

MEETING TO ORDER:

This special meeting of the Kinnelon Borough Governing Body was called to order by Council President William Yago in Mayor Collins absence at 7:30 pm., on Wednesday November 28, 2018 in the Kinnelon Municipal Building.

There was a Salute to the Flag, after which the Borough Clerk Karen Iuele stated in compliance this the provisions of Chapter 231 of Public Laws of New Jersey of 1975. Adequate notice of this meeting was given by advertising in the November 28, 2018 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, Borough website and 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 L. Sisco, Vincent Russo and James Lorkowski. Absence was Councilman Randall Charles.

HEARING FROM THE PUBLIC

Council President W. Yago asked if anyone from the public wished to be heard, to please step forward. Hearing none, Council President W. Yago closed this portion of the meeting.

NEW BUSINESS

Council President W. Yago stated that the purpose of this special meeting was to introduce Ordinance 15-18 and 16-18.

ORDINANCE 15-18

Councilman V. Russo introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman G. Sisco

AN ORDINANCE OF THE BOROUGH OF KINNELON AUTHORIZING THE
ACQUISITION OF BLOCK 56301, LOT 102 ON THE OFFICIAL TAX MAP OF
THE BOROUGH OF KINNELON FOR PUBLIC PURPOSES, INCLUDING,
WITHOUT LIMITATION, OPEN SPACE PRESERVATION AND PASSIVE
RECREATION AND ACCEPTANCE OF DEED OF CONVEYANCE

Council President W. Yago 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.

*
*
*

ORDINANCE NO. 15-18

AN ORDINANCE OF THE BOROUGH OF KINNELON AUTHORIZING THE ACQUISITION OF BLOCK 56301, LOT 102 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF KINNELON FOR PUBLIC PURPOSES, INCLUDING, WITHOUT LIMITATION, OPEN SPACE PRESERVATION AND PASSIVE RECREATION AND ACCEPTANCE OF DEED OF CONVEYANCE

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, Totowa Constructors, Inc., a corporation of the State of New Jersey ("Totowa") is the owner of certain property located within the Borough of Kinnelon ("Borough" or "Kinnelon"), being known and designated as Lot 36.5 on an Amended Map entitled "Final Plat. Stonybrook Highlands, Section H-1, for Plastican Corporation", prepared by G. Waldo Rude and Associates, L.E. & L.S., filed in the Morris County Clerk's Office on march 12, 1968 as map No. 2853 and commonly known as Block 56301, Lot 102 (formerly known as Block 93, Lot 36.05) on the Official Tax Map of the Borough of Kinnelon ("Property"); and

WHEREAS, Totowa desires to donate the Property to the Borough; and

WHEREAS, the Borough desires to acquire said Property for municipal purposes, for use as a passive recreation and/or open space preservation; and

WHEREAS, the Borough adopted a Resolution entitled "Resolution No. 12.11.17 Authorizing the Conditional Acceptance of a Donation of Certain Property Commonly Known as Block 56301, Lot 102 (Formerly known as Block 93, Lot 36.05) on the Official Tax Map of the

Borough of Kinnelon" on December 29, 2017 by which the Borough conditionally accepted the Property described above subject to free and clear title to be provided by donor, a Bargain and Sale Deed with Covenants against Grantors Acts, appropriate environmental investigation to the satisfaction of the Borough, an adequate survey, and any other conditions in the best interests of the Borough; and

WHEREAS, the conditions set forth above have been addressed to the satisfaction of the Borough and the Borough desires to formally accept the deed of conveyance previously proffered to the Borough; and

WHEREAS, the Borough has undertaken its due diligence and can move forward with the aforesaid acquisition 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 56301 Lot 102 on the Official Tax Map of the Borough of Kinnelon ("Property") for public purposes, including, without limitation, open space preservation and passive recreation .

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 including, without limitation, the execution of all documents, contracts and title conveyance instruments, the acquisition of title insurance, the recording of the deed previously proffered, and the preparation of a survey.. The Borough hereby authorizes and approves any non-substantive modifications to any contracts, or any other documents as may be recommended and approved by the Mayor and Borough Attorney prior to execution.

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

SECTION FIVE. 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 _____ and adopted by the Governing Body at a regular meeting of the Borough held on _____.

Karen M. Iuele, Borough Clerk

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

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

WHEREAS, the above ordinance was introduced at this meeting held on November 28, 2018 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on December 13, 2018 at 7:00 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 R. Roy.

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

ORDINANCE 16-18

Councilman R. Roy introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman G. Sisco

AN ORDINANCE AUTHORIZING THE GRANTING OF A CONSERVATION
RESTRICTION/EASEMENT TO THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION ON REAL PROPERTY KNOW AND DESCRIBED
AS BLOCK 57401, LOT 149 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF
KINNELON AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND
EFFECT THE GRANTING OF THE CONSERVATION RESTRICTION/EASEMENT

Council President W. Yago 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.

*
*
*
*
*

EJB :fd (KN-1008)
PPRBC Ordinance
110518
110618 Blacklined
111518 Blacklined
111518 Final

ORDINANCE NO. 16-18

AN ORDINANCE AUTHORIZING THE GRANTING OF A CONSERVATION RESTRICTION/EASEMENT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION ON REAL PROPERTY KNOWN AND DESCRIBED AS BLOCK 57401, LOT 149 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF KINNELON AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND EFFECT THE GRANTING OF THE CONSERVATION RESTRICTION/EASEMENT.

