

**MEETING TO ORDER.**

The regular meeting of the Kinnelon Borough Governing Body was called to order by Mayor James J. Freda at 8:00 p.m., on Thursday, June 18, 2020 in the Kinnelon Municipal Building, 130 Kinnelon Road, Kinnelon New Jersey.

There was a Salute to the Flag, after which the Borough Clerk Karen M. Iuele stated this meeting is being held pursuant to the New Jersey Open Public Meeting Act. Adequate notice of this meeting was given by advertising in the January 8, 2020 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 William Yago, Robert Roy, Glenn Sisco, Vincent Russo, Randall Charles and James Lorkowski.

**TREASURER'S REPORT:**

The Treasurer's Report for June 18, 2020, indicated we started out with cash on hand as of April 30, 2020, in the amount of \$1,913,510.02. Receipts for the month of May totaled \$9,833,035.65, with disbursements amounting to \$4,080,517.78. The balance on hand as of May 31, 2020 was 7,716,027.89.

Upon motion by Councilman R. Roy and seconded by Councilman V. Russo, with the affirmative voice vote of all council members present, the Treasurer's Report was accepted as read.

Roll Call:	William Yago, Yes;	V. Russo, Yes;
	R. Roy, Yes;	R. Charlies, Yes;
	G. Sisco, Yes;	J. Lorkowski, Yes.

**HEARING FROM THE PUBLIC:**

Mayor Freda asked if anyone from the public wished to be heard, to please step forward, hearing none. Mayor Freda closed this portion of the meeting.

**PAYMENT OF BILLS AS SUBMITTED BY THE TREASURER**

A motion was offered by Councilman V. Russo and seconded by Councilman W. Yago for the payment of bills dated June 18, 2020, when the bills list is received and reviewed and approved by the council.

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Range of Checking Accts: First to Last Range of Check Dates: 05/22/20 to 12/31/20  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
GENERAL		General Account Account Payab		
21130	06/04/20	BAL04 KENNETH BALICK	1,000.00	4822
21131	06/10/20	KIN09 KINNELON BOARD OF EDUCATION	1,281,152.27	4823
21132	06/18/20	AC A.C. DAUGHTRY INC.	293.85	4824
21133	06/18/20	ACT04 ACTION DATA SERVICES	942.70	4824
21134	06/18/20	AFF02 AFFILIATED TECHNOLOGY	1,244.61	4824
21135	06/18/20	AIR03 AIR GROUP	1,066.75	4824
21136	06/18/20	ALL04 ALLIED OIL COMPANY	1,397.49	4824
21137	06/18/20	AP001 APOLLO FLAGS, LLC	142.00	4824
21138	06/18/20	AUT05 THE AUTO PARTS SOURCE	763.17	4824
21139	06/18/20	BAR07 BARRETT CONSTRUCTION	500.00	4824
21140	06/18/20	BOR01 BOROUGH OF BUTLER ELECTRIC	5,818.13	4824
21141	06/18/20	BOR02 BOROUGH OF KINNELON	570.00	4824
21142	06/18/20	BRA05 BRAEN SUPPLY, INC	550.99	4824
21143	06/18/20	BRE01 GAIL L. BRESETT	44.95	4824
21144	06/18/20	BSN01 BSN SPORTS	355.99	4824
21145	06/18/20	BUS01 BUSINESS GRAPHICS	138.00	4824
21146	06/18/20	BUZ01 THE BUZAK LAW GROUP, LLC.	14,755.00	4824
21147	06/18/20	CAB01 OPTIMUM	57.98	4824
21148	06/18/20	CAB02 OPTIMUM	141.18	4824
21149	06/18/20	CAB03 OPTIMUM	116.18	4824
21150	06/18/20	CAB04 OPTIMUM	116.18	4824
21151	06/18/20	CAB05 OPTIMUM	126.18	4824
21152	06/18/20	CAB06 OPTIMUM	116.18	4824
21153	06/18/20	CAB07 OPTIMUM	116.18	4824
21154	06/18/20	CAB08 OPTIMUM	89.90	4824
21155	06/18/20	CAB09 OPTIMUM	116.18	4824
21156	06/18/20	CAB10 OPTIMUM	340.31	4824
21157	06/18/20	CIT05 CIT FINANCE LLC	456.50	4824
21158	06/18/20	COO03 COOPERATIVE COMMUNICATIONS INC	1,579.38	4824
21159	06/18/20	CRE01 CREW ENGINEERS INC.	5,862.50	4824
21160	06/18/20	CRO04 DAVID CROUTHAMEL	144.26	4824
21161	06/18/20	CUS01 CUSTOM BANDAG INC.	1,003.88	4824
21162	06/18/20	DAP01 CORRINE DAPUZZO	64.90	4824
21163	06/18/20	DAR01 DARMOFALSKI ENGINEERING ASSOC.	8,050.00	4824
21164	06/18/20	DAV07 DAVE'S TIRE, LLC	205.00	4824
21165	06/18/20	DOS01 DOSCH KING CO, INC	582.42	4824
21166	06/18/20	DOV01 DOVER BRAKE & CLUTCH	531.33	4824
21167	06/18/20	DRA02 DRAEGER, INC.	179.00	4824
21168	06/18/20	ELE03 ELECTRO BATTERY SYSTEMS INC.	57.87	4824
21169	06/18/20	EME02 EMERGENCY MEDICAL PRODUCTS INC	394.38	4824
21170	06/18/20	EXT01 EXTRA SPACE STORAGE	750.00	4824
21171	06/18/20	FBI01 FBI-LEEDA, INC	50.00	4824
21172	06/18/20	FER02 BERNADINE FERRARI	97.78	4824
21173	06/18/20	FER11 RICKEY J. FERRIOLA	229.50	4824
21174	06/18/20	GAL01 GALLS, LLC	494.60	4824
21175	06/18/20	GOM02 GOMM'S TIRE	648.00	4824
21176	06/18/20	GRA03 GRAMCO WORD PROCESSING INC.	2,810.00	4824
21177	06/18/20	GRI04 GRINDING SERVICES LLC	6,000.00	4824
21178	06/18/20	GSB01 GLATFELTER SPECIALTY BENEFITS	812.00	4824

