IUE01 KAREN IUELE	39.48	4656

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
15743	09/15/16	JER03 JERSEY PAPER PLUS	31.00	4656
15744	09/15/16	JIM01 JIMMY THE SHOE DOCTOR	156.93	4656
15745	09/15/16	JMS01 JM SORGE, INC.	6,750.00	4656
15746	09/15/16	JOR01 JORDAN TRANSPORTATION	1,700.00	4656
15747	09/15/16	KIN05 KINNELON PUBLIC LIBRARY	22,343.25	4656
15748	09/15/16	KIN08 KINNELON VOLUNTEER FIRE CO.	6,000.00	4656
15749	09/15/16	KIN09 KINNELON BOARD OF EDUCATION	3,042,862.67	4656
15750	09/15/16	KIN34 KINNELON REC CHEERLEADING	509.64	4656
15751	09/15/16	KUH01 KENNY KUHRT CONSTRUCTION, LLC	13,025.00	4656
15752	09/15/16	LAK04 Lakeland Septic Co., Inc.	600.00	4656
15753	09/15/16	LAN06 LANGUAGE LINE SERVICES	23.90	4656
15754	09/15/16	LOM04 KELLY LOMBARDI	286.52	4656
15755	09/15/16	MCD01 PATRICK MC DONNELL	100.00	4656
15756	09/15/16	MOR08 MORRIS COUNTY FIRE FIGHTERS &	20.00	4656
15757	09/15/16	MOR21 MORRIS COUNTY M.U.A.	26,096.16	4656
15758	09/15/16	MUN09 MUNICIPAL EQUIPMENT ENTERPRISE	4,241.58	4656
15759	09/15/16	MUS01 MUSCO LIGHTING	9,400.00	4656
15760	09/15/16	NAP01 P&A Auto Parts	1,060.32	4656
15761	09/15/16	NAT02 NATIONAL FIRE PROTECTION ASSOC	1,450.00	4656
15762	09/15/16	NES01 NESTLE PURE LIFE DIRECT	440.30	4656
15763	09/15/16	NJD07 NJ DEPT HEALTH & SENIOR SERV	7.20	4656
15764	09/15/16	NJLM01 N.J. LEAGUE OF MUNICIPALITIES	55.00	4656
15765	09/15/16	NJR01 NJ RECREATION & PARK ASSN.	200.00	4656
15766	09/15/16	NOR18 NORTHEAST COMMUNICATIONS, INC.	859.68	4656
15767	09/15/16	ONE02 One Call Concepts, INC.	93.75	4656
15768	09/15/16	PHO04 PHOENIX CONSULTING GROUP, LLC	750.00	4656
15769	09/15/16	PIT06 PITNEY BOWES-RESERVE ACCOUNT	1,000.00	4656
15770	09/15/16	POW05 POWER DMS	3,183.62	4656
15771	09/15/16	PRB01 P.R.B.R.S.A.	80,692.00	4656
15772	09/15/16	PRI06 PRIME UNIFORM SUPPLY, INC	428.24	4656
15773	09/15/16	PSE01 P.S.E. & G.	117.34	4656
15774	09/15/16	RIO01 RIO SUPPLY INC	82.00	4656
15775	09/15/16	RIV03 RIVERDALE POWER MOWER INC.	119.85	4656
15776	09/15/16	RIV06 Riverdale Environmental	400.00	4656
15777	09/15/16	RR02 R&R RADAR INC	59.95	4656
15778	09/15/16	SCI04 REGAN SCICUTELLA	430.00	4656
15779	09/15/16	SHE03 SHERWIN WILLIAMS CO.	367.50	4656
15780	09/15/16	SHO06 DOUGLAS SHORTWAY	85.00	4656
15781	09/15/16	SLA02 BRIAN SLATER	24.20	4656
15782	09/15/16	SMO01 SMOKE RISE CLUB	2,690.38	4656
15783	09/15/16	SPO05 SPOT-A-WAY	225.00	4656
15784	09/15/16	SS01 S AND S	1,824.76	4656
15785	09/15/16	STA STAPLES ADVANTAGE, DEPT NY	892.70	4656
15786	09/15/16	SUR03 JEFFREY R. SURENIAN AND ASSOC	2,000.00	4656
15787	09/15/16	TIL01 TILCON NEW YORK INC.	1,857.98	4656
15788	09/15/16	TIR01 TIRE MANAGEMENT INC.	117.00	4656
15789	09/15/16	VAR02 CHRISTOPER VARGO	24.20	4656
15790	09/15/16	VER06 VERIZON WIRELESS	250.66	4656
15791	09/15/16	WAL11 WALLINGTON PLUMBING & HEATING	121.64	4656
15792	09/15/16	WHI03 JOHN WHITEHEAD, JR.	46.23	4656
15793	09/15/16	XTR01 XTREME GRAPHICS LLC	760.00	4656
15794	09/15/16	YOR01 YORK MOTORS INC.	39.99	4656
15795	09/15/16	ZAP01 ZAPHYR LLC	2,796.98	4656
15796	09/15/16	IUE01 KAREN IUELE	151.24	4658

September 15, 2016
12:31 PM

BOROUGH OF KINNELON
Check Register By Check Id

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September 15, 2016

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
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15796	KAREN	IEELE			
Report Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
	Checks:		3,571,747.93	0.00	
	Direct Deposit:		0.00	0.00	
	Total:		<u>3,571,747.93</u>	<u>0.00</u>	

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND APPROPRIATIONS	5-01	6,686.54	0.00	0.00	6,686.54
CURRENT FUND APPROPRIATIONS	6-01	3,389,134.37	0.00	0.00	3,389,134.37
WATER FUND	6-05	5,025.19	0.00	0.00	5,025.19
SEWER FUND	6-07	<u>87,534.50</u>	<u>0.00</u>	<u>0.00</u>	<u>87,534.50</u>
Year Total:		3,481,694.06	0.00	0.00	3,481,694.06
	C-04	38,587.55	0.00	0.00	38,587.55
DOG TAX	D-13	6,895.19	0.00	0.00	6,895.19
STATE AND FEDERAL GRANTS	G-02	66.00	0.00	0.00	66.00
	I-14	750.00	0.00	0.00	750.00
KAMELOT	K-17	189.74	0.00	0.00	189.74
PUBLIC ASSIST 2	P-18	283.86	0.00	0.00	283.86
RECREATION SPECIAL	R-16	18,594.99	0.00	0.00	18,594.99
	V-27	9,000.00	0.00	0.00	9,000.00
RECYCLE FUND	Y-21	9,000.00	0.00	0.00	9,000.00
Total of All Funds:		<u>3,571,747.93</u>	<u>0.00</u>	<u>0.00</u>	<u>3,571,747.93</u>

September 15, 2016
10:38 AM

BOROUGH OF KINNELON
Check Register By Check Id

Page No: 1

September 15, 2016

Range of Checking Accts: PLANNING 2 to PLANNING 2 Range of Check Ids: 1702 to 1702
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
1702	09/15/16	DAR01 DARMOFALSKI ENGINEERING ASSOC.	4,875.00		4657
Report Totals					
			<u>Paid</u>	<u>Void</u>	
		Checks:	1	0	4,875.00
		Direct Deposit:	0	0	0.00
		Total:	1	0	4,875.00

September 15, 2016
10:38 AM

BOROUGH OF KINNELON
Check Register By Check Id

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September 15, 2016

Project Description	Project No.	Project Total
8 FOOTHILL DR- PEREZ	1112001	500.00
PSE&G Steel Twr-NY SMSA #1434	1434	625.00
10 SHIRLY TER. STRECIWILK 1445	1445	500.00
25 CABOT/ #1446/ SCHUCKALO	1446	625.00
50A MAPLE LAKE, AGO, #1447	1447	500.00
84 BOONTON AVENUE- HMR	790	500.00
UB KinneLon, Meadtown #804	804	1,375.00
PIOCOSTA #9118	9118	250.00
Total Of All Projects:		<u>4,875.00</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. Proclamation: Suicide Prevention Month
- b. Resolution: 9.01.16 Authorizing Extension Soil Disturbance Permit-25 Reagan Way
- c. Resolution: 9.02.16 Authorizing Soil Disturbance permit – 8 Foothill Drive
- d. Resolution: 9.03.16 Supporting Submission of Grant Application, Highlands Council, Acquisition of Badanco Property
- e. Resolution: 9.04.16 Amending chapter 13, Bylaws Concerning Public Comment
- f. Resolution: 9.05.16 Revised Resolution 8.12.16, Part Time Dispatcher Richard Giannetti
- g. Resolution: 9.06.16 Tax Collection-Escheat \$20,000 to the Borough of Kinnelon
- h. Resolution: 9.07.16 Requested Consideration of Water Bill, Kinnelon heights Age-Restricted Development
- i. Resolution: 9.08.16 Authorizing the Award of a Non-Fair & Open Contract for Various Field & landscape Services
- j. Resolution: 9.09.16 Governing Body Certification of the Annual Audit
- k. Resolution: 9.10.16 Endorsing NJDOT Project to Reconstruct Bridge-Route 23 over Passaic River & NYS&W Railway
- l. Resolution: 9.11.16 Authorizing Soil Disturbance Permit-6 Dixon Terrace
- m. Resolution: 9.12.16 Authorization for Clerk to Advertise for RFP-Qualified Consultant
- n. Resolution: 9.13.16 Affirm the Borough of Kinenlon's Civil Rights Policy
- o. Resolution: 9.14.16 Accepting and Approving the Revised Personnel Policy Manual & Employee Hand Book
- p. Resolution: 9.15.16 Salary Resolution for Union Employee for the Year 2016, 2017
- q. Resolution: 9.16.16 Overpayment of 2016 Property Taxes, Block 45502 Lot 115 – 24 Boonton Ave
- r. Resolution: 9.17.16 Corrective Action Plan 2015
- s. Raffle License: Knights of Columbus, KN-794-KB
- t. Raffle License: Kinnelon High School Home & School Association KN-795,796,797-KB
- u. Raffle License: Volunteer Fire Company KN-798-KB

