

June 16, 2022

MEETING TO ORDER.

The regular meeting of the Kinnelon Borough Governing Body was called to order by Mayor James Freda at 8:00 p.m., on Thursday, June 16, 2022, at 130 Kinnelon Road, Kinnelon New Jersey.

There was a Salute to the Flag, after which the Borough Clerk 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 9, 2022 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 Sean Mabey, Robert Roy, Vincent Russo and Randal Charles. Absent was Councilman William Yago and James Lorkowski.

PRESENTATION:

Kinnelon Borough Forester, John Linson gave a presentation on the Emerald Ash Borer. He stated that there is really nothing that can be done with the dying trees from this Emerald Ash Borer. There is a treatment that can be injected into the tree, this would have to be done a couple of times a year and for two years.

TREASURER'S REPORT:

The Treasurer's Report for June, 2022 indicated we started out with cash on hand as of May 1, 2022, in the amount of \$5,349,608.56. Receipts for the month of May totaled \$10,933,849.78, with disbursements amounting to \$5,710,363.90. The new balance on hand as of May 31, 2022 was \$10,573,094.44.

HEARING FROM THE PUBLIC:

Mayor Freda, asked if anyone from the public wishes to be heard.

Anthony Chirido, 8 Harrison Road spoke on the Grant Company that the borough is looking into. Mayor Freda stated that we will be looking into a couple of them and see if which would work for the borough and with the lowest cost. Mr. Chirido also asked questions on the water meter upgrade. Mayor Freda stated that the meters are very old and we will be looking into upgrading the ones that we have. Mr. Chirido also asked questions on the Bond Ordinance, Denise Drive Tower and the HVAC. Mayor Freda stated that at this time we can't discuss the Bond Ordinance that is going to be introduced and there will be a public portion next month when we adopted this ordinance.

Eric Harriz, 443 Peppertree Lane, Kinnelon, spoke on the trails at the Untermeyer's Dam. Councilman Charles stated that we are looking into grant money for these trails.

Mayor Freda, asked if anyone else from the public wishes to be heard. 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 R. Charles for the payment of bills dated June 16, 2022.

June 16, 2022
12:03 PM

BOROUGH OF KINNELON
Check Register By Check Date

Page No: 1

Range of Checking Accts: First to Last Range of Check Dates: 05/20/22 to 12/31/22
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		
24167	05/20/22	WAS05 MICHAEL WASHINGTON	450.00	4916
24168	06/16/22	4IM01 4imprint, Inc.	1,413.72	4917
24169	06/16/22	AAS A&A SALES ASSOCIATES, LLC	325.40	4917
24170	06/16/22	AC A.C. DAUGHTRY INC.	321.78	4917
24171	06/16/22	ACT04 ACTION DATA SERVICES	2,417.83	4917
24172	06/16/22	ACU01 ACU-DATA BUSINESS PRODUCTS INC	458.00	4917
24173	06/16/22	AFF02 AFFILIATED TECHNOLOGY	189.92	4917
24174	06/16/22	ALL04 ALLIED OIL COMPANY	6,341.87	4917
24175	06/16/22	ALL16 ALL WET IRRIGATION LLC	998.66	4917
24176	06/16/22	AMA02 DAVID A. AMADIO, ESQ.	750.00	4917
24177	06/16/22	ANY01 ANY EXCUSE FOR A PARTY, INC	487.50	4917
24178	06/16/22	AP001 APOLLO FLAGS, LLC	45.90	4917
24179	06/16/22	AUT05 THE AUTO PARTS SOURCE	733.69	4917
24180	06/16/22	BAR07 BARRETT CONSTRUCTION	150.00	4917
24181	06/16/22	BAR22 MARISSA BARISO	4,000.00	4917
24182	06/16/22	BLO02 JEREMY BLOUSE	200.00	4917
24183	06/16/22	BOR01 BOROUGH OF BUTLER ELECTRIC	6,792.60	4917
24184	06/16/22	BOR02 BOROUGH OF KINNELON	585.50	4917
24185	06/16/22	BOX01 BOXCAST INC	139.00	4917
24186	06/16/22	BR01 B&R UNIFORMS	594.60	4917
24187	06/16/22	BRT01 BRT TECHNOLOGIES, LLC	550.00	4917
24188	06/16/22	CAB01 OPTIMUM	59.09	4917
24189	06/16/22	CAB02 OPTIMUM	155.73	4917
24190	06/16/22	CAB03 OPTIMUM	116.18	4917
24191	06/16/22	CAB04 OPTIMUM	116.18	4917
24192	06/16/22	CAB05 OPTIMUM	116.18	4917
24193	06/16/22	CAB06 OPTIMUM	116.18	4917
24194	06/16/22	CAB07 OPTIMUM	116.18	4917
24195	06/16/22	CAB08 OPTIMUM	216.18	4917
24196	06/16/22	CAB09 OPTIMUM	116.18	4917
24197	06/16/22	CAB10 OPTIMUM	362.16	4917
24198	06/16/22	CAP06 CAPITOL SUPPLY CONSTRUCTION	9,263.56	4917
24199	06/16/22	CHI07 CHILDS PLAY CHALLENGE COURSES	799.00	4917
24200	06/16/22	CIN05 CINTAS CORPORATION #111	527.35	4917
24201	06/16/22	CIT05 CIT FINANCE LLC	586.73	4917
24202	06/16/22	CO003 COOPERATIVE COMMUNICATIONS INC	3,098.43	4917
24203	06/16/22	CRO02 CROWN AWARDS	2,182.94	4917
24204	06/16/22	DAN11 CHARLES DANIEL	140.50	4917
24205	06/16/22	DAR01 DARMOFALSKI ENGINEERING ASSOC.	2,000.00	4917
24206	06/16/22	DEB03 DE BLOCK ENVIRONMENTAL SERVICE	12,000.00	4917
24207	06/16/22	DMC01 DMC ASSOCIATES INC.	16,500.00	4917
24208	06/16/22	DOR06 DORSEY & SEMRAU, LLC	984.20	4917
24209	06/16/22	EAG01 EAGLE POINT GUN/TJ MORRIS	4,161.40	4917
24210	06/16/22	ELE03 ELECTRO BATTERY SYSTEMS INC.	72.50	4917
24211	06/16/22	ENT01 ENTERTAINMENT ROYALE LLC	2,120.00	4917
24212	06/16/22	EXT01 EXTRA SPACE STORAGE	357.00	4917
24213	06/16/22	FED01 FED-EX/OMEGA CORPORATE CENTER	65.26	4917
24214	06/16/22	FER22 ADRIANNE FERRETTI	160.41	4917
24215	06/16/22	FLA03 FLAGS IMPORTER CORPORATION	163.90	4917