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GENERAL		General Account Payab			Continued
21179	06/18/20	HAI04 ELLEN HAID	84.03		4824
21180	06/18/20	HOM02 HOME DEPOT CREDIT SERVICE	789.61		4824
21181	06/18/20	HOR04 HORIZON OFFICE EQUIPMENT	433.00		4824
21182	06/18/20	HURRICAN HURRICANE PRESS LLC	650.00		4824
21183	06/18/20	IUE01 KAREN IUELE	94.69		4824
21184	06/18/20	JCP01 JCP&L	16.96		4824
21185	06/18/20	KIN08 KINNELON VOLUNTEER FIRE CO.	7,000.00		4824
21186	06/18/20	KIN09 KINNELON BOARD OF EDUCATION	3,202,880.67		4824
21187	06/18/20	LAK02 LAKELAND BANK EQUIP FINANCE	4,374.20		4824
21188	06/18/20	LAK13 LAKELAND AUTO PARTS	770.81		4824
21189	06/18/20	LAN05 LANEVES AUTOMOTIVE LLC	105.95		4824
21190	06/18/20	LAW07 LAWSOFT INC.	2,111.00		4824
21191	06/18/20	LOE01 LOEFFELS WASTE OIL SERVICE	176.00		4824
21192	06/18/20	MAT04 MATTHIJSSSEN, INC.	3,228.75		4824
21193	06/18/20	MCD01 PATRICK MC DONNELL	423.95		4824
21194	06/18/20	MOR21 MORRIS COUNTY M.U.A.	38,830.67		4824
21195	06/18/20	NEO01 QUADIENT, INC.	641.40		4824
21196	06/18/20	NES01 NESTLE PURE LIFE DIRECT	62.86		4824
21197	06/18/20	NJA06 NJ ASSOC. OF CHIEFS OF POLICE	1,200.00		4824
21198	06/18/20	NJD07 NJ DEPT HEALTH & SENIOR SERV	658.20		4824
21199	06/18/20	NJLM01 NEW JERSEY STATE LEAGUE	175.00		4824
21200	06/18/20	NOR02 NORTH JERSEY MEDIA GROUP	277.49		4824
21201	06/18/20	NOR13 NORTH JERSEY MUNICIPAL	3,802.00		4824
21202	06/18/20	NOR18 NORTHEAST COMMUNICATIONS, INC.	859.68		4824
21203	06/18/20	ONE02 ONE CALL CONCEPTS, INC.	43.52		4824
21204	06/18/20	PEQ02 PEQUANNOCK TOWNSHIP	25,808.50		4824
21205	06/18/20	PRO17 HEATHER PROKOP	100.00		4824
21206	06/18/20	PSE01 P.S.E. & G.	1,331.96		4824
21207	06/18/20	QUA09 PATRICIA QUALEY, ESQ.	4,000.00		4824
21208	06/18/20	RAC02 RACHLES/MICHELE'S OIL CO.,INC	458.74		4824
21209	06/18/20	RIV03 RIVERDALE POWER MOWER INC.	555.65		4824
21210	06/18/20	ROG01 ROGO FASTENER CO.,INC	414.75		4824
21211	06/18/20	SCH30 MELANIE SCHUCKERS	122.19		4824
21212	06/18/20	SHA03 THE SHADE TREE DEPARTMENT LLC	1,140.94		4824
21213	06/18/20	SPI ITF SPIOTTI & ESPOSITO, PC & ITF	9,014.56		4824
21214	06/18/20	SUB03 SUBURBAN DISPOSAL INC.	62,805.55		4824
21215	06/18/20	TCT01 TCTA OF NJ	200.00		4824
21216	06/18/20	TIL01 TILCON NEW YORK INC.	641.25		4824
21217	06/18/20	TRU02 TRUGREEN	1,490.00		4824
21218	06/18/20	ULI01 ULINE	125.11		4824
21219	06/18/20	VER06 VERIZON WIRELESS	336.33		4824
21220	06/18/20	VER11 VERIZON WIRELESS - KPD	152.04		4824
21221	06/18/20	VER15 VERIZON CONNECT NWF, INC	718.00		4824
21222	06/18/20	WAT01 WATER WORKS SUPPLY COMPANY	3,522.79		4824

Checking Account Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	93	0	4,725,704.45	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	93	0	4,725,704.45	0.00

