

**ORDINANCE NO. 14-18 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 41 "HISTORICAL PRESERVATION ADVISORY COMMITTEE", AMENDING SUBSECTIONS 2 AND 4, ADDING A NEW SUBSECTION 6 "LOCAL HISTORIAN" AND A NEW SUBSECTION 7 "L'ECOLE" TO CHAPTER 41 OF THE CODE OF THE BOROUGH OF KINNELON**

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

**WHEREAS**, pursuant to N.J.S.A. 40:10A-4, the governing body of a municipality may make and enforce ordinances to appoint a local municipal historian; and

**WHEREAS**, the Borough of Kinnelon desires to amend and supplement certain provisions of Subsection 2 of Chapter 41 "Historical Preservation Advisory Committee" of the Code of the Borough of Kinnelon to provide for the appointment of two alternate members and, the election of officers, and to authorize the Committee with administration, operation, maintenance and guidance of the L'Ecole Kinnelon Museum, and other Borough historical properties, as may be directed by the Mayor and Council and to revise Subsection 4, "duties and responsibilities"; and

**WHEREAS**, the Borough of Kinnelon desires to amend Chapter 41 to include Section 6 to provide for the appointment of a Local Historian; and

**WHEREAS**, the Borough of Kinnelon owns and maintains a museum known as "L'Ecole Kinnelon Museum", which is located at 25 Kiel Avenue, in the Borough of Kinnelon, County of Morris , State of New Jersey; and

**WHEREAS**, the Museum was a bequest to the Borough of Kinnelon by the late Dr. Helen L. Miller, an obstetrician , gynecologist and pioneering oncologist who purchased the property in 1943. Dr. Miller named the site “L Ecole”, which means schoolhouse, possibly in recognition of the fact that the home once served as a one room “Meadtown” schoolhouse serving the area’s children as early as 1873. Dr. Miller resided in the home and operated a medical office there, and in 1964 opened the Kinnelon Medical Center on adjacent property; and

**WHEREAS**, Dr. Miller bequeathed “L’Ecole” to the Borough as a “historic site” and “museum for the preservation and display of memorabilia and other items of significance to the Borough”; and

**WHEREAS**, the Borough desires that the Borough Historical Preservation Advisory Committee and Borough Local Historian advance the preservation of Borough history, and protect and preserve L’Ecole for the benefit of Borough residents, and all other persons, current and future.

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

**SECTION ONE.** Chapter 41, Subsection 2, “Members; terms; qualifications; Council Liaison”, of the Code of the Borough of Kinnelon, shall be amended with new language and supplemented to read as follows:

**§41-2: Members; terms; qualifications; Council Liaison.**

- A. The Historical Preservation Advisory Committee shall consist of seven members whom shall be appointed by the Mayor, with the advice and consent of the Council, from among the residents of the Borough. Up to two alternative members may be appointed at the discretion of the Mayor, whom shall be appointed by the Mayor, with the advice and consent of the Council. The terms of the members first appointed shall be as follows:

- (1) Three members shall be appointed for one year terms;
  - (2) Two members shall be appointed for two year terms; and
  - (3) Two members shall be appointed for three-year terms.
  - (4) Alternative member #1 shall be appointed for a one year term and Alternative member #2 shall be appointed for a two year term.
- B. Thereafter, the term for each member and alternate member shall be for a period of three years. Any vacancy occurring during the term of any of the members or alternative members shall be filled for the unexpired term in the same manner as the original term.
- C. A member of the Borough Council shall be designated annually by the Mayor to serve as a nonvoting liaison between the Council and the Historical Preservation Advisory Committee.
- D. Alternative members shall be designated at the time of appointment as "Alternate 1" and "Alternative 2". The alternate members may participate in Committee meetings but shall not vote except in the absence or disqualification of a regular member. In the event that a choice must be made as to which alternative member is to vote, "Alternate 1" shall be selected first. Alternate members shall not serve as officers of the Committee.
- E. During January of each year, the Historical Preservation Advisory Committee ("Committee") members shall annually elect officers from among them to include a Chairperson, Vice –Chairperson and Corresponding Secretary.
- F. The Committee shall submit annual written reports to the Borough Clerk which shall include expenditures, programming, recommendations and actions taken by the Committee, as well as any matters to be included by the Committee.