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
GENERAL		General Account Account Payab Continued		
24216	06/16/22	GAK01 LAURA GAKOS	46.53	4917
24217	06/16/22	GAR01 GARDEN STATE HIGHWAY PROD., INC	886.74	4917
24218	06/16/22	GOM02 GOMM'S TIRE	1,528.00	4917
24219	06/16/22	GRA01 GRAINGER INC.	4.01	4917
24220	06/16/22	GRI05 JOSEPH GRIPPO	400.00	4917
24221	06/16/22	GRI06 THOMAS GRIPPO	400.00	4917
24222	06/16/22	GSB01 GLATFELTER SPECIALTY BENEFITS	726.00	4917
24223	06/16/22	HAI04 ELLEN HAID	119.55	4917
24224	06/16/22	HOM02 HOME DEPOT CREDIT SERVICE	357.75	4917
24225	06/16/22	HOR04 HORIZON OFFICE EQUIPMENT	255.00	4917
24226	06/16/22	INT03 INTERNATIONAL AUTO BODY	2,550.63	4917
24227	06/16/22	IUE01 KAREN IUELE	110.00	4917
24228	06/16/22	JACOB005 JACOBUS, JENNIFER ATF LEE	1,753.05	4917
24229	06/16/22	JCP01 JCP&L	18.04	4917
24230	06/16/22	JER03 JERSEY PAPER PLUS	817.56	4917
24231	06/16/22	JES01 JESCO, INC.	413.17	4917
24232	06/16/22	KAS04 CAMILLE KASSAR	4,375.00	4917
24233	06/16/22	KIN08 KINNELON VOLUNTEER FIRE CO.	57,750.00	4917
24234	06/16/22	KIN09 KINNELON BOARD OF EDUCATION	3,321,495.67	4917
24235	06/16/22	LAK02 LAKELAND BANK EQUIP FINANCE	4,121.65	4917
24236	06/16/22	LAK13 LAKELAND AUTO PARTS	18.98	4917
24237	06/16/22	LAW01 LAWREN SUPPLY COMPANY OF NJ	1,206.20	4917
24238	06/16/22	LAW07 LAWSOFT INC.	5,195.00	4917
24239	06/16/22	LOE01 LOEFFEL'S WASTE OIL SERVICE	307.20	4917
24240	06/16/22	MAT04 MATTHIJSEN, INC.	2,340.00	4917
24241	06/16/22	MCI01 MCI EASTERN SECURITY SYSTEMS	165.00	4917
24242	06/16/22	MGL01 M.G.L. PRINTING SOLUTIONS	1,329.50	4917
24243	06/16/22	MIC07 MICROSYSTEMS-NJ.COM, L.L.C	120.00	4917
24244	06/16/22	MON14 MONMOUTH TELECOM	493.74	4917
24245	06/16/22	MOR21 MORRIS COUNTY M.U.A.	30,645.44	4917
24246	06/16/22	MOR52 MORRIS COUNTY MUNICIPAL JOINT	93,194.00	4917
24247	06/16/22	MUN01 MUN CLERK ASSOC OF MORRIS CTY	85.00	4917
24248	06/16/22	NEL01 SEAMUS NELSON	600.00	4917
24249	06/16/22	NEO01 QUADIENT, INC.	823.78	4917
24250	06/16/22	NES01 NESTLE PURE LIFE DIRECT	132.73	4917
24251	06/16/22	NEW31 NEWMAN SIGNS, INC.	222.13	4917
24252	06/16/22	NIE02 NIELSEN DODGE	952.80	4917
24253	06/16/22	NJA06 NJ ASSOC. OF CHIEFS OF POLICE	1,334.00	4917
24254	06/16/22	NJD07 NJ DEPT HEALTH & SENIOR SERV	61.20	4917
24255	06/16/22	NJLM01 NEW JERSEY STATE LEAGUE	175.00	4917
24256	06/16/22	NOR01 NORTH JERSEY CRT. ADMIN. ASSO.	40.00	4917
24257	06/16/22	NOR02 NORTH JERSEY MEDIA GROUP	293.97	4917
24258	06/16/22	NOR13 NORTH JERSEY MUNICIPAL	3,509.00	4917
24259	06/16/22	NOR18 NORTHEAST COMMUNICATIONS, INC.	409.68	4917
24260	06/16/22	NOR25 RICHARD F. NORMAN	400.00	4917
24261	06/16/22	OFF03 THE OFFICIAL FUN GUYS	1,580.00	4917
24262	06/16/22	ONE02 ONE CALL CONCEPTS, INC.	340.79	4917
24263	06/16/22	PAR09 PARAGON RESTORATION CORP.	58,065.00	4917
24264	06/16/22	PHO03 PHOENIX ADVISORS, LLC	1,050.00	4917
24265	06/16/22	PSE01 P.S.E. & G.	1,765.17	4917
24266	06/16/22	QUA10 QUALITY AUTO GLASS, INC	319.56	4917
24267	06/16/22	RAC02 RACHLES/MICHELE'S OIL CO., INC	2,905.69	4917

