

March 29, 2017

MEETING TO ORDER.

The Special Meeting of the Kinnelon Borough Governing Body was called to order by Mayor Robert W. Collins at 8:00 a.m., on Wednesday, March 29, 2017 in the Kinnelon Municipal Building.

There was a Salute to the Flag, after which the Borough Clerk Karen Iuele stated this meeting is being held pursuant to the New Jersey Open Public Meeting Act. Adequate notice of this meeting was given by advertising in the March 19, 2017 edition of the Trends and was provided to the Star Ledger, Daily Record and the North Jersey Herald News. Adequate notice was also posted on the municipal building bulletin board, filed with the Borough Clerk and provided to those persons or entities requesting notification.

ROLL CALL:

The roll was called and present and answering were Councilpersons Carol Sventy, Glenn Sisco, William Yago and James Freda. Absent was Councilperson Clifford Giantonio and William Neely.

MAYOR'S REPORT:

Last year, The Trust for Public Land, a non-profit organization that seeks to preserve environmentally sensitive land in New Jersey, sought the Borough of Kinnelon's support in acquiring and preserving two contiguous properties totaling approximately 178 acres located in the Borough of Kinnelon that are also within the Waughaw Greenway. The sites had been previously identified by Kinnelon's Open Space Advisory Committee for preservation and were included in the Borough's Open Space Plan and Natural Resource Inventory.

Additionally, The Trust for Public Land identified the properties as being a high preservation priority for the Morris County Park Commission. The area provides high groundwater recharge, meaning significant rainwater is able to seep through to the aquifers from where we draw our drinking water.

The targeted properties are also contiguous to other county parcels to the south and east and include parts of Pequannock's Mountainside Park. Because of the natural habitat and terrain, this area is extremely important to our natural wildlife including several State endangered and threatened species. The exceptional steep slopes and rock outcrops on these properties provide a natural environment to meet the habitat needs of numerous species of wildlife.

The Borough also determined that the purchase of the 63-acre parcel off Denise Drive could be used as a forest mitigation plan site to compensate for the proposed impact of the forested lands on the property that has been proposed for new athletic fields and a Kinnelon Community Center on Boonton Avenue.

Kinnelon's purchase and preservation of these properties serves as mitigation in order to ensure compliance with NJAC 7:7A-15.4(a); There are very few if any other properties in the Borough that have the pre-requisite characteristics of these identified properties. To not move forward with this purchase could in all likelihood either prevent or delay the development of active recreation on the Kinnelon Community Center property.

The funding for the first acquisition is as follows:

The Public Land Trust assembled the majority of the funding including:

\$1,350,000 Morris County Open Space Trust Fund

\$ 100,000 Morris County MUA

\$ 150,000 Kinnelon Borough OSTF

\$1,600,000 Purchase Price 63 acre property

A second acquisition of an additional 115 acres including Untermeyer Lake is also anticipated in the coming months.

Again TPL has assembled the majority of the funding including:

- \$350,000 Morris County Open Space Trust Fund
- \$ 50,000 Morris County MUA
- \$300,000 Morris County Parks Department
- \$300,000 Highlands Council Partnership Funding Program
- \$100,000 Requested from Open Space Institute Northeast Resilient Landscapes Fund
- \$1,100,000 Purchase Price 115 acre property

The Borough of Kinnelon's total contribution for the preservation of these two properties totaling approximately 176 acres will be \$150,000 from the Borough's Open Space Trust fund. The cost to the Borough will be less than \$842 per acre. There will not be any additional taxes or dollars needed for the purchases. Finally, it is important to note that both properties are farmland assessed and have a total annual property tax of \$ 510.41

The acquisitions of these properties is not only important from a preservation perspective but because they will serve the public as a passive recreation site for future generations.

OLD BUSINESS

ORDINANCE NO. 4-17

AN ORDINANCE OF THE BOROUGH OF KINNELON
AUTHORIZING THE ACQUISITION OF BLOCK 57401,
LOT 149 ON THE OFFICIAL TAX MAP OF THE BOROUGH
OF KINNELON FOR THE TOTAL PRICE OF \$1,600,000.00
FOR PUBLIC PURPOSES, INCLUDING, WITHOUT LIMITATION,
OPEN SPACE PRESERVATION AND PASSIVE RECREATION

This ordinance was introduced and passed on first reading at a regular meeting of the Governing Body held on March 16, 2017.