PLANNING 2 Columbia Bank  
1802 06/18/20 DAR01 DARMOFALSKI ENGINEERING ASSOC. 2,750.00 4825

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
Continued					
PLANNING 2		Columbia Bank			
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>
		Checks:	1	0	2,750.00
		Direct Deposit:	0	0	0.00
		Total:	<u>1</u>	<u>0</u>	<u>2,750.00</u>
Report Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>
		Checks:	94	0	4,728,454.45
		Direct Deposit:	0	0	0.00
		Total:	<u>94</u>	<u>0</u>	<u>4,728,454.45</u>

Totals by Year-Fund and Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	0-01	4,705,199.58	0.00	0.00	4,705,199.58
WATER FUND	0-05	10,634.02	0.00	0.00	10,634.02
Year Total:		4,715,833.60	0.00	0.00	4,715,833.60
	C-04	6,300.00	0.00	0.00	6,300.00
DOG TAX	D-13	658.20	0.00	0.00	658.20
STATE AND FEDERAL GRANTS	G-02	205.00	0.00	0.00	205.00
RECREATION SPECIAL	R-16	453.77	0.00	0.00	453.77
	V-27	1,250.00	0.00	0.00	1,250.00
RECYCLE FUND	Y-21	1,003.88	0.00	0.00	1,003.88
Total of All Funds:		4,725,704.45	0.00	0.00	4,725,704.45

June 18, 2020  
10:50 AM

BOROUGH OF KINNELON  
Check Register By Check Date

Page No: 5

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Project Description	Project No.	Project Total
829 WEST SHORE DR	11503108	625.00
4 Hilltop #11803139	11803139	250.00
62 GREENHILL #11906102A BALICK	11906102A	750.00
SZCZACHOR #1478 49 VOORHIS	1478	250.00
DEL RIO 36 HIGHLANDS DR 563011	56301127	375.00
SOIL APP-33 DENISE-KINN HOLDGS	57201113A	500.00
Total of All Projects:		<u>2,750.00</u>



**RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO CUTLASS ROAD BETWEEN BOONTON AVENUE AND NEW JERSEY STATE HIGHWAY ROUTE 23**

**WHEREAS**, 2021 Municipal Aid funds are available through the New Jersey Department of Transportation; and,

**WHEREAS**, the Kinnelon Mayor and Council desire to perform improvements to Cutlass Road, between the Boonton Avenue and the New Jersey State Highway Route 23 (0.94 miles), including pavement resurfacing, guide rail repairs, drainage improvements, traffic control signs, and striping; and,

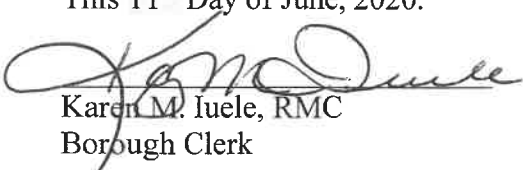
**WHEREAS**, the Kinnelon Mayor and Council desire to request aid from the State of New Jersey in the amount of \$375,000.00.

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of Kinnelon Borough formally approves the grant application for the above stated project; and,

**BE IT FURTHER RESOLVED**, the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Fayson Lakes Road-00258 to the New Jersey Department of Transportation on behalf of Kinnelon Borough; and,


**BE IT FURTHER RESOLVED**, the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Kinnelon Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on  
This 11<sup>th</sup> Day of June, 2020.

  
Karen M. Iuele, RMC  
Borough Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL

  
Borough Clerk  
Karen M. Iuele, RMC

  
Presiding Officer  
James J. Freda - Mayor



**DARMOFALSKI ENGINEERING ASSOCIATES, INC.**

*CIVIL ENGINEERING*

86 NEWARK POMPTON TURNPIKE  
RIVERDALE, NEW JERSEY 07457  
Tel: (973) 835-8300 Fax: (973) 835-1117

**CONSTRUCTION COST ESTIMATE**

*NJDOT Transportation Trust Fund - Municipal Aid Request for FY 2021*  
*SAGE Application #MA-2021-CUTLASS ROAD-00258*  
**CUTLASS ROAD (BETWEEN NJSH 23 AND BOONTON AVENUE)**  
**PROJECT LENGTH = 4,960 LINEAR FEET (0.94 MILES)**  
**BOROUGH OF KINNELON, COUNTY OF MORRIS, STATE OF NEW JERSEY**  
**DATE: JUNE 6, 2020**