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GENERAL General Account Account Payab Continued					
24268	06/16/22	REI09 REINER GROUP INC.	2,110.00		4917
24269	06/16/22	RIO01 RIO SUPPLY INC	62.00		4917
24270	06/16/22	RIV07 RIVALRY SPORTS MEDICINE	1,025.00		4917
24271	06/16/22	RIZ01 RIZZO'S REPTILE DISCOVERY LLC	1,350.00		4917
24272	06/16/22	ROC04 ROCK N ROLL RACING	575.00		4917
24273	06/16/22	ROU01 ROUTE 23 AUTO MALL	577.19		4917
24274	06/16/22	RRM01 RRM SERVICES INCORPORATED	750.00		4917
24275	06/16/22	SCH30 MELANIE SCHUCKERS	60.24		4917
24276	06/16/22	SHA03 THE SHADE TREE DEPARTMENT LLC	1,154.11		4917
24277	06/16/22	SIM02 JOSEPH A. SIMONE	300.00		4917
24278	06/16/22	SKY05 SKYTOP RECYCLING	650.00		4917
24279	06/16/22	SMO01 SMOKE RISE CLUB	11,578.21		4917
24280	06/16/22	SOM02 SOME'S UNIFORMS WORLD-WIDE INC	15.00		4917
24281	06/16/22	SPR03 SEAN SPREEN	400.00		4917
24282	06/16/22	STA STAPLES ADVANTAGE, DEPT NY	873.52		4917
24283	06/16/22	STA30 STATE TOXICOLOGY LABORATORY	45.00		4917
24284	06/16/22	SUB03 SUBURBAN DISPOSAL INC.	62,805.55		4917
24285	06/16/22	TCT01 TCTA OF NJ	50.00		4917
24286	06/16/22	THY01 THYSSENKRUPP ELEVATOR CORP.	1,797.14		4917
24287	06/16/22	TIL01 TILCON NEW YORK INC.	1,790.04		4917
24288	06/16/22	TUR01 TURN-OUT UNIFORMS INC.	859.83		4917
24289	06/16/22	TYR01 TYREX RESOURCES LLC	733.00		4917
24290	06/16/22	VER11 VERIZON WIRELESS - KPD	152.04		4917
24291	06/16/22	VER15 VERIZON CONNECT NWF, INC	528.89		4917
24292	06/16/22	VOZ01 THE VOZZA AGENCY INC	9,431.90		4917
24293	06/16/22	WAS04 WASH HOUNDS	108.00		4917
24294	06/16/22	WAS05 MICHAEL WASHINGTON	1,200.00		4917
24295	06/16/22	WUB01 ANDREW WUBBENHORST	159.83		4917
24296	06/16/22	XTR01 XTREME GRAPHIX, LLC	20.00		4917
24297	06/16/22	YANCH005 YANCHUN ZHANG	97,472.43		4917
24298	06/16/22	ZIM01 ELLIOT ZIMET PRODUCTIONS LLC	3,000.00		4917

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	132	0	3,894,462.22	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	132	0	3,894,462.22	0.00