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

**PROCLAMATION
SUICIDE PREVENTION MONTH**

WHEREAS, in the United States, one person dies by suicide every 12.3 minutes and 117 people die by suicide each day; and

WHEREAS, 22 veterans die by suicide each day; and

WHEREAS, suicide is the second leading cause of death for New Jersey residents ages 15 – 44; and

WHEREAS, suicide is a tragic and disruptive event for families and communities ~ it is estimated that annually, there are 6.3 million suicide loss survivors who have lost a loved one to suicide; and

WHEREAS, suicide is a public health issue and a community concern, and through increased education and awareness of the issue a great number of suicides can be prevented;

THEREFORE, we do hereby officially designate the month of September 2016 as “**SUICIDE PREVENTION MONTH**” Kinnelon, New Jersey _____

Dated: September 15, 2016



Mayor Robert W. Collins

September 15, 2016

RESOLUTION 9.01 .16

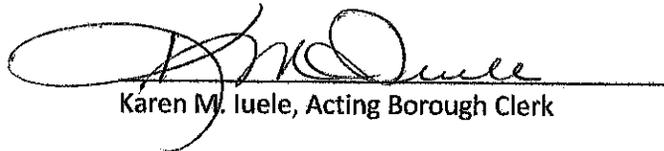
AUTHORIZING EXTENSION OF A SOIL DISTURBANCE
PERMIT FOR 25 REAGAN WAY
BLOCK 22601--LOT 104

WHEREAS, the Mayor and Council of the Borough of Kinnelon approves an one (1) years extension of a Soil Disturbance Permit for 25 Reagan Way, Block 22601, Lot 104; and

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

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve an extension of a Soil Disturbance Permit for 25 Reagan Way, Kinnelon NJ.

Dated: September 15, 2016


Karen M. Iuele, Acting Borough Clerk

September 15, 2016

RESOLUTION 9.02.16

AUTHORIZING OF A SOIL
DISTURBANCE PERMIT
8 FOOTHILL DRIVE, Block 10504, LOT 107

WHEREAS, the Mayor and Council of the Borough of Kinnelon approved a Soil Disturbance Permit for 8 Foothill Drive, Block 10504, Lot 107 ; and

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

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve a Soil Disturbance Permit for 8 Foothill Drive, Kinnelon NJ.

Dated: September 15, 2016


Karen M. Iuele, Deputy Borough Clerk

DARMOFALSKI ENGINEERING ASSOCIATES, INC.

CIVIL ENGINEERS

86 NEWARK POMPTON TURNPIKE

RIVERDALE, NJ 07457-1429

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

September 15, 2016

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

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

August 25, 2016

Ms. Karen Iuele
Acting Borough Clerk
Borough of Kinnelon
130 Kinnelon Road
Kinnelon, NJ 07405-2336
Attention: Mayor & Council

RE: *Soil Disturbance Permit for*

Owner / Applicant: Bernardo Perez & Orlando Perez

***Project Location: 8 Foothill Drive
Block 10504, Lot 107 (Old Block 11, Lot 120.01)
Borough of Kinnelon, Morris County, New Jersey***

Dear Ms. Iuele:

We are in receipt of the following documents in support of the above-referenced application:

1. A signed and sealed copy of a boundary, location and topographic survey, prepared by Arthur J. Schappell, Jr., P.L.S., consisting of one (1) sheet, dated April 19, 2013, *revised September 29, 2013*; and,
2. Site plans, prepared by MAP Engineering, consisting of three (3) sheets, dated May 30, 2013, bearing three (3) revisions through July 25, 2016.

The homeowner proposes to construct boulder retaining walls and re-grade the backyard. Per Chapter 169 of the Borough Code, a Soil Disturbance Permit is required since the proposed changes in grade elevation exceed two (2) feet and since more than 50 cubic yards of soil would be moved. The proposed quantity of exported fill is approximately 753 cubic yards.

We recommend this application for a soil disturbance permit is placed on the next available agenda for approval by the Mayor and Council. If the permit is approved, then we recommend the resolution of approval stipulates the applicant is required to comply with all of the following items:

1. Since the volume of soil to be disturbed exceeds 500 cubic yards, the application fee is \$500.00 per Chapter 169-4A of the Borough Code. ***It is our understanding this fee was already paid in 2013.***
2. The proposed export is 753 cubic yards. Per Chapter 169-6.B. of the Borough Code, the applicant shall pay a *permit fee* in the amount of \$188.25 (753 cubic yards X \$0.25 per cubic yard for exported soils). ***The applicant shall remit a \$188.25 fee to the Borough Clerk, prior to being issued signed and sealed copies of the resolution of approval. This engineering report shall be stapled to and made part of the approving resolution.***
3. Roughly 1,000 square feet of clearing, soil disturbance and wall construction occurred on Lot 108 (#6 Foothill Drive) adjacent to and west of the subject property. The site plan has been revised to include notes stating: "Previously disturbed portion of adjacent property to be regraded and revegetated back to its original form" and "Portion of existing wall on adjacent lot to be removed and area to be regraded and revegetated back to its original form." ***Prior to beginning any restoration work, the applicant shall obtain notarized consent from the owner of Lot 108 and provide the same to this office and the office of the Borough Clerk.***
4. The proposed limit of disturbance is greater than 12,000 square feet which would require certification from the Morris County Soil Conservation District. ***There shall be no site disturbance until certification is obtained and submitted to this office and the office of the Borough Clerk.***
5. Tree removal permits may be required per Chapter 186 of the Borough Code. ***No clearing or other site work can begin prior to obtaining any necessary tree removal permits.***
6. The limit of disturbance shall be adhered to by the applicant, owner and all contractors. ***There shall be no temporary or permanent disturbance beyond the limits shown on the approved plans.***
7. All existing and proposed retaining walls having an exposed height thirty (30") inches or greater shall be designed to include permanent fence along the top. Permanent fence height and openings shall be consistent with the current building code requirements for pool fence.
8. The applicant shall provide documentation showing any imported materials conform to Chapter 169-13B of the Borough Code which states "***fill shall consist of topsoil, earth, rock, gravel, quarry process, or sand obtained solely from virgin sources.***" If the soil disturbance permit is issued, the applicant and all contractors retained by the applicant shall agree to provide written documentation for any and all imported fill originated from virgin sources. ***Note: The use of recycled asphalt pavement (RAP), commonly known as "millings," and the use of recycled concrete products are prohibited.***
9. There shall be no changes to the approved plans, including site plans, architectural plans, deck plans, landscaping plans, pool plans, driveway configuration, contours, spot elevations, retaining wall plans, HVAC unit locations, generator locations, etc. If field conditions necessitate deviations from approved plans, then all work shall stop until revised plans can be prepared by the owner's professionals and submitted to the Borough Engineer and Building Department for review and approval prior to constructing any modifications.

To: Mayor & Council of Kinnelon Borough
Re: Soil Disturbance Permit - Perez Residence, 8 Foothill Dr.

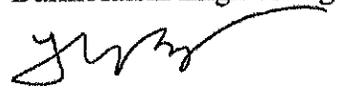
August 25, 2016
September 15, 2016

10. Per Chapter 169-3C of the Borough Code, ***the soil disturbance permit shall expire after one year from issue.*** In the event the soil disturbance activity for which the permit was issued is not completed within one year, the applicant may apply to the Borough Council for an extension.
11. There shall be no changes to the site plan which would create slopes steeper than shown.
12. There shall be no field changes deviating from the approved site plan which would cause wall construction above or beyond the limits of any walls shown on the approved plans.
13. ***Homeowners and all contractors are responsible for contacting the Borough Engineer for site inspections prior to and during the construction of all improvements, including but not limited to: retaining walls, curbs, seepage pits, trench drains, storm drainage and associated piping, landscaping, guide rails, fence, etc. Adequate notice of at least three business days shall be provided prior to beginning the construction of these improvements. This office will not approve improvements which have been constructed and backfilled without inspections.***
14. An as-built topographic survey, prepared by a licensed professional land surveyor and a final site inspection by the Construction Official and Borough Engineer will be necessary prior to the issuance of a certificate of occupancy to ensure all items of construction are in conformance with the approved plans. The as-built survey shall provide the location of all aboveground and below ground improvements, including septic systems, wells, drainage structures and utilities.
15. The applicant's escrow account should be kept current during construction and until as-built drawings and a final site inspection are completed. Stop work orders will be issued on projects that do not maintain sufficient escrow for inspections.

Please contact me if you have any questions.

Very truly yours,

Darmofalski Engineering Associates, Inc.



Thomas A. Boorady, P.E.

cc: Mayor & Council
John Whitehead - Superintendent of Kinnelon DPW
Daniel Hagberg - Construction & Zoning Official
Mark Thomas - Zoning Enforcement & Property Maintenance Officer
Bernardo Perez & Orlando Perez
MAP Engineering
Sheila Hall - Morris County Soil Conservation District
Ronald W. Cronk, Sr. - 6 Foothill Dr., Kinnelon, NJ 07405

September 15, 2016

Keli (KN-MISC.OUT)
Highlands Grant Resolution
082216

RESOLUTION NO.