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

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March 29, 2017

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ORDINANCE NO. 4-17

AN ORDINANCE OF THE BOROUGH OF KINNELON AUTHORIZING THE ACQUISITION OF BLOCK 57401, LOT 149 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF KINNELON FOR THE TOTAL PRICE OF \$1,600,000.00 FOR PUBLIC PURPOSES, INCLUDING, WITHOUT LIMITATION, OPEN SPACE PRESERVATION AND PASSIVE RECREATION

WHEREAS, pursuant to N.J.S.A. 40A:12-1, et seq., the Borough of Kinnelon ("Borough") may acquire such lands and buildings as may be necessary and suitable for municipal public purposes; and

WHEREAS, Badanco Realty Development Company, L.L.C. ("Badanco") is the title owner of certain property located within the Borough of Kinnelon and designated as Block 57401, Lot 149 on the Official Tax Map of the Borough of Kinnelon ("Property"); and

WHEREAS, Badanco desires to sell the Property to the Borough; and

WHEREAS, the Borough desires to acquire said Property, in cooperation with the Trust for Public Land, d/b/a TPL-New Jersey, a California non-profit public benefit corporation ("TPL"), and in cooperation with The Land Conservancy of New Jersey ("Land Conservancy"), for municipal purposes, for use as a passive recreation and/or open space preservation due to the existence of significant natural, scenic and aesthetic features on the site and to permanently preserve said conservation values by preventing the development of the Property in perpetuity; and

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WHEREAS, the Morris County Open Space Trust Fund shall contribute \$1,350,000.00, the Morris County Municipal Utility Authority shall contribute the sum of \$100,000.00, and the Borough shall contribute the sum of \$150,000.00 from the Borough Open Space, Recreation and Historic Preservation Trust Fund to fund the acquisition; and

WHEREAS, the Borough has undertaken its due diligence and can move forward with the aforesaid purchase of the Property.

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

SECTION ONE. The Borough of Kinnelon ("Borough") is hereby authorized to acquire Block 57401 Lot 149 on the Official Tax Map of the Borough of Kinnelon ("Property") for public purposes, including, without limitation, open space preservation and passive recreation as set forth hereinafter.

SECTION TWO. The Mayor, Borough Council, and the appropriate Borough officials are hereby authorized and directed to take all actions necessary to acquire the Property for the total purchase price of One Million Six Hundred Thousand Dollars (\$1,600,000.00), including, without limitation, the execution of all documents, any purchase agreements, contracts, title conveyance instruments and financing documents . The anticipated funding sources for the acquisition of the property include One Million Three Hundred Fifty Thousand Dollars (\$1,350,000.00) from the Morris County Open Space Trust Fund, One Hundred Thousand Dollars (\$100,000.00) from the Morris County Municipal Utility Authority and One Hundred Fifty Thousand Dollars (\$150,000.00) from the Borough Open Space, Recreation and Historic Preservation Trust Funds. All parties have agreed that the Borough shall take title to and manage the Property. The Borough hereby authorizes and approves any non-substantive modifications

to any contracts, purchase agreements or any other documents as may be recommended and approved by the Mayor and Borough Attorney prior to execution, provided however, that neither the purchase price nor the Property shall be modified with the prior approval of the governing body.

SECTION TWO. The Borough hereby authorizes the expenditure of One Hundred Fifty Thousand Dollars (\$150,000.00) from the Borough Open Space, Recreation and Historic Preservation Trust Funds toward the purchase of the Property.

SECTION THREE. The Mayor and Borough Clerk together with all other appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

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

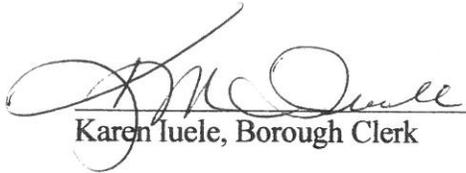
SECTION FIVE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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SECTION SIX. This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

ATTEST

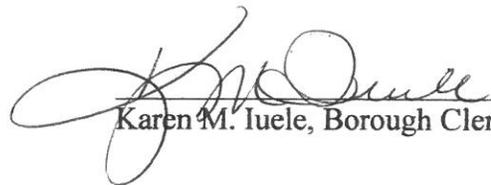
BOROUGH OF KINNELON


Karen Iuele, Borough Clerk


Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on March 16, 2017 and adopted by the Governing Body at a regular meeting of the Borough held on March 29, 2017.

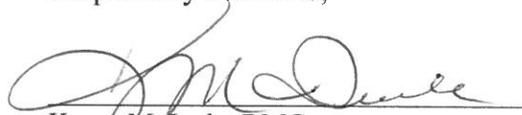

Karen M. Iuele, Borough Clerk

March 29, 2017

ADJOURNMENT

This meeting adjourned at approximately 8:30 a.m. on motion by Councilwomen C. Sventy with the unanimous affirmative voice vote of all present.

Respectfully submitted,



Karen M. Iuele, RMC
Municipal Clerk, Borough of Kinnelon



Robert W. Collins, Mayor

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