PLANNING 2	Columbia Bank	Amount Paid	Reconciled/Void	Ref Num
1854	06/16/22 DAR01 DARMOFALSKI ENGINEERING ASSOC.	0.00	06/16/22 VOID	0
1855	06/16/22 DAR01 DARMOFALSKI ENGINEERING ASSOC.	2,250.00		4918
1856	06/16/22 DMC01 DMC ASSOCIATES INC.	175.00		4918

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	2	1	2,425.00	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	2	1	2,425.00	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	134	1	3,896,887.22	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	134	1	3,896,887.22	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	1-01	13,827.39	0.00	0.00	13,827.39
CURRENT FUND	2-01	3,695,154.47	0.00	0.00	3,695,154.47
WATER FUND	2-05	22,834.48	0.00	0.00	22,834.48
	Year Total:	3,717,988.95	0.00	0.00	3,717,988.95
	C-04	19,985.00	0.00	0.00	19,985.00
DOG TAX	D-13	61.20	0.00	0.00	61.20
STATE AND FEDERAL GRANTS	G-02	58,065.00	0.00	0.00	58,065.00
	L-22	3,125.00	0.00	0.00	3,125.00
TAX SALE FUND	Q-32	60,200.00	0.00	0.00	60,200.00
RECREATION SPECIAL	R-16	20,761.61	0.00	0.00	20,761.61
RECYCLE FUND	Y-21	448.07	0.00	0.00	448.07
	Total of All Funds:	3,894,462.22	0.00	0.00	3,894,462.22

Project Description	Project No.	Project Total
901 East Gate #10901105	10901105	125.00
505 PEPPERIDGE TREE LANE	11904111	250.00
14 TOBOGGAN #1523A NORVIS	1523A	125.00
43 LAKESIDE DR	1537	375.00
19 REAGAN WAY	300011507	500.00
43 SAMWORTH RD	45403	125.00
9 MIDLAND TRL SOSNIAK 45601128	45601128	125.00
4 ELIZABETH J.TANIS	56703122A	125.00
BADAAN #57201110 43 GRACEVIEW	57201110	500.00
GELENTER 15 HEMLOCK #843	843	175.00
Total of All Projects:		<u>2,425.00</u>

June 16, 2022

Roll Call: R. Roy, Yes; V. Russo, Yes;
S. Mabey, Yes; R. Charlies, Yes.

CONSENT AGENDA:

A motion was offered by Councilman V. Russo and seconded by Councilman R. Charles, the following motions and resolutions were offered for approval.

- a. Resolution: 06.01.22 Renewal Liquor License – Smoke Rise Club, Inc. 2022/2023
- b. Resolution: 06.02.22 Renewal Liquor License – Kinnelon Restaurant Corp. 2022/2023
- c. Resolution: 06.03.22 Renewal Liquor License – EKTA D H Corporation 2022/2023
- d. Resolution: 06.04.22 Approving Stipulation of Settlement of Tax Appeal by Georgianna Hook on Property Known as Block 11803, Lot 102 (720 Ridge Road), Borough of Kinnelon
- e. Resolution: 06.05.22 Tax Redemption-Lien #20000006-Block 57501, Lot 137-7 Woodland Court - \$60,200.00
- f. Resolution: 06.06.22 Soil Disturbance Permit – 25 Red Oak Lane – Block 11702 Lot 103
- g. Resolution:06.07.22 Authorize Borough Clerk to Advertise for Sealed bids for Basic Solid Waste Collection & Dual Stream Recyclable Material Collection
- h. Resolution: 06.08.22 Refund Building Permit fees to Reiner Group-Renovations to Reformed Church in Kinnelon
- i. Resolution: 06.09.22 Authorize Chief of Police to hire New Police Officer Louis Albanese
- j. Resolution: 06.10.22 Overpayment Property Taxes 2021 Jacobus, Jennifer Atf Lee – Block 11703 Lot 115-780 West Shore Drive - \$1,753.05
- k. Resolution: 06.11.22 Person to Person Transfer-Mike and Angelos Park In Pizza Inc. to Tulsee LLC
- l. Resolution: 06.12.22 Approval to Submit Grant Application – Improvements Powderhorn Drive, Tammy Terrace, Scott Court, Christine Court
- m. Resolution: 06.13.22 Salary Resolution for the year 2022
- n. Resolution: 6.14.22 Soil Disturbance Permit – 24 Red Oak Lane – Block 11701 Lot 128
- o. Minutes approval: May 10, 2022, May 19, 2022
- p. Raffle License KN-864-KB Kinnelon High School Football Assoc.

RESOLUTION 6.01 .22

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Morris County, New Jersey, that the application of SMOKE RISE CLUB, INC., T/A SMOKE RISE VILLAGE INN State Assigned License Number 1415-33-004-003, for Plenary Retail Consumption License for premises situated on 9 Perimeter Road, Kinnelon, New Jersey, at the fee of \$2,136.00 for the 2022/2023 license period beginning July 1, 2022, be and the same is hereby granted; and

NOW THEREFORE BE IT FURTHER RESLOVED, that Karen M. luele, 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 16, 2022



James J. Freda, Mayor

CEERTIFIED to be a true copy of a resolution, which was adopted at the regular Mayor and Council meeting of the Kinnelon Mayor and Council held on June 16, 2022.