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	Pavement Milling, Full Roadway Width, 2" Depth	SY	14,000	\$ 5.00	\$ 70,000.00
2	Hot Mix Asphalt (HMA) 9.5 M 64, 2" Thick Surface Course, Incl. Tack Coat	TN	2,500	\$ 85.00	\$ 212,500.00
3	Driveway Repair, Mix Design HMA 4.75 M64, 2" Thick	TN	50	\$ 120.00	\$ 6,000.00
4	Traffic Striping, Stop Bars and Markings - Long Life Thermoplastic	LS	1	\$ 16,000.00	\$ 16,000.00
5	Traffic & Street Signs with Posts - Regulatory, Warning, Stop & Speed Limit	LS	1	\$ 6,000.00	\$ 6,000.00
6	Topsoil, Fertilizer, Salt Hay, Grass Seed - 4" Thick	SY	600	\$ 5.00	\$ 3,000.00
7	Traffic Control Devices, Including Barrels, Cones, Barricades, Signs and All Necessary Devices per Traffic Control Plans	LS	1	\$ 5,000.00	\$ 5,000.00
8	Reset Gas Valves & Water Valves to be Flush with Surface Elevation	LS	1	\$ 5,000.00	\$ 5,000.00
9	Reconstruct Existing Storm Inlets, & Install New HD Frame, Bicycle Safe Grates & Type 'N' Curb Pieces	EA	10	\$ 1,500.00	\$ 15,000.00
10	Guiderail Repairs	LS	1	\$ 85,000.00	\$ 85,000.00
Subtotal					\$ 423,500.00
10% Contingency					\$ 42,350.00
Inspection / Testing					\$ 30,000.00
<b>TOTAL ELIGIBLE FOR AID</b>					<b>\$ 495,850.00</b>
Surveying / Design / Engineering / Administration					\$ 40,000.00
<b>TOTAL COST ESTIMATE</b>					<b>\$ 535,850.00</b>

I hereby certify this is a true copy of the estimate

Thomas A. Boorady, P.E.  
New Jersey P.E. License No. GE43110

RESOLUTION NO. 6.02.2020 RESOLUTION APPROVING STIPULATION OF SETTLEMENT OF TAX APPEAL BY ROBERTS, STEPHEN & SPRAGUER, PATRICIA ON PROPERTY KNOWN AS BLOCK 12104, LOT 110 (52 TOWER HILL LANE), BOROUGH OF KINNELON, MORRIS COUNTY, NEW JERSEY

**WHEREAS**, Roberts, Stephen & Spraguer filed a tax appeal against the Borough of Kinnelon ("Borough") to the Tax Court of New Jersey for the Tax Years 2017, 2018, 2019 and 2020 challenging the assessment of real property known as Block 12104, Lot 110, 52 Tower Hill Lane, ("the Property") as shown on the Official Tax Map of the Borough of Kinnelon; and

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

**WHEREAS**, the Governing Body desires to approve the same.

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

1. The settlement of the tax appeal for Block 12104 Lot 110 (52 Tower Hill Lane) reducing the assessment of \$1,096,000 to \$950,000 for Tax Year 2018 is hereby authorized and approved.
2. The settlement of this tax appeal reducing the assessment of \$1,096,000 to \$925,000 for Tax Year 2019 is hereby authorized and approved.
3. The settlement of this tax appeal reducing the assessment of \$1,096,000 to \$875,000 for Tax Year 2020 is hereby authorized and approved.
2. The Borough Attorney is hereby authorized to sign the Stipulation of Settlement

incorporating the complete agreement between the parties.

3. The Borough Assessor, Borough Attorney, Borough Tax Collector, employees, agents or representatives of the Borough are hereby authorized to do whatever is necessary to effectuate the purpose of this Resolution.

4. This Resolution shall take effect immediately.

### CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the governing body of the Borough of Kinnelon at a duly convened meeting held on June 18, 2020.

  
Karen M. Iuele, Borough Clerk

RESOLUTION # 6.03.2020

**BE IT RESOLVED**, By the Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to BALIK, KENNETH & EVE in the amount of \$1,000.00 for refund of Escrow Holding that was inadvertently posted to property taxes on their property known as Block 11906/Lot 150 known as 750 Ridge Road.

ROLL CALL:

June 18, 2020  
Charles J. Daniel, CTC  
Tax Collector  
Borough of Kinnelon

I, Karen M. luele, Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council June 18, 2020.

Date: 6/18/20

  
Karen M. luele, Borough Clerk

June 18, 2020

RESOLUTION 06.04.202

SALARY RESOLUTION FOR  
NON-UNION EMPLOYEES  
FOR THE YEAR 2020

BE IT RESOLVED by the Kinnelon Mayor and Council that the following salary for the hereinafter listed official position of employment for the year 2020 commencing on January 1, 2020 shall be as follows:

<u>DEPARTMENT</u>	<u>SALARY</u>
DPW Superintendent – John Whitehead	2.5 % raise
Fire Prevention – Robert Westdyk	2.0 % raise
Zoning Officer – Mark Thomas	2.0 % raise
Fire Prevention – Harry Barany	2.0 % raise
Mcpl Court Judge – Andrew Wubbenhorst	2.0% raise
Chief of Police – John Schwartz	2.5% raise
Police Lieutenant – Joseph Napolitano	2.5% raise
Police Admin Assistant – Barbara Tartarilla	\$38,180.00
Special Police (Class 3)	2.0 % raise
Recreation Director – Melanie Schuckers	\$74,000.00
Borough Clerk – Karen luele	2.5 % raise
Environmental Secretary – Karen luele	2.5 % raise
Borough Manager – Karen luele	2.5 % raise
Chief Financial Officer – Charles Daniel	2.5 % raise
Qualified Purchasing Agent – Charles Daniel	2.5 % raise
Accounts Payable Clerk – Laura Gakos	\$18.35/hr
Deputy Tax Collector – Judi O’Brien	2.5% raise

School Crossing Guards

2.0% raise

Recycling Attendees – Willard Radimir

2.0 % raise

Donald Schmidt

2.0 % raise

Court Clerk - Corrine Dapuzzo

2.0 % raise

Deputy Court Clerk

2.0 % raise

Historic Commission – Michael Zaccagnino

\$14.20/hr

Dated: June 18, 2020



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James J. Freda, Mayor

RESOLUTION 6. 05 .2020

AUTHORIZING SOIL DISTURBANCE PERMIT  
19 PEACH TREE LANE, BLOCK 56904, LOT 110

WHEREAS, the Mayor and Council of the Borough of Kinnelon approves the Soil Disturbance Permit for 20 19 Peach Tree Lane, Block 56904, Lot 110; and

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

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve the Soil Disturbance Permit for 19 Peach Tree Lane, Kinnelon NJ.