9.03.16

**RESOLUTION SUPPORTING THE SUBMISSION OF A
GRANT APPLICATION TO THE HIGHLANDS COUNCIL
IN CONNECTION WITH THE ACQUISITION OF THE
BADANCO PROPERTY**

WHEREAS, the Trust for Public Land is submitting a grant application to Highlands Water Protection and Planning Council ("Highlands Council") to obtain funding for the acquisition of property located at Block 57401, Lot 149 and Block 57101, Lot 120 on the Official Tax Map of the Borough of Kinnelon, and commonly known as the Badanco Property; and

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

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

WHEREAS, by Resolution No. 6.22.16 adopted on June 16, 2016, the Borough authorized the encumbrance of \$100,000 from its Open Space, Recreation and Historic Preservation Trust Fund toward the acquisition of the Badanco Property for passive recreational purposes; and

WHEREAS, the Borough desires to support the submission of a grant application by the Land for Public Trust to the Highlands Council in connection with the acquisition of the Badanco Property.

September 15, 2016

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

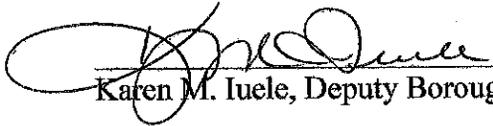
1. The Borough hereby supports the submission of a grant application by the Land for Public Trust to the Highlands Water Protection and Planning Council in connection with the acquisition of property located at Block 57401, Lot 149 and Block 57101, Lot 120 on the Official Tax Map of the Borough of Kinnelon, and commonly known as the Badanco Property, for passive recreational purposes.

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

3. This Resolution shall take effect immediately.

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the governing body of the Borough of Kinnelon at a duly convened meeting held on September 15, 2016.


Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

Scott (KN-MISC OUT)
By Law Amendment Resolution
081616
090116

**RESOLUTION NO. 9.04.16 RESOLUTION AMENDING CHAPTER 13 BYLAWS
CONCERNING PUBLIC COMMENT**

WHEREAS, the Mayor and Council recognize the value of public comment on issues of the Borough and the importance of allowing members of the public to express themselves on matters of community interest; and

WHEREAS, in order to permit the fair and orderly expression of such comment, the Council shall provide a period for public comment at every public meeting; and

WHEREAS, public participation shall be permitted only as indicated on the order of business in Council Bylaw Section 13-4 (H)(1)(e); and

WHEREAS, public participation shall be extended to residents of the Borough, persons having a legitimate interest in the actions of this Council, persons representing groups in the community or representatives of firms eligible to bid on materials or services solicited by the Borough, and employees of the Borough.

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

1. By-Law Section 13-4 "Meetings" shall be governed by the following rules:
 - A. A participant must be recognized by the Mayor or his/her designee and must preface comments by an announcement of his/her name, place of residence, and group affiliation, if appropriate;
 - B. Each statement made by a participant shall be limited to no more than five (5) minutes duration and participants shall receive a warning after three minutes have expired;
 - C. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard;
 - D. All statements shall be directed to the Mayor or his/her designee; no participant may address or question Council members individually;

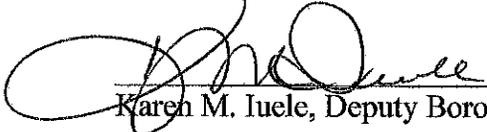
E. The Mayor or his/her designee may:

1. Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, abusive, obscene, or irrelevant;
2. Request any individual to leave the meeting when that person does not observe reasonable decorum;
3. Request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
4. Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action; and
5. Waive these rules when necessary for the protection of privacy or the efficient administration of the Council's business.

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.

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 a two-thirds (2/3) vote the Governing Body of the Borough of Kinnelon at a duly convened meeting held on September 15, 2016.



Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

RESOLUTION 9.05:16

AUTHORIZING HIRE OF A
PART TIME DISPATCHER
FOR THE KINNELON POLICE
DEPARTMENT
(REPLACES RESOLUTION 8.12.16)

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 \$13.00 per hour for the first 6 months then \$13.50 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.

NOW, THEREFORE, BE IT RESOLVED that this Resolution 9. .16 replaces Resolution 8.12.16.

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk, do hereby certify this to be a true copy of a resolution duly adopted at the regular meeting of the Kinnelon Mayor and Council held on September 15, 2016.

Dated: September 15, 2016


Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

RESOLUTION # 9.06.16

WHEREAS, AS December 3, 2010 lien 10-00001 was purchased by a third party lienholder and a premium of \$20,200.00 was paid to secure the lien; and

WHEREAS, ACCORDING to NJSA 54:5-33 "...If redemption is not made within five years from date of sale the premium payment shall be turned over to the treasurer of the municipality and become a part of the funds of the municipality...".

THEREFORE BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that the amount of \$20,200.00 be escheated by the Borough.

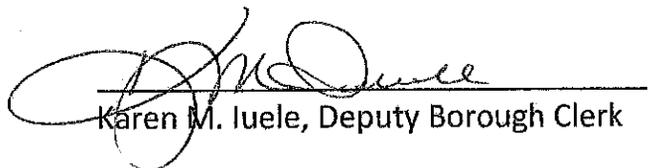
ROLL CALL: C. Giannino
C. Sventy
W. Weely

A. Benish
W. Yago
J. Fruda

September 15, 2016
Judith O'Brien, CTC
Acting Tax Collector
Borough of Kinnelon

I, Karen M. Iuele, Deputy Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon May and Council July 21, 2016.

Date: 9/15/16


Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

RESOLUTION NO.

9.07.16

**RESOLUTION FORGIVING WATER BILL FOR THE
KINNELON HEIGHTS AGE-RESTRICTED
DEVELOPMENT**

WHEREAS, Kinnelon Heights is an age-restricted development located on Maple Lake Road in the Borough of Kinnelon ("Borough"); and

WHEREAS, the Borough operates a water utility that provides potable water to Borough residents, including the Kinnelon Heights age-restricted development; and

WHEREAS, Kinnelon Heights has an outstanding water bill from the Borough in the amount of \$32,643.10; and

WHEREAS, Kinnelon Heights has advised that while it is in the position to be able to pay future, quarterly water bills, the payment of the outstanding water bill would be a hardship for the age-restricted development; and

WHEREAS, the Mayor and Council of the Borough of Kinnelon desire to forgive the outstanding water bill in the amount of \$32,643.10 based upon the understanding that Kinnelon Heights will pay all future, quarterly water bills in full starting on January 1, 2016.

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

1. The Borough hereby forgives the outstanding water bill issued to Kinnelon Heights in the amount of \$32,643.10 based upon the understanding that Kinnelon Heights will pay all future, quarterly water bills in full starting on January 1, 2016.

2. The Mayor and Borough Clerk, together with the Borough attorney and other appropriate and applicable officers, employees, professionals and staff of the Borough, are

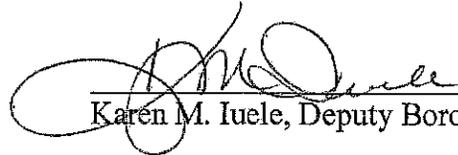
September 15, 2016

hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.

3. This Resolution shall take effect immediately.

CERTIFICATION

I, Karen M. Iuele, Deputy Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the governing body of the Borough of Kinnelon at a duly convened meeting held on September 15, 2016.



Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

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

Resolution No.: *9.08.16*
Offered by Council Member:
Seconded by Council Member:

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR VARIOUS FIELD & LANDSCAPE SERVICES**

WHEREAS, the Borough of Kinnelon has a need to acquire field and landscape services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, Kelly A. Lombardi, QPA and Recreation Director Melanie Schuckers, has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 12 months; and may be extended for 12 additional months as approved by this governing body; and

WHEREAS, Fredco Landscaping, LLC, has submitted a proposal August 2016 for labor and materials for the infield regrading and rebuild of pitchers mounds, as well as the cleaning of ditch located near the field behind the Municipal Building; and

WHEREAS, Fredco Landscaping, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Fredco Landscaping LLC has not made any reportable contributions to a political or candidate committee in the Borough of Kinnelon, in the previous one year and that the contract will prohibit Fredco Landscaping LLC from making any reportable contributions through the term of the contract; and

WHEREAS, Kelly Lombardi, CFO has certified that funds are provided for in Capital Ordinance 5-2016 pursuant to N.J.A.C. 5:30-5.4; and

NOW THEREFOR BE IT RESOLVED, by the Borough Council of Kinnelon, that the Qualified Purchasing Agent is hereby authorized to enter into a contract with Fredco Landscaping LLC as declared herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause to be published, notification of the award of the Non-Fair and Open Contract as required by the Local Public Contracts Law.

September 15, 2016

ROLL CALL:

**Council Member
Council Member
Council Member**

**Council Member
Council Member
Council Member**

I, the Deputy Borough Clerk of the Borough of Kinnelon, hereby certify that the above is a true copy of a Resolution passed by the Council of the Borough of Kinnelon at the meeting held on the 15th day of September, 2016.



Karen Lucie, Deputy Borough Clerk

September 15, 2016

RESOLUTION 9.09.16

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

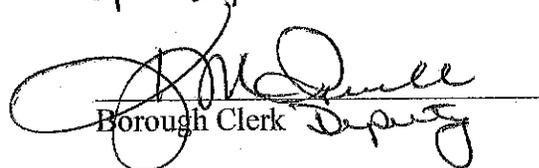
WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *BOROUGH COUNCIL* of the *BOROUGH OF KINNELON*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON Sept 15, 2016.