Dated: June 16, 2022



Karen M. luele, RMC
Kinnelon Borough Clerk

RESOLUTION 6. *02* .22

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Morris County, New Jersey, that the application of KINNELON RESTAURANT COPR. State Assigned License Number 1415-33-001-012, for Plenary Retail Consumption License for premises situated on 174 Kinnelon Road, New Jersey, at the fee of \$2,136.00 for the 2022/2023 license period beginning July 1, 2022, be and the same is hereby granted; and

NOW THEREFORE BE IT FURTHER RESLOVED, that Karen M. luele, 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 16, 2022



James J. Freda, Mayor

CEERTIFIED to be a true copy of a resolution, which was adopted at the regular Mayor and Council meeting of the Kinnelon Mayor and Council held on June 16, 2022.

Dated: June 16, 2022



Karen M. luele, RMC
Kinnelon Borough Clerk

RESOLUTION 6.03.22

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, Morris County, New Jersey, that the application of EKTA D H CORPORATION , T/A ROSERNE LIQUORS NORTHBOUND State Assigned License Number 1415-44-002-005, for Plenary Retail Consumption License for premises situated on 1150 Route 23 North, Kinnelon, New Jersey, at the fee of \$1,939.00 for the 2022/2023 license period beginning July 1, 2022, be and the same is hereby granted; and

NOW THEREFORE BE IT FURTHER RESLOVED, that Karen M. luele, 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 16, 2022



James J. Freda, Mayor

CEERTIFIED to be a true copy of a resolution, which was adopted at the regular Mayor and Council meeting of the Kinnelon Mayor and Council held on June 16, 2022.

Dated: June 16, 2022



Karen M. luele, RMC
Kinnelon Borough Clerk

Jackie (KN-4)
Hook Settlement Resolution
052422

RESOLUTION NO. 06.04.22 RESOLUTION APPROVING STIPULATION OF SETTLEMENT OF TAX APPEAL BY GEORGIANNA HOOK ON PROPERTY KNOWN AS BLOCK 11803, LOT 102 (720 RIDGE ROAD), BOROUGH OF KINNELON, MORRIS COUNTY, NEW JERSEY

WHEREAS, Georgianna Hook filed a tax appeal against the Borough of Kinnelon ("Borough") to the Tax Court of New Jersey for the Tax Year 2021 challenging the assessment of real property known as Block 11803, Lot 102 (720 Ridge Road) 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.

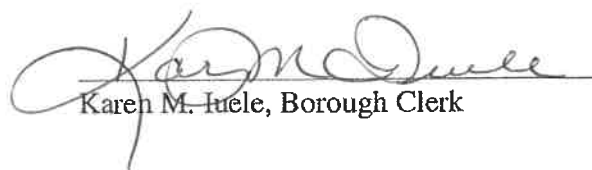
NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Kinnelon, County of Morris, State of New Jersey, they being the Governing Body thereof as follows:

1. The settlement of the tax appeal for Block 11803, Lot 102 (720 Ridge Road) reducing the total assessment of \$525,000 to 500,000 for the 2021 tax year 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 16, 2022.


Karen M. Iuele, Borough Clerk

RESOLUTION # 06.05.22


BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to YANCHUN ZHANG in the amount of \$97,472.43 for the redemption of the 3rd party TAX LIEN #20000006 on Block 57501, Lot 137 known as 7 WOODLAND COURT. This amount represents the \$37,272.43 received by the Tax Collector for the redemption of the lien and the return of \$60,200.00 premium paid at the time of Tax Sale.

ROLL CALL: Councilman Mabey
Councilman Roy
Councilman Russo
Councilman Charles

June 17, 2022
Judith O'Brien, CTC
Tax Collector
Borough of Kinnelon

I, Karen M. Iuele, 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 17, 2022.

Date: 6/17/2022


Karen M. Iuele, Borough Clerk

RESOLUTION 06.06.22


AUTHORIZING SOIL DISTURBANCE PERMIT
25 RED OAK LANE-BLOCK 11702 LOT 103

WHEREAS, the Mayor and Council of the Borough of Kinnelon approves the Soil Disturbance Permit for 25 Red Oak Lane, Block 11702 Lot 103; and

WHEREAS, Steven Liebezeit has met all the requirements and approvals with Darmofalski Engineering Associates, Inc.; and

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve the Soil Disturbance, 25 Red Oak Lane, Kinnelon NJ.