WHEREAS, N.J.S.A. 40A:12-13, *et seq.* [and specifically N.J.S.A. 40A:12-13(b)(1)] authorize public entities to sell and convey real property or interests in real property, including conservation restrictions/easements to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey; and

WHEREAS, the Governing Body of the Borough of Kinnelon ("Borough Council" or "Borough") has deemed it necessary to convey a Conservation Restriction/Easement on certain real property owned by the Borough known as Block 57401, Lot 149 on the Official Tax Map of the Borough of Kinnelon (the "Property") to the New Jersey Department of Environmental Protection ("NJDEP") in conjunction with the Borough's acquisition of property known as Block 45502, Lot 119 on the Official Tax Map of the Borough of Kinnelon, from the Pompton Plains Reformed Bible Church ("PPRBC Property") for use as a Community Center and recreational facilities and the grant of a certain Highlands Preservation Area Approval with Takings Waiver, NJDEP File No. 1415-16-0004.1, SHR 170001, dated May 24, 2018 ("Highlands Waiver"), pursuant to N.J.A.C. 7:38-6.4 and other sections of the Regulations adopted under the Highlands Water Protection and Planning Act ("HWPPA"), and under the HWPPA; and

WHEREAS, there has been prepared a certain Grant of Conservation Restriction/Easement to the NJDEP on the Property, setting forth the rights, duties and obligations of the parties in connection therewith; and

WHEREAS, the Borough desires to approve the terms and conditions of said Conservation Restriction/Easement, authorize its execution and its conveyance to the NJDEP in substantially the form on file in the Office of the Borough Clerk, latest revision 111518, subject to any minor changes, modifications, additions or deletions that may be made in the final form of the Conservation Restriction/Easement as may be requested by the NJDEP or other interested parties for the purposes of satisfying the conditions of the Highlands Waiver as approved by the Mayor on the advice of counsel and/or other professionals of the Borough; and

WHEREAS, the Borough further desires to authorize the execution of additional related Agreements and documents necessary to effectuate the purposes of this Ordinance, and the conveyance of the Conservation Restriction/Easement to the NJDEP.

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. All the terms and conditions of a certain Grant of Conservation Restriction/Easement to the New Jersey Department of Environmental Protection (“NJDEP”) on certain real property in the Borough currently known as Block 57401, Lot 149 on the Official Tax Map of the Borough (the "Property"), be and the same are hereby approved, ratified and confirmed by the Borough, in substantially the form on file in the Office of the Borough Clerk, latest revision 111518, subject to any minor changes, modifications, additions or deletions that may be made in the final form of the Conservation Restriction/Easement as may be requested by the NJDEP and/or other interested entities or parties for the purposes of satisfying the conditions

of the Highlands Waiver as approved by the Mayor on the advice of counsel and/or other professionals of the Borough.

SECTION 2. The Mayor and Borough Clerk, be and are hereby authorized to execute the Conservation Restriction/Easement in substantially the same form as approved herein and the Mayor, Borough Council, Clerk and such other officials, consultants, agents, professionals and employees of the Borough as may be necessary and appropriate shall be, and are hereby authorized to pursue the implementation of the conveyance of the Conservation Restriction/Easement to the NJDEP and to take all steps necessary to effectuate and implement the same and the ultimate conveyance of the Conservation Restriction/Easement to the NJDEP, including, without limitation, the execution of additional related Agreements and documents necessary to effectuate the purposes of this Ordinance and the conveyance of the Conservation Restriction/Easement to the NJDEP.

SECTION 3. The Conservation Restriction/Easement to the NJDEP shall be conveyed and delivered to the NJDEP prior to the commencement of any construction by the Borough on the PPRBC Property (Block 45502, Lot 119), provided that the Highlands Waiver permitting such construction remains in effect.

SECTION 4. Subject to the terms and conditions of the Conservation Restriction/Easement, the Borough hereby reserves and shall reserve any and all rights it has, or may have, or shall have in the future, in connection with the Property.

SECTION 5. All Ordinances previously adopted in connection with this acquisition shall remain in full force and effect, except to the extent that the same are inconsistent with the terms and conditions of this Ordinance.

SECTION 6. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. 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 8. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. 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 a special Mayor and Council meeting of the Borough held on November 28, 2018 and adopted by the Governing Body at a regular meeting of the Borough held on December 13, 2018.

Karen M. Iuele, Borough Clerk

November 28, 2018

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

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

WHEREAS, the above ordinance was introduced at this meeting held on November 28, 2018 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on December 13, 2018 at 7:00 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: W. Yago, Yes; V. Russo, Yes;
 R. Roy, Yes; J. Lorkowski, Yes.
 G. Sisco, Yes;

ADJOURNMENT

This meeting adjourned at approximately 7:40 pm on motion by Councilman Glenn Sisco, with the unanimous affirmative voice vote of all present.

Respectfully submitted,



Karen M. Iuele, Borough Clerk



Council President William Yago

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