Borough Clerk Deputy

September 15, 2016

RESOLUTION 9. 10.16

RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF KINNELON ENDORSING NJDOT PROJECT
TO RECONSTRUCT A BRIDGE ON ROUTE 23
OVER PASSAIC RIVER

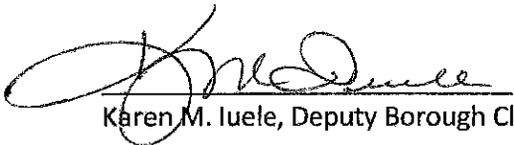
BE IT RESOLVED, by the Borough Council of the Borough of Kinnelon as follows:

WHEREAS, the NJDOT is preparing to reconstruct the bridge on Route 23 over the Passaic River and the New York Susquehanna & Western Railway in the Borough of Kinnelon; and

WHEREAS, the State, as part of the project, requires a resolution of support from the Borough of Kinnelon.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Kinnelon, County of Morris, in the State of New Jersey agrees to support the NJDOT Project to reconstruct the bridge on Route 23 over the Passaic River in the Borough of Kinnelon.

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council of the Borough of Kinnelon at a regular meeting held September 15, 2016.



Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

RESOLUTION 9. // .16

AUTHORIZING OF A SOIL
DISTURBANCE PERMIT
6 DIXON TERRACE, BLOCK 56403, LOT 113

WHEREAS, the Mayor and Council of the Borough of Kinnelon approved a Soil Disturbance Permit for 6 Dixon Terrace, Block 56403, Lot 113 ; and

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

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve a Soil Disturbance Permit for 6 Dixon Terrace, Kinnelon NJ.

Dated: September 15, 2016


Karen M. Luele, Deputy Borough Clerk

DARMOFALSKI ENGINEERING ASSOCIATES, INC.

CIVIL ENGINEERS

86 NEWARK POMPTON TURNPIKE

RIVERDALE, NJ 07457-1429

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

September 15, 2016

Thomas A. Boorady, P.E., C.M.E.

tab@darmofalski.com

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

September 7, 2016

Ms. Karen Iuele
Acting Borough Clerk
Borough of Kinnelon
130 Kinnelon Road
Kinnelon, NJ 07405-2336
Attention: Mayor & Council

RE: *Soil Disturbance Permit*

***Owner / Applicant:* James C. Jefferson & Erica Buhl
6 Dixon Ter., Kinnelon, NJ 07405**

***Project Location:* 6 DIXON TERRACE
Block 56403, Lot 113 on Tax Map Sheet #64
Borough of Kinnelon, Morris County, New Jersey**

Dear Ms. Iuele:

We have received the following documents:

1. Application for certification from the Morris County Soil Conservation District;
2. Boundary and topographic survey, prepared by Frank R. DeSantis, P.L.S., consisting of one (1) page, dated June 5, 2016, bearing no revisions;
3. Proposed grading plan, prepared by G. Gloede & Associates, consisting of two (2) sheets, dated June 15, 2016, bearing three (3) revisions through September 3, 2016; and,
4. Architectural plans, prepared by Minervini Vandermark, LLC, consisting of 25 sheets, dated September 15, 2015, bearing five (5) revisions through August 29, 2016.

Project Summary

The owner wishes to construct a 36' x 48' barn, driveway expansion, regrading of the side yard and the construction of retaining walls. Stormwater management facilities are also proposed. More than 10,000 square feet of disturbance is proposed and roughly 4,000 square feet of impervious is proposed (coverage calculations haven't been provided). Per Chapter 169-3.F.(2) of the Borough Code, no exemption from obtaining a Soil Disturbance Permit should be given in cases where stormwater facilities are being constructed or in cases where grading will redirect runoff which could potentially adversely affect neighboring properties or public and private roads. In addition, grade changes exceeding two (2) feet and the import/export of more than 50 cubic yards of soil are proposed. Therefore, based upon the proposed stormwater management facilities, grading, and the quantities of fill imported/exported, the homeowner is required to obtain a Soil Disturbance Permit per Chapter 169-3.A. of the Borough Code.

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

1. The proposed quantity of soil movement is approximately 800 cubic yards. As required by Chapter 169-4.A. of the Borough Code, the applicant shall pay an *application fee* in the amount of \$500.00. ***Payment of this fee should be confirmed by the Borough Treasurer.***
2. The proposed soil movement is approximately 800 cubic yards. Per Chapter 169-6.B. of the Borough Code, the applicant shall pay a *permit fee* in the amount of \$200.00 (800 cubic yards X \$0.25 per cubic yard). ***The applicant shall remit a \$200.00 fee to the Borough Clerk, prior to being issued signed and sealed copies of the resolution of approval. This engineering report shall be stapled to and made part of the approving resolution.***
3. No work can begin until certification is obtained from the Morris County Soil Conservation District.
4. The barn would have three (3) overhead garage doors. Based upon the floor area of the barn, the number of potential parking spaces would be approximately six (6). This exceeds the number of parking spaces permitted by Chapter 207-27 of the Borough Code. For lots less than 60,000 square feet in area, garages are permitted for no more than three (3) cars which, if detached, may be no more than 1-1/2 stories high. Including the two (2) attached garage spaces, potential exists for a total of eight (8) parking spaces. The homeowner has written a letter to the Borough's Construction Official, dated May 12, 2016, stating the barn would be used for "personal uses" and as a workshop for paint, woodworking, crafting, etc. A copy of this letter is enclosed.
5. Sheets A-101, A-102 and S-4 of the architectural plans are not approved with respect to the site plan, including elevations and wall details. The plans by G. Gloede and Associates referenced above shall control.
6. Tree removal permits and a driveway may be required per Borough Code. No clearing, driveway construction or other site work can begin prior to obtaining these permits.
7. The limit of disturbance shall be adhered to by the applicant, owner and all contractors. There shall be no temporary or permanent disturbance beyond the limits shown on the approved plans.
8. All existing and proposed retaining walls having an exposed height thirty (30") inches or greater shall be designed to include permanent fence along the top. Permanent fence height and openings shall be consistent with the current building code requirements for pool fence.
9. The applicant shall provide documentation showing any imported materials conform to Chapter 169-13B of the Borough Code which states "fill shall consist of topsoil, earth, rock, gravel, quarry process, or sand obtained solely from virgin sources." If the soil disturbance permit is issued, the applicant and all contractors retained by the applicant shall agree to provide written documentation for any and all imported fill originated from virgin sources. ***Note: The use of recycled asphalt pavement (RAP), commonly known as "millings," and the use of recycled concrete products are prohibited.***
10. There shall be no field changes deviating from the approved site plan which would cause wall construction above or beyond the limits of any walls shown on the approved plans.

To: Mayor & Council of Kinnelon Borough
Re: Soil Disturbance Permit - Jefferson, 6 Dixon Ter.

September 7, 2016
September 15, 2016
Page 3 of 3

11. There shall be no changes to the approved plans, including site plans, architectural plans, deck plans, landscaping plans, pool plans, driveway configuration, contours, spot elevations, retaining wall plans, HVAC unit locations, generator locations, etc. If field conditions necessitate deviations from approved plans, then all work shall stop until revised plans can be prepared by the owner's professionals and submitted to the Borough Engineer and Building Department for review and approval prior to constructing any modifications.
12. Per Chapter 169-3C of the Borough Code, the soil disturbance permit shall expire after one year from issue. In the event the soil disturbance activity for which the permit was issued is not completed within one year, the applicant may apply to the Borough Council for an extension.
13. There shall be no changes to the site plan which would create slopes steeper than shown.
14. ***Homeowners and all contractors are responsible for contacting the Borough Engineer for site inspections prior to and during the construction of all improvements, including but not limited to: retaining walls, curbs, seepage pits, trench drains, storm drainage and associated piping, landscaping, guide rails, fence, etc. Adequate notice of at least three business days shall be provided prior to beginning the construction of these improvements. This office will not approve improvements which have been constructed and backfilled without inspections.***
15. An as-built topographic survey, prepared by a licensed professional land surveyor and a final site inspection by the Construction Official and Borough Engineer will be necessary prior to the issuance of a certificate of occupancy to ensure all items of construction are in conformance with the approved plans. The as-built survey shall provide the location of all aboveground and below ground improvements, including septic systems, wells, drainage structures and utilities.
16. The applicant's escrow account should be kept current during construction and until as-built drawings and a final site inspection are completed. Stop work orders will be issued on projects that do not maintain sufficient escrow for inspections.

Please contact me if you have any questions.

Very truly yours,

Darmofalski Engineering Associates, Inc.

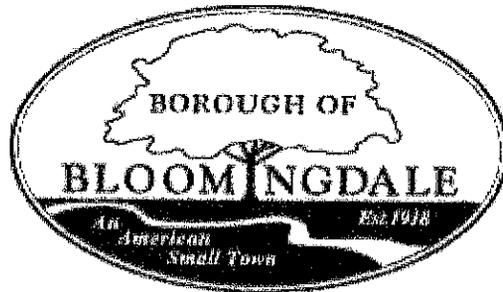


Thomas A. Boorady, P.E.

Enclosures

cc: Mayor & Council
John Whitehead - Superintendent of Kinnelon DPW
Daniel Hagberg - Construction & Zoning Official - Bloomingdale Building Dept.
Mark Thomas - Kinnelon Zoning Officer
Sheila Hall - MCSCD
George R. Gloede, Jr., P.E.
Anthony C. Vandermark, Jr., R.A.
James C. Jefferson & Erica Buhl

September 15, 2016



Bloomingdale Building Department operates a shared service with Butler and Kinnelon

DANIEL HAGBERG
Construction Official
MAUREEN DePASCALE
Technical Assistant

Phone: 973-838-7995
Fax: 973-838-5790

2 May 2016

James Jefferson
6 Dixon Terrace
Kinnelon, NJ 07405

Inquiry for Permit #15-599

This office issued a permit on 11/10/15 for the construction of a barn. This is permitted as long as the storage in the barn is an accessory to the residential use such as lawn equipment, personal storage, and personal vehicles. The borough restricts garages to 3 vehicles. This letter is to inquiry to the intended use of this structure. If it will house personal vehicles and limit to three and the structure will not be used for commercial storage or parking of commercial this office requests that you clarify the use.