Dated: June 16, 2022


Karen M. Luele, RMC
Borough Clerk

RESOLUTION 6.07 .22

AUTHORIZE BOROUGH CLERK
TO ADVERTISE FOR SEALED BIDS FOR
BASIC SOLID WASTE REFUSE COLLECTION
AND DUAL STREAM RECYCLABLE
MATERIAL COLLECTION

WHEREAS, the Kinnelon Mayor and Council desires for the Borough Clerk to advertise for sealed bids for Basic Solid Waste Refuse Collection and Dual Stream Recyclable Material Collection; and

NOW, THEREFORE, BE IT RESOLVED that the Kinnelon Mayor and Council do hereby authorize the Borough Clerk to advertise for sealed bids for Kinnelon Basic Solid Waste Refuse Collection and Dual Stream Recyclable Material Collection, when bids are available from the Borough Attorney.

June 16, 2022


Karen Luele, Borough Clerk

RESOLUTION 06.08.22

TO REFUND BUILDING PERMIT FEES TO
REINER GROUP INC. FOR RENOVATIONS
TO REFORMED CHURCH IN KINNELON

WHEREAS, as building permit #22-153 was issued and paid for by the Reiner Group Inc. for renovations to the Reformed Church in Kinnelon at 155 Kinnelon Road, Kinnelon, New Jersey; and

WHEREAS, the building permit fee for the renovation was in the amount for \$485.00; and

WHEREAS, Chapter 105-3, Section C of the Borough of Kinnelon Code states that the building permit fees for non-profit tax-exempt organizations whose charitable contributions are tax deductible for federal income tax purposes shall be waived.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon, authorizes the building permit fee for the renovations in the amount of \$485.00 be refunded to Reiner Group Inc.

Dated: June 16, 2022


Karen M. Luele,
Borough Clerk, RMC

RESOLUTION 06.09.22


AUTHORIZE CHIEF OF POLICE TO
HIRE A NEW POLICE OFFICER FOR
THE BOROUGH OF KINNELON

WHEREAS, the Kinnelon Mayor and Council desires for the Chief of Police to hire a new police officer;

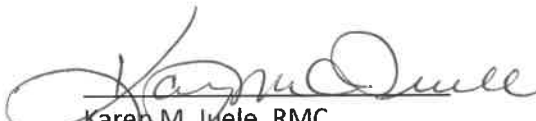
WHEREAS, the Kinnelon Police Department has hired Patrolman Louis Albanese as of June 1, 2022 as his anniversary date, with a salary of \$49,130.00.

NOW, THEREFORE, BE IT RESOLVED that the Kinnelon Mayor and Council do hereby authorize the Chief of Police to hire the new police officer Patrolman Louis Albanese for the Borough of Kinnelon with a salary of \$49,130.00.

Dated: June 16, 2022

BY: 
James J. Freda, Mayor

ATTEST:


Karen M. Luele, RMC
Borough Clerk

CERTIFICATION

I, Karen M. Luele, Kinnelon Borough Clerk, hereby certify that the foregoing is a true and complete copy of the Resolution which was adopted by the Mayor and Council of the Borough of Kinnelon at the Regular Meeting held on the 16th day of June 2022.

RESOLUTION # 06.10.22

BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to JACOBUS, JENNIFER ATF LEE in the amount of \$1,753.05 for overpayment of 2021 property taxes on Block 11703, Lot 115 known as 780 West Shore Drive, due to a successful State Tax Board appeal in 2020 and Freeze Year of 2021.

ROLL CALL: *Councilman Mabry*
Councilman Roy
Councilman Russo
Councilman Charles

June 16, 2022
Judith O'Brien, CTC
Tax Collector
Borough of Kinnelon

I, Karen M. Iuele, 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 16, 2022.

Date: 6/16/2022



Karen M. Iuele, Borough Clerk

RESOLUTION: 06. 11.22

ALCOHOLIC BEVERAGE RESOLUTION
PERSON TO PERSON TRANSFER

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License 1415-33-003-006, heretofore issued to Mike and Angelos Park In Pizza, Inc, Kinnelon NJ 07405; and

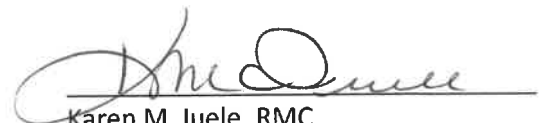
WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, an well as pertinent local ordinances and condition consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Kinnelon does hereby approve, effective June 08, 2022, the transfer of the aforesaid Plenary Retail Consumption License to Tulsee LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follow: "This license, subject to all its terms and conditions, is hereby transferred to Tulsee LLC, effective June 08, 2022.

Date: June 08, 2022


Karen M. Luele, RMC
Borough Clerk

RESOLUTION – 06.12 .22

RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO POWDERHORN DRIVE, TAMMY TERRACE, SCOTT COURT, AND CHRISTINE COURT

WHEREAS, 2023 Municipal Aid funds are available through the New Jersey Department of Transportation; and,

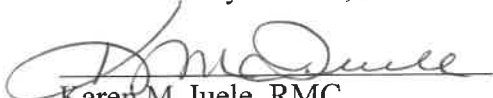
WHEREAS, the Kinnelon Mayor and Council desire to perform improvements to the entire lengths of Powderhorn Drive, Tammy Terrace, Scott Court, and Christine Court, beginning at Cutlass Road and ending at the cul-de-sac of Powderhorn Drive, including pavement resurfacing, drainage improvements, traffic control signs, and long-life striping.