**SECTION TWO.** Chapter 41, Subsection 4, "Duties and Responsibilities" shall be amended and supplemented as follows:

**§41-4. Duties and responsibilities.**

The Historical Preservation Advisory Committee shall have the duties and responsibilities as follows:

- A. Research and record all pertinent data relating to the history of the Borough of Kinnelon.
- B. Document all historic buildings within the Borough of Kinnelon.
- C. Make recommendations to the Mayor and Council for the preservation or acquisition of historical sites or places.
- D. From time to time to advise the residents of the Borough of Kinnelon as to points of interest of its historical heritage.
- E. Conduct lectures, programs and seminars relating to the history of the Borough of Kinnelon, including sites of historical interest.
- F. The Committee is authorized for the administration, operation, maintenance and guidance of the L'Ecole Kinnelon Museum ("Museum") and such other Borough properties as may be directed by the Mayor and Council.
- G. The Committee shall prepare an annual budget which shall be submitted by December 31 of each year to the Borough Clerk. The budget shall include the maintenance and operation of the Museum and any other Borough properties as may be directed by the Mayor and Council.
- H. The Committee is charged with the protection and maintenance of the Museum collection and property, no part of which may be disposed of or impaired in any manner without the express authorization of the Mayor and Council. The Committee shall administer the use of the Museum by the community according to the "Use Policy" that has been approved by the Mayor and Council.

**SECTION THREE.** A new Subsection 41-6 "Local Historian" shall be added as follows:

**§41-6: Local Historian**

- A. Pursuant to P.L. 1979, c. 59 (N.J.S.A. 40:10A-4), there is hereby established the position of Local Historian in the Borough of Kinnelon, whose term shall be for one year, and who shall be appointed by the Mayor with the advice and consent of the Council.
- B. The Local Historian shall have the following powers and responsibilities:
  - (1) To carry out an historical program, including but not restricted to collecting, preserving and making available materials relating to the history of the Borough of Kinnelon. The Historian shall store such materials in such manner as to ensure their preservation and shall notify the governing body of any materials which should be acquired for

preservation. Upon leaving the position, the Local Historian shall turn over all materials and records and reports into the possession of the successor, if then appointed, or to the governing body until a successor shall be appointed.

- (2) To make an annual report to the governing body, stating all the work performed and accomplished during that year. The Local Historian shall transmit a copy of such report to the New Jersey Historical Commission.
- (3) May research, write and cause to have published a municipal history and may recommend appropriate historical materials for publication.
- (4) May assist a Landmark Commission, as well as advise the governing body, concerning the acquisition, administration and use and disposition of any landmark or historic site, including such places within the Borough which are included on the New Jersey Register of Historic Places.
- (5) Shall assist in projects of commemoration, including the erection of monuments, historic markers and guide signs.
- (6) The Local Historian shall serve without compensation.

C. The Local Historian shall serve without compensation.

**SECTION FOUR.** Chapter 41 shall be supplemented with a new Subsection 7 as follows:

**§41-7: L'Ecole**

“L'Ecole” located at 25 Kiel Avenue, in the Borough of Kinnelon, County of Morris, State of New Jersey, property bequeathed to the Borough of Kinnelon by the late Dr. Helen L. Miller, shall also be known as “L'Ecole Kinnelon Museum”

**SECTION FIVE.** 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.

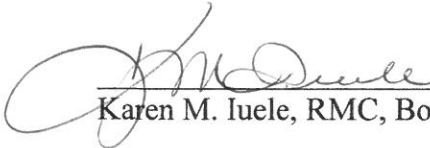
**SECTION SIX.** Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such

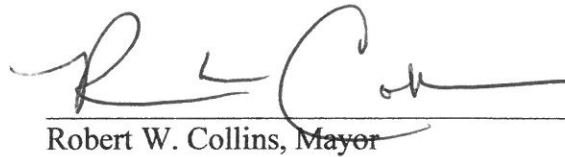
inconsistency.

**SECTION SEVEN.** This Ordinance shall take effect upon passage and publication according to law.

ATTEST:


BOROUGH OF KINNELON

  
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Karen M. Iuele, RMC, Borough Clerk

  
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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 August 16, 2018 and adopted by the Governing Body at a regular meeting of the Borough held on September 20, 2018

  
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Karen M. Iuele, RMC, Borough Clerk