This request is made as the plan submitted grading is not for a barn, but is indicated as a workshop on the soil moving permit.

This office will forward your response to this inquiry and determine that the intended use is in compliance with the provisions stated above and no variances are needed. If the use is not going to be a barn and limited to personal use, then a variance may be required along with the submitted grading plans.

This office appreciates your cooperation in this matter. Your response may be faxed to this office, 973-838-5790 to expedite your response.

Daniel Hagberg
Construction Official

cc: Borough engineer

September 15, 2016

James Jefferson
6 Dixon Terrace
Kinnelon, NJ 07405

Daniel Hagberg
Construction Official
Bloomingdale, Butler, & Kinnelon

5/12/2016

Re: Inquiry for Permit #15-599

Mr. Hagberg,

I am writing in response to your letter dated May 2nd, 2016 regarding Inquiry for Permit #15-599.

This letter shall confirm that the structure will be solely for personal uses such as storage, hobbies (painting, woodworking, crafting, etc.), and other personal uses as permitted by its "1 Residential Zone" classification.

Should you have any further questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'James Jefferson', written over a horizontal line.

James Jefferson
551-208-6388

September 15, 2016

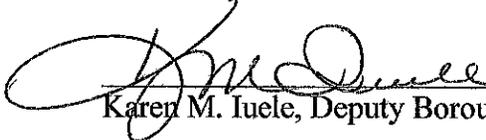
RESOLUTION 9.12.16

AUTHORIZATION FOR CLERK TO
ADVERTISE FOR REQUEST FOR
PROPOSALS FOR QUALIFIED
CONSULTANT

WHEREAS, the Mayor and Council desires to advertise for Request for Proposals for a qualified consultant.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council hereby authorized the Acting Municipal Clerk to advertise for Request for Proposals for a qualified consultant

Dated: September 15, 2016


Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

Keli (KN-1024)
Civil Right Policy Resolution
090816

RESOLUTION NO. 9.13.16

A RESOLUTION TO AFFIRM THE BOROUGH OF KINNELON'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Kinnelon ("Borough") to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the Borough has determined that certain procedures need to be established to accomplish this policy.

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

1. No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way apart of the Borough shall engage, either directly or indirectly in any act, including the failure to act, that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

September 15, 2016

2. The prohibitions and requirements of this Resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

3. Discrimination, harassment and civil rights shall be defined for purposes of this Resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

4. The Borough Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this Resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

5. No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided, however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

6. The Borough Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this Resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this Resolution.

7. The Borough Council shall establish a system to monitor compliance and shall issue reports annually regarding the results of the monitoring.

September 15, 2016

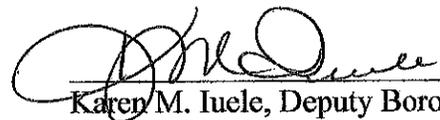
8. At least annually, the Borough Council shall cause a summary of this Resolution and the procedures established pursuant to this Resolution to be communicated within the Borough. This communication shall include a statement expressing the unequivocal commitment to enforce this Resolution. This summary shall also be posted on the Borough's web site.

9. A copy of this Resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough of Kinnelon's commitment to the implementation and enforcement of this policy.

10. 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 September 15, 2016.



Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

Keli (KN-1024)
KN Employee Handbook 2016 Update Resolution
090816

**RESOLUTION NO. 9.14.16 RESOLUTION ACCEPTING AND APPROVING THE
REVISED PERSONNEL POLICY MANUAL AND
EMPLOYEE HANDBOOK**

WHEREAS, it is the policy of the Borough of Kinnelon ("Borough") to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough has determined that there is a need for revisions to the Personnel Policy Manual and Employee Handbook ("Manual") to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

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

1. The revised Personnel Policy Manual and Employee Handbook ("Manual") attached hereto, and dated September 15 2016, is adopted.

September 15, 2016

2. The personnel policies and procedures set forth in the Manual shall apply to all Borough officials, appointees and employees. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

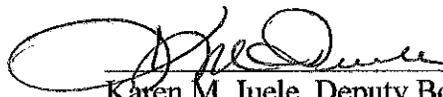
3. This Manual is intended to provide guidelines covering public service by Borough employees and is not a contract. To the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will" and the provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Governing Body.

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

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 September 15, 2016.


Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

RESOLUTION 09.15.16

SALARY RESOLUTION FOR
UNION EMPLOYEE
FOR THE YEAR 2016, 2017

WHEREAS, the White Collar Union collective bargaining agreement on page 14 had a paragraph as follows:

Note, effective January 1, 2017, Jenn Highers will receive the second half of her salary increase in addition to the 2% general wage increase

Which said page 14 omitted the stipend of OEM coordinator of \$2,500.00 per annum, and;

WHEREAS, Jenn Highers should have received \$1,200.00 for the year 2016, and \$1,300.00 plus 2% for the year 2017, and

NOW, THEREFORE BE IT RESOLVED, that Jenn Highers receives the stipend from January 1, 2016 of \$1,200.00 and in 2017 will receive the second half as per the contract.

Dated 9/15/16



Robert W. Collins, Mayor

September 15, 2016

RESOLUTION # 9.16.15

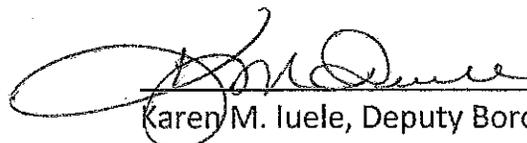
BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to COLUMBIA SAVINGS BANK in the amount of \$4,420.41 for overpayment of 2016 property taxes on Block 45502, Lot 115 known as 24 Boonton Ave., due to a payment received from a Title Company and Mortgage Company. Columbia Savings Bank served as the mortgage lender of the property owner in paying the taxes.

ROLL CALL: C. Grandoro A. Bausel
C. Sweeney W. Yago
W. Weely S. Heala

September 15, 2016
Judith O'Brien, CTC
Acting Tax Collector
Borough of Kinnelon

I, Karen M. Iuele, Deputy Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon May and Council September 15, 2016.

Date: 09/15/16


Karen M. Iuele, Deputy Borough Clerk

Resolution 9.17.16

September 15, 2016

**RESOLUTION
OF THE GOVERNING BODY
OF THE BOROUGH OF KINNELON**

**CORRECTIVE ACTION PLAN 2015 AUDIT COMMENTS
Borough of Kinnelon
Morris County, NJ**

1. RECOMMENDATION-The General Ledger is not reconciled to the subsidiary records on a monthly basis.

CORRECTIVE ACTION-The CFO and Treasurer continues to improve upon the general ledger and will prove subsidiary records to the general ledger each month.

RESPONSIBILITY OF THE CFO AND TREASURER

2. RECOMMENDATION-Purchases were made prior to a purchase order being issued.

CORRECTIVE ACTION-The QPA will generate a memo to all department heads reminding them that all goods and services must be encumbered through the requisition process in order to insure that the encumbrance accounting system is maintained.

RESPONSIBILITY OF THE FINANCE DEPARTMENT

3. RECOMMENDATION-Errors were made in the calculation of dental insurance contributions.

CORRECTIVE ACTION-Collective bargaining agreements will be reviewed with the Payroll Clerk. An excel spreadsheet with the formula calculations for dental will be developed and implemented for 2016.

RESPONSIBILITY OF THE CFO AND PAYROLL CLERK

4. RECOMMENDATION-All interfund transactions were not recorded for current, trust, utility and sewer utility funds.

CORRECTIVE ACTION-Recording of within the bank wire transfers were reviewed with the Treasurer and the recording of the receipt will be input into Edmunds as well as a voucher for the disbursement.

RESPONSIBILITY OF THE CFO AND TREASURER

5. RECOMMENDATION-An over expenditure of appropriation reserves was created due to the adjustments of the appropriations in the 2014 audit that were not recorded.

CORRECTIVE ACTION-The CFO has had Edmunds IT staff correct the accounts for appropriation reserves and appropriations. The CFO will make audit corrections in the accounting system immediately upon submission by the auditor.

RESPONSIBILITY OF THE CFO

6. RECOMMENDATION-Acquisitions and dispositions of fixed assets were not recorded in the fixed asset accounting records.

CORRECTIVE ACTION-A disposal form will be distributed to department heads and Edmunds will be contacted regarding the cost of the fixed asset module.

RESPONSIBILITY OF THE CFO AND A/P CLERK

7. RECOMMENDATION-State and Cooperative purchasing contract and item numbers are not always recorded on purchase orders or on contracts awarded by resolution.

CORRECTIVE ACTION-A memo will be sent to department heads reminding them to refer the contract numbers on requisitions and the QPA will refer contract numbers on resolutions as given to the Borough Clerk.

RESPONSIBILITY OF CFO AND QPA IN CONJUNCTION WITH THE CLERK'S OFFICE

8. RECOMMENDATION-Sewer Utility adopted budget was not properly recorded in the budget sub ledger.

CORRECTIVE ACTION-The CFO has recorded the adopted budget in the Edmunds system. CFO will also memo the Borough Clerk requesting all finance resolutions and ordinances be forwarded to department immediately upon passage and adoption so they may be recorded on a monthly basis.