Dated: June 18, 2020

  
Karen M. Iuele, Borough Clerk



RESOLUTION 6.06.20

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Morris County, New Jersey, that the application of MIKE & ANGELO'S PARK IN PIZZA INC., State Assigned License Number 1415-33-003-006, for Plenary Retail Consumption License for premises situated at 86 Boonton Avenue, Kinnelon New Jersey, at the fee of \$1,483.00 for the 2020/2021 license period beginning July 1, 2020, be and the same is hereby granted; and

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

Dated: June 18, 2020

  
\_\_\_\_\_  
James J. Freda, Mayor

CERTIFIED to be a true copy of a resolution, which was adopted at the regular Mayor and Council meeting of the Kinnelon Mayor and Council on June 18, 2019.

Date: June 18, 2020

  
\_\_\_\_\_  
Karen M. Iuele, RMC  
Borough Clerk

RESOLUTION 6. 07 .2020


MOTION TO AUTHORIZE MAYOR TO  
SIGN LOCAL #164 IBEW COLLECTIVE  
BARGAINING AGREEMENT

WHEREAS, the Kinnelon Mayor and Council have reviewed and approved the Collective Bargaining Agreement between the Borough of Kinnelon and Local #164 IBEW for the years 2018 and 2022; and

WHEREAS, it is necessary for the Mayor to sign said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Kinnelon Mayor and Council the Mayor of the Borough is hereby authorized to execute the 2018 - 2022 Collective Bargaining Agreement between the Borough of Kinnelon and Local #164 IBEW.

June 18, 2020

  
\_\_\_\_\_  
Karen Iuele, Borough Clerk



ORDINANCE NO. 08-2020

AN ORDINANCE AUTHORIZING A CAPITAL PURCHASE OF AN ASPHALT HOT PATCHER DUMP TRAILER AND APPROPRIATING \$35,000.00 FROM THE CAPITAL IMPROVEMENT FUND TO DO SO

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

SECTION 1: The sum of \$35,000.00 is hereby appropriated from the Capital Improvement Fund for the purchase of a 4-Ton Asphalt Hot Patcher Dump Trailer.

SECTION 2: The purchase hereby authorized and purposes for which these appropriations are made include all cost and materials necessary therefor and incidental thereto. An amount not exceeding \$35,000.00 for items of expense permitted pursuant to N.J.S.A 40A:2-20 is included in the costs indicated herein for the purchase.

SECTION 3: The Capital Budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith.

EFFECTIVE DATE: This ordinance shall take effect upon final passage and publication according to law.

ATTEST:

BOROUGH OF KINNELON



Karen M. Luele, RMC

Kinnelon Borough Clerk



James Freda, Mayor

CERTIFICATION

I, Karen Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be true copy of an Ordinance introduced, read by title and passed on the first reading at a regular meeting of the Borough held on May 21, 2020 and adopted by the Governing Body at a regular meeting of the Borough held on June 18, 2020.



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Karen M. Iuele, RMC, Borough Clerk



**ORDINANCE NO. 09-2020      AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 151, THE PEDDLERS AND SOLICITORS  
ORDINANCE, OF THE CODE OF THE BOROUGH OF  
KINNELON TO AMEND THE PERMIT FEE SCHEDULE  
AND TO CLARIFY THE PERMIT APPLICATION,  
PERMIT REVOCATION, AND PERMIT DENIAL AND  
REVOCATION APPEAL PROCESSES**

**WHEREAS**, pursuant to N.J.S.A. 40:48-1 et. seq., N.J.S.A. 40:52-1; and N.J.S.A. 45:24-1 et. seq. the governing body of a municipality may make, amend, repeal and enforce ordinances to regulate the conduct of peddlers and solicitors; and

**WHEREAS**, the Borough of Kinnelon desires to amend Section 151-8 “Fees” of Chapter 151 of the Code of the Borough of Kinnelon (the “Peddlers and Solicitors Ordinance”) in order to amend the permit fee schedule and required fees contained therein; and

**WHEREAS**, the Borough of Kinnelon desires to amend Sections 151-4 “Application for Permit”, 151-5 “Investigation by Borough Chief of Police; Report of approval or disapproval”, and 151-6 “Issuance of permit; grounds for denial” of the Peddlers and Solicitors Ordinance in order to clarify the application process for a permit and to strike the submission of fingerprints to the Borough as a requirement for issuance of a permit so that the Borough Code is consistent with the holding set forth in N.J. Citizen Action v. Edison Township, 797 F.2d 1250 (3d Cir. 1986) invalidating a fingerprinting requirement for solicitor permits in the absence of supporting evidence that solicitors pose a significant history of criminal behavior within a municipality; and

**WHEREAS**, the Borough of Kinnelon desires to amend Section 151-13 “Revocation of Permit; hearing” of the Peddlers and Solicitors Ordinance and add new Section 151-14 in order to clarify the revocation process for holders of a permit and to clarify the permit revocation and permit denial appeal processes.