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-2023-Powderhorn Drive Area Improvements-00346 to the New Jersey Department of Transportation on behalf of Kinnelon Borough; and,

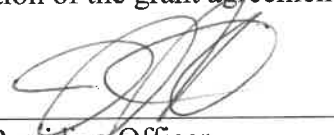
BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Kinnelon Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on
This 16th Day of June, 2022.


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

RESOLUTION 6.13.22

RESOLUTION SALARY
FOR EMPLOYEES FOR
THE YEAR 2022

BEI IT RESOLVED by the Kinnelon Mayor and Council that the following salaries for Hereinafter listed official positions of employment for the 2022, commencing on January 1, 2022, shall be as follows:

DEPARTMENT/ROLE	SALARY/HOURLY WAGE
Crossing Guards	\$ 19.20/hour
Special Resource Officers – Mark West, Russel Curving	\$ 31.83/hour
Special Resource Officer – Steven Caputo	\$ 32.47/hour
Qualified Purchasing Agent – Charles Daniel	\$ 2,250.00
Zoning Officer – Mark Thomas	\$ 14,193.30
Judge – Andrew Wubbenhorst	\$ 31,685.42
Tax Collector – Judi O’Brien	\$ 32,800.00
Tax Assessor – Chris Lauver	\$ 36,500.00
Accounts Payable/Admin Assistant/Tax Clerk – Laura Gakos	\$ 42,500.00
Deputy Tax and Utility Collector – Leigh Irwin	\$ 43,500.00
Payroll Clerk/Recreation Assistant/Deputy Registrar – Ellen Haid	\$ 46,548.00
Court Clerk – Dara Tanzola	\$ 68,240.00
Treasurer/Registrar – Jennifer Stillman	\$ 77,852.00
Recreation Director – Melanie Schuckers	\$ 81,000.00
Clerk/Manager/Environmental Secretary – Karen luele	\$101,971.00
Lieutenant – Nicholas Cifelli	\$150,625.00
Lieutenant – David Crouthamel	\$150,625.00
CMFO/Administrator – Charles Daniel	\$165,000.00
Chief – Joseph Napoletano	\$166,000.00

Dated: June 16, 2022



James J. Freda, Mayor

RESOLUTION 06.14.22

AUTHORIZING SOIL DISTURBANCE PERMIT
24 RED OAK LANE-BLOCK 11701 LOT 128

WHEREAS, the Mayor and Council of the Borough of Kinnelon approves the Soil Disturbance Permit for 24 Red Oak Lane, Block 11701 Lot 128; and

WHEREAS, Jason & Melissa Smith has met all the requirements and approvals with Darmofalski Engineering Associates, Inc.; and

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve the Soil Disturbance, 24 Red Oak Lane, Kinnelon NJ.

Dated: June 16, 2022

A handwritten signature in black ink, appearing to read "Karen M. Luele", written over a horizontal line.

Karen M. Luele, RMC
Borough Clerk

ORDINANCE NO. 06-22

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF KINNELON BY THE ADDITION OF ARTICLE II, RIGHTS-OF-WAY PERMITS, OF CHAPTER 189, UTILITY POLES AND FACILITIES

WHEREAS, the Borough of Kinnelon (“Borough”) is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities (“Small Cells”); and

WHEREAS, it is “axiomatic that municipal corporations are required to exercise ordinary care to maintain their streets and sidewalks...[n]or may a municipality in any way surrender or impair its control over the streets”, McQuillan Mun. Corp. (3rd Ed), Section 30.73; and

WHEREAS, the Borough acknowledges that its streets “are used for the ordinary purposes of travel and such other uses as customarily pertain thereto which, in recent years, are numerous and various. It thus follows that these public ways must be kept free from obstruction, nuisances, or unreasonable encroachments which destroy, in whole or in part, or materially impair, their use as public thoroughfares”, Id.; and

WHEREAS, the Borough has determined that its Municipal Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exist as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

WHEREAS, the Federal Telecommunications Act preserves local government’s ability to “manage the public Rights-of-Way...on a competitively neutral and non-discriminatory basis”, 47 U.S.C. 253(c); and

WHEREAS, the Federal Telecommunications Act preserves local government's authority over the, "placement, construction and modification of personal wireless service facilities", 47 U.S.C. 332(c)(7)(A); and

WHEREAS, the Federal Telecommunications Act makes it unlawful for local government to prohibit or have the effect of prohibiting the provision of personal wireless service, 47 U.S.C. 332(c)(7)(B)(i)(II); and

WHEREAS, the Federal Telecommunications Act provides that municipalities "shall not unreasonably discriminate among providers of functionally equivalent services, 47 U.S.C. 332(c)(7)(B)(i)(I); and