RESPONSIBILITY OF THE CFO and QPA IN CONJUNCTION WITH THE CLERK'S OFFICE

9. RECOMMENDATION-Flexible spending and special deposit escrow account activity was not recorded in the general ledger

CORRECTIVE ACTION-The CFO will review with the Treasurer for proper procedure on proper procedure on recording these accounts in Edmunds.

RESPONSIBILITY OF THE CFO AND TREASURER

10. RECOMMENDATION-Planning Board general ledger does not balance.

CORRECTIVE ACTION- The CFO will review with the Treasurer on procedure for recording disbursements and receipts.

RESPONSIBILITY OF THE CFO AND TREASURER

11. RECOMMENDATION-Bank reconciliations for Current and Trust accounts did not reconcile to the respective general ledger accounts.

CORRECTIVE ACTION-The CFO will review the excel spreadsheets used for reconciliation with the Treasurer, and if necessary make changes to those sheets to facilitate the reconciling of those accounts.

RESPONSIBILITY OF CFO AND TREASURER

12. RECOMMENDATION-A complete bank statement including all subsidiary accounts was not received for the police off duty account for December 31, 2015.

CORRECTIVE ACTION-Columbia Bank had changed the format of their bank statements prior to yearend. The Treasurer has requested a complete bank statement from them. The bank now furnished the sub accounts to the Borough for 2016.

RESPONSIBILITY OF THE TREASURER

13. RECOMMENDATION-Business Entity disclosure forms were not obtained for all vendors paid more than \$17,500 without bid, state contract or coop purchasing.

CORRECTIVE ACTION-The QPA will send a memo to the Borough Clerk with form attachments with instructions to have professionals complete before reorganization meeting every year. The QPA will also review vendor lists for the non-appointed professionals and send those vendors the forms.

RESPONSIBILITY OF THE QPA AND CLERK

14. RECOMMENDATION-Tax and Dog license payments were not deposited within 48 hours of receipt.

CORRECTIVE ACTION-The Treasurer will send a memo to all department heads reminding them to turn in receipts on a daily basis to the Treasurer for deposit.

RESPONSIBILITY OF THE TREASURER

15. RECOMMENDATION-Health insurance contribution was not billed or received for an employee who was on unpaid sick leave.

September 15, 2016

CORRECTIVE ACTION-The CFO will review procedure with department heads and the clerk on immediate notification when an employee is on unpaid sick leave. CFO will also review with the Payroll Clerk to send an invoice to the employee and to maintain a billing journal.

RESPONSIBILITY OF DEPT. HEADS, CLERK, CFO AND PAYROLL CLERK

16. RECOMMENDATION-Required 1099's were not sent for court personnel and the athletic trainer.

CORRECTIVE ACTION-The CFO will review vendor list with the Treasurer and ensure that "1099" is checked off for the vendors who require one.

RESPONSIBILITY OF TREASURER

17. RECOMMENDATION-State Tax Judgment not refunded within 60 days of judgment.

CORRECTIVE ACTION-Said judgment was during time frame of there not being a CTC employed. The CTC has promptly made all property tax refunds and judgments since her hire.

RESPONSIBILITY OF TAX COLLECTOR

18. RECOMMENDATION-I-9's and voluntary deductions were not in all personnel files and W-4 information did not agree with payroll file.

CORRECTIVE ACTION-The CFO will review with the Payroll Clerk, and will have her check all active employee files against the payroll software for accuracy.

RESPONSIBILITY OF THE CFO AND PAYROLL CLERK

19. RECOMMENDATION-Allowed veteran deductions by tax collector were not included on report to State.

CORRECTIVE ACTION-The CFO has been developing a master excel spreadsheet to be maintained as soon as allowed and disallowed become available from the Assessor's office. The CTC will maintain once it is complete.

RESPONSIBILITY OF TAX COLLECTOR

20. RECOMMENDATION-Uniform allowance for two DPW employees exceeded the threshold of \$350 and was not reimbursed to the Borough and the DPW supervisor, not covered under a contract, received uniforms in excess of \$1,800.

CORRECTIVE ACTION-The CFO will review collective bargaining contracts for the uniform allowance dollar amount and who is eligible to receive. An excel spreadsheet will be

September 15, 2016

developed and maintained by the department head and cross checked with finance. The CFO will also review the over payments and request reimbursement.

RESPONSIBILITY OF THE CFO AND PAYROLL CLERK

21. RECOMMENDATION-Police Department employees received reimbursement for uniforms, per the union contract all purchases are to be made through the Borough.

CORRECTIVE ACTION-The QPA will review procedure with the police chief on the purchase of uniforms and equipment and that purchases must be made through the Borough and the requisition process.

RESPONSIBILITY OF THE CFO AND A/P CLERK

22. RECOMMENDATION-Computer Equipment Purchases were made from two vendors which total \$80,000, which exceeds the bid threshold of \$46,000.

CORRECTIVE ACTION-The Borough has an in house QPA for 2016. The QPA will send a memo reminding departments heads to review Edmunds expenditures by sub account, all funds at the same time before issuing a requisition for a good or service.

RESPONSIBILITY OF THE QPA IN CONJUNCTION WITH ALL DEPARTMENT HEADS.

23. RECOMMENDATION-Chapter 159 resolutions approving anticipation of grants and offsetting appropriations were not filed with the Division of Local Government.

CORRECTIVE ACTION-The CFO will request a copy of the online submission form be attached with the resolution before it is given to Finance after passage. CFO will check monthly for State approval, generate an email to state personnel if not visible on website.

RESPONSIBILITY OF CLERK AND CFO

24. RECOMMENDATION-The annual resolution establishing interest rates for taxes did not include other municipal charges.

CORRECTIVE ACTION-The Clerk has reviewed with the CFO the items requiring interest rates and fees. Those items have been submitted to the Borough Attorney for the preparation of a Fee Ordinance.

RESPONSIBILITY OF CLERK, CFO and BOROUGH ATTORNEY.

LICENSE FOR: Raffles License No. KN-794 -KB
(Insert Bingo or Raffles)

Identification No. 238-6-39617

Insert Name _____ (Display this license conspicuously
Of Municipality BOROUGH OF KINNELON During the conduct of the games)

Insert Name of Licensee Knights of Columbus

Address: 2 Miller Road, Kinnelon, New Jersey 07405

	(cross out line which)	Bingo (not to Exceed 35 games),
1. This license allows the licensee to conduct	50/50	Raffles of the kind stated,
The winner to be determined on each of the dates, at the places and during the hours shown below:		
Kind of Game	Date	Place
Raffle	October 22, 2016	Knights of Columbus
		During hours
		6:30pm – 11:00p.m

2. The value and character of the prizes authorized to be offered and given on each date are:
Retail Prize Values from \$1.00 thru \$20.00

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

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

Names	Addresses
<u>David Puccia</u>	<u>88 Miller Rd, Kinnelon, NJ</u>

Issued by order of MAYOR AND COUNCIL ON September 15, 2016

(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.

LICENSE FOR: Raffles License No. KN- 795-KB
(Insert Bingo or Raffles)

Identification No. 238-5-20619

Insert Name _____ (Display this license conspicuously
Of Municipality BOROUGH OF KINNELON During the conduct of the games)

Insert Name of
Licensee Kinnelon High School Home & School Association

Address 121 Kinnleon Rd, Kinnelon, New Jersey 07405

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

Kind of Game	Date	Place	During hours
Raffle	11/16/16	121 Kinnelon Rd Kinnelon, NJ	6:45 – 10:00 pm

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

1 st prize \$500.00	2 nd prize \$349.00	3 rd prize \$150.00
--------------------------------	--------------------------------	--------------------------------

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

Provide programs, grants and wqui9pment for Kinnelon High School students

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

Names	Addresses
Paula Williams	12 Boonton Ave Kinnelon, NJ 07405
Gerda Haines	55 Green Hill Rd Kinnelon, NJ 07405

Issued by order of MAYOR AND COUNCIL ON September 15, 2016

(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.

LICENSE FOR: Raffles License No. KN- 796-KB
(Insert Bingo or Raffles)

Insert Name _____ Identification No. 238-5-20619
(Display this license conspicuously
Of Municipality BOROUGH OF KINNELON During the conduct of the games)
Insert Name of _____
Licensee Kinnelon High School Home & School Association

Address 121 Kinnelon Rd, Kinnelon, New Jersey 07405

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

Kind of Game	Date	Place	During hours
50/50 Raffle	11/16/16	121 Kinnelon Rd Kinnelon, NJ	6:45 – 10:00 pm

2. The value and character of the prizes authorized to be offered and given on each date are:
1st prize 50% of proceeds

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose:
Provide programs, grants and wqui9pment for Kinnelon High School students

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

Names	Addresses
Paula Williams	12 Boonton Ave Kinnelon, NJ 07405
Gerda Haines	55 Green Hill Rd Kinnelon, NJ 07405

Issued by order of MAYOR AND COUNCIL ON September 15, 2016

(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.

LICENSE FOR: Raffles
(Insert Bingo or Raffles)

License No. KN- 797-KB

Identification No. **238-5-20619**

Insert Name _____ (Display this license conspicuously
Of Municipality BOROUGH OF KINNELON _____ During the conduct of the games)

Insert Name of
Licensee Kinnelon High School Home & School Association

Address 121 Kinnleon Rd, Kinnelon, New Jersey 07405

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

(50) gift baskets 11/16/16 121 Kinnelon Rd Kinnelon, NJ 6:45 – 10:00 pm

2. The value and character of the prizes authorized to be offered and given on each date are:
\$50.00 each

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose:
Provide programs, grants and wqui9pment for Kinnelon High School students

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

Names	Addresses
<u>Paula Williams</u>	<u>12 Boonton Ave Kinnelon, NJ 07405</u>
<u>Gerda Haines</u>	<u>55 Green Hill Rd Kinnelon, NJ 07405</u>

Issued by order of MAYOR AND COUNCIL ON September 15, 2016

(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.