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

**SECTION 1.** Section 151-8 “Fees” at subsection “A” shall be amended such that the fee for a permit issued for a calendar year expiring on December 31 shall be amended from \$200.00 to \$100.00 and the permit fee for a daily permit shall be amended from \$50.00 to \$20.00, such that as amended, subsection “A” shall read as follows:

- A. The fee for a permit granted for the calendar year expiring on December 31 shall be \$100.00. A permit granted for one day shall be \$20.00.

**SECTION 2.** Section 151-8 “Fees”, subsection “B” shall be stricken in its entirety and subsection “C” of Section 151-8 re-lettered to be subsection “B” of Section 151-8 “Fees”.

**SECTION 3.** Section 151-4 “Application for Permit” shall be stricken in its entirety and replaced with the following language and shall now read as follows:

**§151-4. Application for Permit.**

All persons, except as otherwise provided by this Chapter or by law, desiring to solicit for charitable or other purposes or to peddle, solicit, canvass, hawk (collectively “solicit”) within the Borough shall file with the Borough Clerk prior to any such solicitation, a solicitation permit application on forms provided by the Borough Clerk. This shall include all persons who are driving a vehicle within the Borough to transport persons peddling, soliciting, canvassing and hawking. The application shall set forth, and include, the following information:



A. Whether the person registering is a natural person, partnership, or corporation and:

i. if a natural person, the business and residence address and telephone number must be given.

ii. if a partnership, the names of all partners and the principal business address and telephone number of each partner must be given.

iii. if a corporation, trust, foundation, association, society or other group, the person registering must state whether it is organized under the laws of New Jersey or is a foreign corporation and must state the mailing address, the business location, the telephone number, the name of the individual in charge of the local office of such corporation;

B. The name, address, date of birth, social security number and photo identification (which the Borough Clerk will photocopy and attach to the application) of the person or persons who shall be conducting the solicitation or otherwise peddling, soliciting, canvassing or hawking. Each individual must answer if he/she has been convicted of a crime, and if "yes", must provide an explanation of the crime, location, and date;

C. A brief description of the nature of the business and the goods to be sold or services to be performed for which funds are to be solicited and an explanation of the intended use of the funds toward that purpose;

D. The time period within which the solicitation or the peddling, soliciting, canvassing or hawking is to be conducted, giving the date of the commencement and termination of the effort;

E. If a vehicle or vehicles are to be used in the solicitation, or to transport persons soliciting, a description of the same, including year, make and model, together with the license plate number, state, vehicle registration certificate information and liability insurance information or other satisfactory means of identification;

F. Complete driver's license information and driver's license numbers of all solicitors, canvassers, peddlers and hawkers, copies of current Motor Vehicle Commission ("MVC") driver history abstracts for the last five (5) years and a criminal history background check from a State of New Jersey approved vendor. Neither the MVC abstracts nor the criminal history background checks shall be older than thirty (30) days from the date the permit application is filed with the Borough;

G. The applicant shall be responsible for the payment of all fees associated with obtaining the MVC driver's history abstract and criminal history background check from a State approved vendor. The MVC driver history abstract must be transmitted directly from the MVC to the Borough Police Department with a copy to the Applicant, and the criminal history background check must be transmitted directly from the State approved vendor to the Borough Police Department, with a copy to the Applicant;

H. The names of any other municipalities in which the person registering has solicited or otherwise peddled, solicited, canvassed or hawked within the previous 12 months;

I. An application for a permit shall be verified under oath and shall contain such information determined to be necessary to identify each person or organization and the cause or purpose of the solicitation, peddling, canvassing or hawking. It shall be the sole responsibility of the applicant to secure MVC driver history abstracts and criminal history background checks, and arrange for/authorize them to be sent to the Borough Police Department. An application shall not be complete until such time as all reports (including but not limited to MVC driver history abstracts and criminal history background checks) have been RECEIVED by the Borough Clerk/Police Department as applicable;

J. If while the application is pending, or during the term of any permit granted hereunder, there is any change in the information set forth in the application, the applicant shall notify the Borough Clerk in writing thereof within 24 hours after such change; and

K. The Borough Chief of Police shall review all complete applications, MVC driver history abstracts and criminal history background checks and applicant qualifications as set forth herein and shall provide recommendations to the Borough Clerk.

**SECTION 4.** Section 151-5 "Investigation by Borough Chief of Police; report of approval or disapproval" shall be amended and re-titled "Review by Borough Chief of Police; report of approval or disapproval". Subsections "A" and "B" of Section 151-5 are stricken in their entirety and replaced with the following language and shall now read as follows:

**§151-5. Review by Borough Chief of Police; report of approval or disapproval.**

A. Upon receipt of such application, the original shall be filed with the Borough Clerk and a duplicate shall be referred to the Borough Chief of Police. The Borough Chief of Police shall review the complete permit application inclusive of MVC driver history abstract and criminal history background check, and all information required to be submitted to determine its compliance with the terms of this Chapter within 14 business days after receipt of the complete application. The Borough Chief of Police shall review said application to ascertain that the applicant has not been convicted of a crime (and is not subject to any outstanding criminal warrants or indictments) relating to fraud, deception, theft or assault, and that he/she is selling or soliciting for a project free from fraud or other criminal purpose.