LICENSE FOR: Raffles License No. KN-798 -KB
(Insert Bingo or Raffles)

Identification No. 238-9-18748
(Display this license conspicuously
During the conduct of the games)

Insert Name
Of Municipality BOROUGH OF KINNELON
Insert Name of
Licensee Kinnelon Volunteer Fire Company

Address 103 Kiel Ave, Kinnelon, New Jersey 07405

1. This license allows the licensee to conduct (cross out line which) ~~Bingo~~ (not to Exceed 35 games),
Raffles of the kind stated,
The winner to be determined on each of the dates, at the places and during the hours shown below:
Kind of Game Date Place During hours
50/50 On Premises 10/16/16 103 Kiel Ave Kinnelon High School 7:00 am - 12:00
pm

2. The value and character of the prizes authorized to be offered and given on each date are:
50/50 Cash

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose:
Assist the Fire Company in purchasing new equipment

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

Names	Addresses
<u>Brian Stack</u>	<u>61 Fayson Lakes Rd, Kinnelon, NJ 07405</u>

Issued by order of MAYOR AND COUNCIL ON September 15, 2016

(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.

September 15, 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

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.

- 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.

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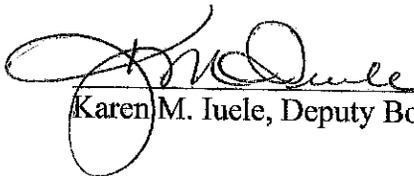
SECTION TWO. All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

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:

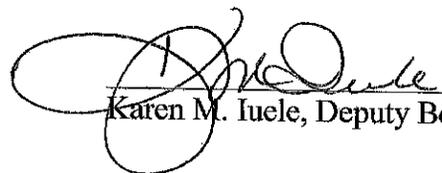
BOROUGH OF KINNELON


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 August 18, 2016 and adopted by the Governing Body at a regular meeting of the Borough held on September 15, 2016


Karen M. Iuele, Deputy Borough Clerk

September 15, 2016

Keli (KN-2035)
Development Application Ordinance
090116

ORDINANCE NO. 15-16

**AN ORDINANCE AMENDING THE LAND USE
ORDINANCE OF THE BOROUGH OF KINNELON,
IN THE COUNTY OF MORRIS, NEW JERSEY, TO
UPDATE SUBMISSION REQUIREMENTS FOR
APPLICATIONS FOR DEVELOPMENT**

WHEREAS, the Highlands Water Protection and Planning Act ("Highlands Act," N.J.S.A. 13:20-1, *et seq.*) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

~~**WHEREAS**, the Highlands Act created the Highlands Water Protection and Planning Council (the "Highlands Council") and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and~~

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

WHEREAS, the Plan Conformance Guidelines provide an overview of the Highlands Act's bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality

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located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires that municipalities must revise and conform their local Master Plan and development regulations for that portion of their lands within the Preservation Area, as related to development and use of said lands, with the goals, requirements and provisions of the Regional Master Plan within 15 months of the effective date of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Plan Conformance Guidelines detail the requirements for Plan Conformance including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

WHEREAS, the Plan Conformance Guidelines require conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing Master Plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

WHEREAS, the Plan Conformance Guidelines include the adoption of a Development Application Checklist Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted

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by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

WHEREAS, the Borough of Kinnelon is located in the Highlands Region with lands lying within both the Preservation Area and the Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Borough of Kinnelon has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Borough lands located within both the Planning Area portion and the Preservation Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources located within the Borough; and

WHEREAS, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community; and

WHEREAS, the Governing Body recognizes that the formal municipal adoption of each component of the revised planning program must take place, in sequential order in accordance with all statutory requirements, involving public hearings and deliberation by the Planning Board and Governing Body; a process that will require an additional undetermined period of time; and

WHEREAS, the Governing Body is aware that lands within the Planning Area are not regulated by the New Jersey Department of Environmental Protection's Highlands Rules

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(N.J.A.C. 7:38-1, *et seq.*) and, with the exception of Wastewater Management Plans and Water Allocation Permits, would remain without the full suite of Highlands Regional Master Plan protections during the interim period between the date of filing of the Petition for Plan Conformance and the adoption of ordinances and regulations that will provide such protections; and

WHEREAS, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

WHEREAS, the adoption of revised submission requirements pertinent to Applications for Development therein is essential to ensuring that Applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan despite the interim status of the municipal Plan Conformance ordinances and regulations, this interim period not constituting an appropriate instance in which municipal approvals based upon existing municipal regulatory requirements, can appropriately be issued conditioned upon subsequent approval by the Highlands Council or the New Jersey Department of Environmental Protection (NJDEP), as may occur under usual circumstances; and

WHEREAS, the Governing Body finds that the adoption of such submission requirements are important not only to provide such immediate resource protections, but to ensure the proper management of Applications for Development involving lands within the Highlands Area of the municipality; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Planning Area and the Preservation Area of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-

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24 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances.

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 Land Use Ordinance of the Borough of Kinnelon be and is hereby amended to incorporate the following provisions:

SECTION 1. APPLICABILITY

This Ordinance shall apply to any Application for Development involving lands located within (or partially within) the Borough Highlands Area (as illustrated in Exhibit A, "Borough of Kinnelon Highlands Area") that seeks approval of a site plan, subdivision, or change in use, where approval of such Application would: a) result in the ultimate disturbance of one (1) acre or more of land; b) produce a cumulative impervious surface area of one-quarter ($\frac{1}{4}$) acre, or more; c) in the case of residential development, create three or more dwelling units; or d) introduce or expand on any of the following land uses/facilities:

- A. Landfills;
- B. Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
- C. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
- D. Industrial treatment facility lagoons; or
- E. Any Major or Minor Potential Contaminant Source (as identified in Appendix A and Appendix B of this Ordinance, respectively) on lands located within 200 feet of the wellhead of any public community well or public non-community well, as these are defined at Section 4 below.

For purposes of this Ordinance, the phrases "Application for Development," "Highlands Area," "residential development," "ultimate disturbance," and "cumulative impervious surface area" shall be defined as provided at Section 4 below.

SECTION 2. ADMINISTRATIVE COMPLETENESS

A. **CONSISTENCY DETERMINATIONS REQUIRED.** No Application for Development included in Section 1 above, shall be deemed complete or considered for review by the applicable Borough land use Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 2.B below, by the Applicant's professional(s) that the application has been revised since review by the Highlands Council to achieve consistency with the Highlands Regional Master Plan.

B. **FINDINGS OF INCONSISTENCY.** Where a Highlands Council Consistency Determination indicates that an Application for Development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable Borough land use Board, until or unless the Applicant has obtained from the professional(s) responsible for preparation of the Applicant's plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the application has been revised to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

C. **CHECKLIST WAIVER.** The Borough may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the Borough that:

1. The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be exempt from the Highlands Act (see Section 3.B, below), but eligibility for an exemption has been sufficiently established by the Applicant; or
2. The activity, improvement or development proposed in the Application for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional(s) responsible for preparation of the Applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

- D. **HIGHLANDS COUNCIL CALL-UP.** All municipal waivers or findings of application completeness issued pursuant to this Section shall be issued in writing, inclusive of a statement indicating the rationale for the determination. All such determinations shall be subject to Highlands Council call-up review, and shall include conditions requiring same consistent with this paragraph. The municipality shall within five (5) calendar days of issuance of all such determinations, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of same. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant and the municipality. Absent any such notification from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or finding of application completeness to be as of the date of first issuance by the municipality.

SECTION 3. EXCLUSIONS AND EXEMPTIONS

- A. **EXCLUSIONS.** The following specific improvements and related applications shall be excluded from the provisions of this Ordinance:
1. ~~The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.~~
 2. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
 3. Any Agricultural or Horticultural Use or Development that would not result in either:
 - a. An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 4, below); or
 - b. Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

B. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of this Ordinance. Formal demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Highlands Area shall consist of one of the following:

1. *State Agency Determination.* State Agency Determinations shall include either, a Highlands Applicability Determination (HAD) issued by the NJDEP for a Preservation Area proposal, or a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal, in either case, indicating that the proposal qualifies as a Highlands Act Exemption.

SECTION 4. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Agricultural or Horticultural Development – means construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural or Horticultural Use – means the use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural Impervious Cover – means agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings.

Applicant – means a developer submitting an Application for Development.

Application for Development – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Disturbance – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Disturbance, Ultimate – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Farm Management Unit – means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Applicability Determination (HAD) – means the determination made by the NJDEP of whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan.

Highlands Area – means that portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan.

Highlands Region – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Impervious Surface – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

Impervious Surfaces, Cumulative – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Major Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

Minor Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see Appendix B).

~~**Municipal Land Use Law (MLUL)** – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*~~

NJDEP – New Jersey Department of Environmental Protection

NJDEP Preservation Area Rules – means the regulations established by the NJDEP to implement requirements of the Highlands Act, titled "Highlands Water Protection and Planning Act Rules," and codified at N.J.A.C. 7:38-1, *et seq.*

Planning Area – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Public Community Well – means a well that provides water to a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents.

Public Non-Community Well – means a well that is not a public community well and that provides water to a public water system regularly serving at least 25 individuals for at least 60 days in any given calendar year.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan (RMP) – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Solar Panel – means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (As defined by the Highlands Act, N.J.S.A. 13:20-1, *et seq.*, as amended.)

Structure – means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

SECTION FIVE. If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

SECTION SIX. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

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SECTION SEVEN. This Ordinance shall take effect after final passage and publication in the manner prescribed 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

APPENDIX A. MAJOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21, *et seq.*).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. Automotive service center (repair & maintenance).
4. Dry cleaning processing facility.
5. Road salt storage facility.
6. Cemetery.
7. Highway maintenance yard.
8. Truck, bus, locomotive maintenance yard.
9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at N.J.A.C. 2:91.
12. Quarrying and/or mining facility.
13. Asphalt and/or concrete manufacturing facility.

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14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks
(i.e., under 1,000 gallons).

APPENDIX B. MINOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include the following:

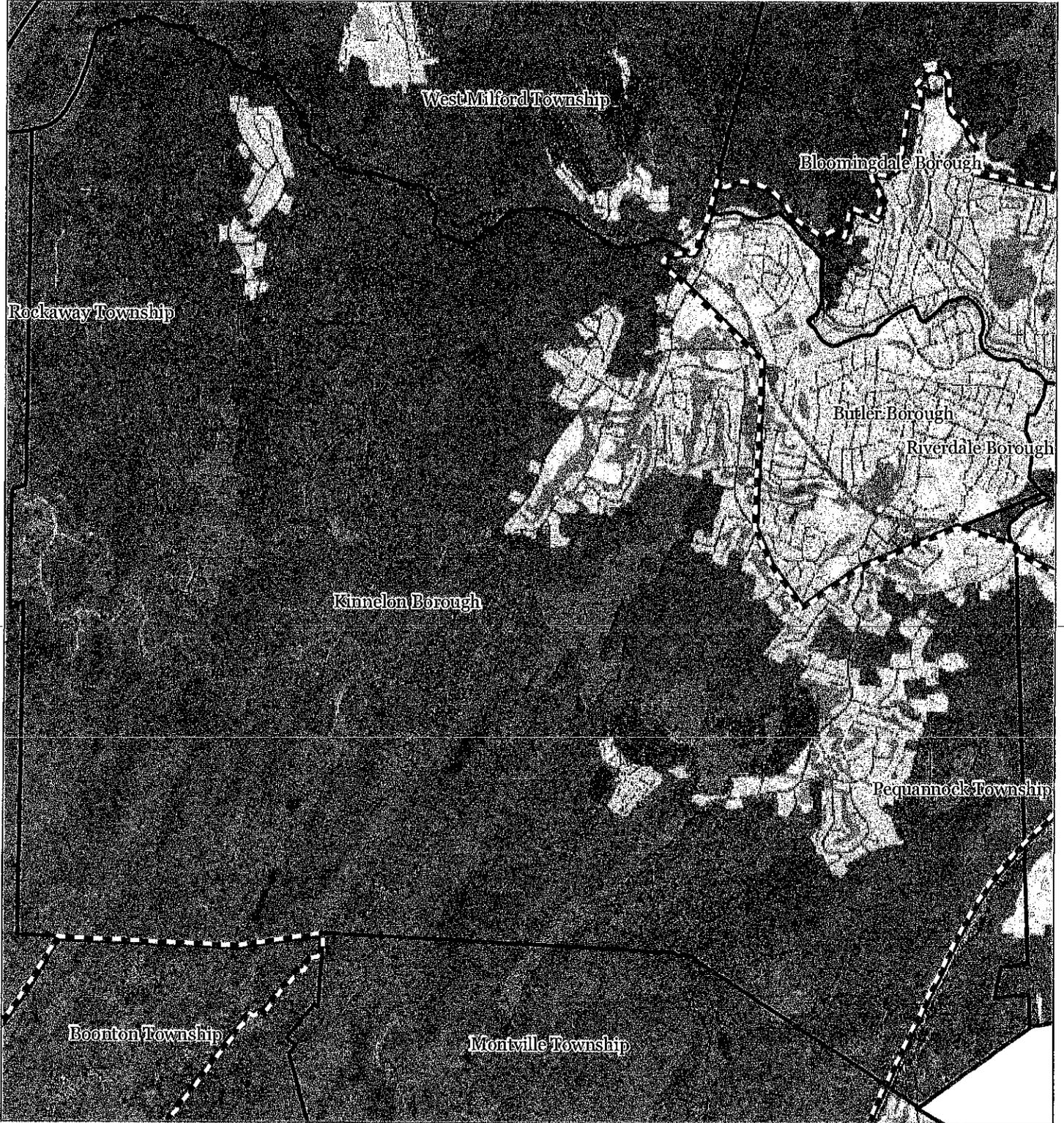
1. Underground storage of hazardous substance or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under N.J.A.C. 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A, *et seq.*
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as

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defined by the NJ Department of Agriculture pursuant to its Criteria and Standards
for Animal Waste Management, at N.J.A.C. 2:91.

Exhibit A: Borough Highlands Area

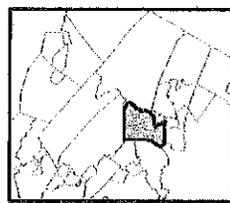
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Regional Master Plan Overlay Zone Designation

- Zone**
- Protection
 - Conservation
 - Existing Community
 - Lakes Greater Than 10 acres
 - Preservation Area
 - Municipal Boundaries
- Sub-Zone**
- Existing Community Environmentally Constrained
 - Conservation Environmentally Constrained
 - Lake Community
 - Wildlife Management

Kinnelon Borough



1 inch = 0.682 miles



September 15, 2016

Keli (KN-2035)
Plan Conformance Ordinance
090216

ORDINANCE NO. 16-16

**AN ORDINANCE TO PETITION THE HIGHLANDS
COUNCIL FOR PLAN CONFORMANCE FOR THE
PLANNING AREA**

WHEREAS, the Borough of Kinnelon ("Borough") is located partially within the New Jersey Highlands Region Planning Area; and

WHEREAS, on May 19, 2011 the Highlands Council adopted Resolution #2011-16 approving the Borough's Petition for a Plan Conformance; and

WHEREAS, it is the desire of the Borough Council to establish that the Borough shall conform its Master Plan and all development regulations to uses and development appropriate within the Planning Area of the Highlands Region; and

WHEREAS, in order to achieve Plan Conformance, it is necessary to adopt an ordinance petitioning the Highlands Council for Plan Conformance for the lands within the Planning Area.

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. Purpose. The Borough of Kinnelon is located partially within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the "Planning Area" (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1, *et seq.*), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to

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lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Borough of Kinnelon establishes that the municipality shall conform its Master Plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality's Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution adopted by the Governing Body on November 19, 2009, and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2011-16, adopted on May 19, 2011. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

SECTION TWO. Basis and Background. The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources of the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal Master

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Plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised Master Plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, the Borough of Kinnelon having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on December 8, 2009, proposed revisions to the Master Plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On May 19, 2011 the Highlands Council adopted Resolution No. 2011-16 approving the Borough of Kinnelon's Petition for Plan Conformance. The approval was conditioned upon the Borough of Kinnelon's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

SECTION THREE. Applicability. This Ordinance applies to the development and use of land located in the Planning Area of the Borough of Kinnelon, as defined by Section 7 of the Highlands Act.

SECTION FOUR. Definitions. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number

include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Highlands Council - means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act - means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Region means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Planning Area - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance - means the process by which a municipality revises the Master Plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area - means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan- means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

SECTION FIVE. Petition for Plan Conformance. The Borough of Kinnelon hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council Resolution No. 2011-16, adopted on May 19, 2011.

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SECTION SIX. Reserved Right of Withdrawal for Planning Area. At any time, the Borough of Kinnelon may withdraw that portion of its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal Master Plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2011-16, will not be binding upon the Borough of Kinnelon. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

SECTION SEVEN. Planning Grants and Technical Assistance. Upon application of the Borough of Kinnelon, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Borough of Kinnelon for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, the Borough of Kinnelon retains the right to withdraw that portion of the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

SECTION EIGHT. If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

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SECTION NINE. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION TEN. This Ordinance shall take effect after final passage and publication in the manner prescribed 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

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 September 15, 2016 and read by title, and passed on first reading:

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

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

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

Roll Call: 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 August 2016 the Tax Collector's Report indicated we collected \$9,615,139.84 in taxes.

INVESTMENT OFFICER'S REPORT

A total of \$1,185.83 was collected in interest for the month of August 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.

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 Jessica Barish, from the Kinnelon Planning Board, was accepted with the councils regrets.

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CLOSED SESSION

RESOLUTION NO. 9.18.16 EXECUTIVE SESSION RESOLUTION

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

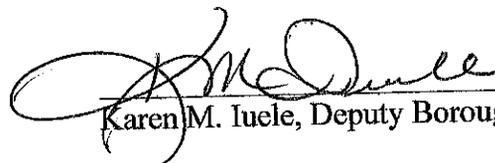
WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from the Executive portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Contract Negotiations
 - b. Litigations
3. ~~As nearly as can now be ascertained, the matter or matters to be discussed at this~~ time will be disclosed to the public at such time and under such circumstances as are prescribed by law.
4. At the conclusion of the executive session, Council may reconvene in public session for the purpose of taking formal action

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 September 15, 2016

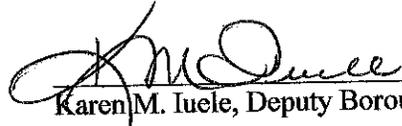

Karen M. Iuele, Deputy Borough Clerk

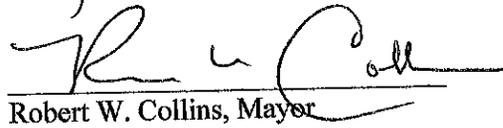
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ADJOURNMENT

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. Luce, Deputy Borough Clerk


Robert W. Collins, Mayor

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