**SECTION 5.** Subsection “C” of Section 151-5 shall be re-lettered to be subsection “B” of Section 151-5 “Review by Borough Chief of Police; report of approval or disapproval” and the opening paragraph therein amended with the following language to now read as follows:

B. Upon completion of his review, the Borough Chief of Police shall make a written report to the Borough Clerk with his recommendations and reasons therefore regarding approval or disapproval and return the application to the Borough Clerk. Any recommendation by the Borough Chief of Police that a permit should not be issued to the applicant shall be based on one or more of the following findings of fact with respect to the applicant:

**SECTION 6.** Section 151-6 “Issuance of permit; grounds for denial” at subsection “A” shall be amended such that as amended, subsection “A” shall read as follows:

A. Prior to issuing any permit, the Borough Clerk shall consider all of the information supplied in and with the application as well as the written report by the Borough Chief of Police.

**SECTION 7.** Section 151-6 "Issuance of permit; grounds for denial" shall be supplemented with the addition of the following subsection:

C. Within 3 business days of receiving the Chief of Police's written report, the Borough Clerk shall upon payment of the prescribed fee or in the event of an applicant who is not required to pay a fee, issue a permit and certificate of registration to the applicant or notify the applicant that his/her application is disapproved and that no permit will be issued. The reasons for disapproval shall be noted on the application and notice shall be by regular U.S. mail, postage prepaid to the applicant at the address shown on the application form or at the applicant's last known address, as well as to the applicant's email address as listed on the application.

**SECTION 8.** Section 151-13 "Revocation of permit; hearing" shall be stricken in its entirety and replaced with the following language and shall now read as follows:

**§151-13. Revocation or Suspension of Permit; hearing.**

Any permit issued under the provisions of this Chapter may be revoked by the Chief of Police on a showing that any of the provisions of this chapter have been violated or for other good cause. Upon learning of the alleged violation of any provisions of this Chapter, or for other good cause, the Chief of Police shall immediately suspend the permit and give the permittee written notice of a hearing to be held by him within five (5) days of such suspension to determine whether or not the permit should be revoked. The notice shall contain a statement of facts upon which the Chief of Police has acted in suspending the permit, and will be served by certified U.S. mail, return receipt requested, to the permit holder at the address shown on the application form or at the his/her last known address. Notice shall be effective upon mailing. A copy of said notice shall also be sent to the permit holder's email address as listed on the application. If, after such hearing, the Chief of Police finds that this Chapter has been violated or other good cause exists, he shall, within five (5) days of the hearing revoke the permit and give the holder thereof written notice of said revocation and the reasons thereof. Or in the absence of such finding, the permit holder shall within five (5) days of the hearing be notified in writing of the termination of the suspension of the permit. Notice shall be by U.S. mail to the permit holder at the address shown on the application form or at his/her last known address, and shall be effective upon mailing. A copy of said notice shall also be sent to the permit holder's email address as listed on the application.

In addition, any permit which may have been issued may be revoked for a violation of this Chapter or on good cause shown by majority vote of the Borough Council at any regular or special meeting thereof after five (5) days'

written notice to the permit holder and upon affording the said holder of an opportunity to be heard with respect to the reasons for such revocation. Notice shall be served by certified U.S. mail, return receipt requested, to the permit holder at the address shown on the application form or at the his/her last known address, and shall be effective upon mailing. A copy of said notice shall also be sent to the permit holder's email address as listed on the application.

Any revocation made by the Chief of Police or Borough Council shall be for one year from the date of revocation.

**SECTION 9.** A new Section shall be included within Chapter 151 and the new Section shall be numbered Section 151-14. The existing Section 151-14 shall be renumbered "151-15"; the existing Section 151-15 shall be renumbered "151-16".

**SECTION 10.** The new Section 151-14 shall be added to the Borough Code of the Borough of Kinnelon, in the County of Morris, State of New Jersey, and shall read as follows:

**§151-14. Appeal; Reinstatement of Revoked Permit.**

A. Any person aggrieved by the action of the Borough Clerk or Chief of Police in the denial of an application for a permit, or in the decision with reference to revocation of a permit, shall have the right to appeal to the Borough Council. Such appeal shall be taken by filing with the Borough Clerk, within fourteen (14) days after notice of the action complained of has been mailed to such applicant or permit holder's address as stated on the application or last known address, a written statement setting forth fully the grounds for a hearing on such appeal. The Borough Council shall set a time and place for hearing the appeal and a notice of the hearing shall be given to the permit holder/applicant. The decision of the Borough Council on the appeal shall be final and conclusive.

B. The Borough Council may issue another permit to a person whose permit has been revoked or denied as provided in this Chapter if, acting after a hearing they are satisfied by clear and convincing evidence that the acts which led to the revocation or denial will not occur again; otherwise, no person whose permit has been revoked or denied nor any person for him/her, directly or indirectly shall be issued another permit to solicit. The revocation shall be for one year from the date of revocation, after which the person may make another application, which shall be reviewed in accordance with this Chapter.

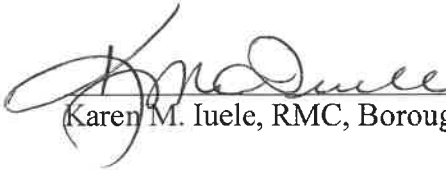
**SECTION 11.** All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 12.** If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 13.** This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

  
Karen M. Iuele, RMC, Borough Clerk

  
James J. Freda, 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 May 21, 2020 and adopted by the Governing Body at a regular meeting of the Borough held on June 18, 2020.

  
Karen M. Iuele, RMC, Borough Clerk



**ORDINANCE #10-2020**

**ORDINANCE AUTHORIZING THE EXECUTION OF  
2020 AMENDED AND RESTATED SERVICE  
CONTRACT WITH PEQUANNOCK RIVER BASIN  
REGIONAL SEWERAGE AUTHORITY**

WHEREAS, in 1974, the municipalities of Bloomingdale, Butler and Kinnelon, created the “Pequannock River Basin Regional Sewerage Authority” (hereinafter, the “Authority”), by their several ordinances duly adopted in the single calendar year 1974 by their respective governing bodies; and

WHEREAS, the Authority was created as a public body corporate and politic of the State of New Jersey organized and existing under the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq., (hereinafter referred to as the “Act”) and the acts amendatory thereof and supplemental thereto, exercising public and essential governmental functions to provide for the public health and welfare, with all necessary or proper powers to acquire, construct, maintain, operate and use works for the relief of waters in, bordering or entering the territorial boundaries of Bloomingdale, Butler and Kinnelon from pollution by sewage and industrial and other wastes arising from causes within such territory; and

WHEREAS, the Borough of Riverdale was a customer of the Authority pursuant to the 1987 Service Contract between the Authority and Riverdale (the “1987 Riverdale Service Contract”) and Riverdale is in the process of becoming a Participant in the Authority by reason of the securing of certain approvals pursuant to the Bond Resolution of the Authority and the enactment of an Ordinance by Riverdale and adoption of a resolution by the Authority in accord with the Act at N.J.S.A. 40:14A-4(m)(i); and

WHEREAS, the Authority and Bloomingdale, Butler, Kinnelon and Riverdale desire to restate the existing obligations and amend the 1990 Amendment to the 1985 Service Contract and the 1987 Riverdale Service Contract, and all amendments thereto, to true up the capacity allocations and locations of existing facilities; incorporate the Authority’s policy relevant to connections



to the System; revise the measurement of volume of sewage and billing from flow metering to Equivalent Dwelling Units (EDUs) for the Operating Charge portion of the Annual Charge; incorporate the Authority's policy regarding surcharges for discharges in excess of a Participant's reserve capacity and waivers of the same, and related matters; and

WHEREAS, Kinnelon has determined that it will be advantageous to it and to its residents to have sewage and other wastes originating from it or within its territorial boundaries and the District of the Authority disposed of by the Authority pursuant to the terms of the 2020 Amended and Restated Service Contract, and to be obligated to make payments for or with respect to any or all such service made or to be made available to it on the terms contained therein, in the amounts, and at the times provided for, and authorizes its proper officials to enter into and execute the 2020 Amended and Restated Service Contract reviewed by the Governing Body.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, that the Mayor and Clerk are hereby authorized and directed to execute the 2020 Amended and Restated Service Contract in substantially the form on file with the Clerk and hereby approved, which approval shall be evidenced by the signature of the Mayor on such Contract.

SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

INCONSISTENT ORDINANCES. Ordinances resolution and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication according to law.

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Borough of Kinnelon, County of Morris, State of New Jersey held on the 18 day of June 2020, and the same shall come up for final passage at the regular meeting of the Mayor and Council to be held on the 16 day of July , 2020 , at 8:00 P.M., at the Kinnelon Municipal Building, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

Karen M. Iuele

Borough Clerk

June 18, 2020

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

Roll Call: William Yago, Yes; V. Russo, Yes;  
R. Roy, Yes; R. Charlies, Yes;  
G. Sisco, Yes; J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 18, 2020 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 16, 2020 at 8:00 pm, 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 Borough Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman G. Sisco offered a motion to publish the foregoing resolution. This was second by Councilman V. Russo.

Roll Call: William Yago, Yes; V. Russo, Yes;  
R. Roy, Yes; R. Charlies, Yes;  
G. Sisco, Yes; J. Lorkowski, Yes.

**TAX COLLECTOR'S REPORT:**

During the month of May 2020, the Tax Collector's Report indicated we collected \$9,249,927.85 in taxes.

**INVESTMENT OFFICER'S REPORT:**

A total of \$3,332.14 was collected in interest for the month of May 2020.

**DISTRICT SCHOOL PAYMENT:** \$3,202,880.67

**ADJOURNMENT:**

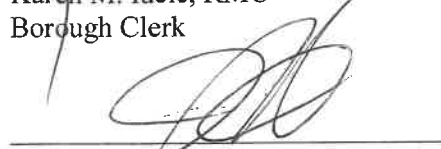
This meeting adjourned at approximately 9:00 p.m. on motion by Councilman G. Sisco with the unanimous affirmative voice vote of all present.

June 18, 2020

Respectfully submitted,



Karen M. Huele, RMC  
Borough Clerk



James J. Freda, Mayor

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