WHEREAS, recent developments in wireless technology, specifically the development of 5G, involve the placement of Small Cells and Cabinets in the Municipal Rights-of-Way; and

WHEREAS, New Jersey municipalities must grant consent before a Small Cell, i.e. a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of new Poles within the municipal Rights-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the Federal Highway Administration has acknowledged the problem of overburdening the Municipal Rights-of-Way by stating, "[as] demand for the finite space in existing ROW increases, the difficulty and cost of adding new utility facilities and relocating existing utility facilities also increases. Just as significant is how utility service interruptions may add to public discontent with overall highway construction. It is, therefore, essential for planners, designers, and builders of street and highway projects to avoid unnecessary utility relocations...", Federal Highway Administration, Avoiding Utility Relocations, <https://www.fhwa.dot.gov/utilities/utilityrelo/2.cfm>; and

WHEREAS, the Federal Communications Commission (the “FCC”) has recently adopted an order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” WT Docket No. 17-79; WC Docket 17-84, which places a shot clock on municipal approval for the placement of Small Cells on Existing Poles and the placement of new Poles and Cabinets in the Municipal Rights-of-Way; and

WHEREAS, the erection of new Poles and Ground Level Cabinets in the Municipal Rights-of-Way raise significant aesthetic and safety concerns; and

WHEREAS, Ground Level Cabinets attached to small cells trigger certain collocation requirements pursuant to Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012, which raises serious concerns as to the ability of local government to protect the public’s interest in the Municipal Rights-of-Way when it comes to aesthetics and the ability of the public to pass and repass over same; and

WHEREAS, new Poles and Ground Level Cabinets also raise concerns related to sight triangles and other safety related issues related to the use of roadways by the public; and

WHEREAS, it is the Borough’s goal to increase collocation of antennas, to the maximum amount possible, on existing poles thereby precluding the proliferation of new poles; and

WHEREAS, the Borough understands that technology is advancing in this area and that greater collocation may be required as same becomes more technologically possible; and

WHEREAS, the FCC in its recent Order provides that municipalities can impose aesthetic requirements on Small Cells where said requirements are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployments; and 3) published in advance; and

WHEREAS, the FCC in its recent order further clarified what it considers “reasonable” aesthetic requirements by stating that “in assessing that this standard has been met, aesthetic requirements that are more burdensome than those the State or locality applies to similar infrastructure deployments are not permissible, because such discriminatory application evidences that the requirements are not, in fact, reasonable and directed at remedying the impact of the wireless infrastructure deployment;” and

WHEREAS, the FCC’s requirement that, in order to protect the aesthetics of the Borough’s Municipal Rights-of-Way, it must treat like infrastructure in a like manner, necessitates the introduction of broader aesthetic requirements that apply to all Poles and Antennas and Cabinets in the Municipal Rights-of-Way and not just to Small Cells; and

WHEREAS, the Borough has determined that the most efficient way to handle this process is to create a Rights-of-Way Permit system for all new Poles, Cabinets and Antennas in the Municipal Rights-of-Way; and

WHEREAS, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

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

SECTION ONE. Chapter 189, Utility Poles and Facilities, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby amended and supplemented by the addition of Article I, Erection and Placement of Poles and Facilities, with the following existing Sections of Chapter 189 being designated and included as part of Article I, Erection and Placement of Poles and Facilities:

ARTICLE I ERECTION AND PLACEMENT OF POLES AND FACILITIES

§189-1 **Plan required.**

§189-2 **Placement.**

§189-3 **Information to be included in plan.**

§189-4 **Additional information.**

§189-5 **Approval required.**

§189-6 **Time limit for approval or denial of new facilities.**

§189-7 **Replacement facilities.**

§189-8 **Written denial; reapplication.**

§189-9 **Rules and regulations provided.**

SECTION TWO. Chapter 189, Utility Poles and Facilities, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby amended and supplemented by the addition of Article II, Rights-of-Way Permits, as follows:

ARTICLE II RIGHTS-OF-WAY PERMITS

§189-10 **Definitions.**

- A. “Anticipated Municipal Expenses” means the cost of processing an application for a Rights-of-Way Permit including, but not limited to, all professional fees such as engineering and attorney costs incurred by the Borough.
- B. “Cabinet” shall mean a small box-like or rectangular structure used to facilitate utility or wireless service from within the Municipal Rights-of-Way.
- C. “Electric Distribution System” shall mean the part of the electric system, after the transmission system, that is dedicated to delivering electric energy to an end user.
- D. “Existing Pole” shall mean a pole that is in lawful existence within the Municipal Rights-of-Way.
- E. “Ground Level Cabinets” shall mean a Cabinet that is not attached to an existing pole and is touching or directly supported by the ground.
- F. “Municipal Right-of-Way” or “Municipal Rights-of-Way” shall mean the surface of, and the space above or below, any public street, road, place, public way or place, sidewalk, alley, boulevard, parkway, drive held by the Borough as an easement or in fee simple ownership. This term also includes rights-of-way held by the County of Morris where the Borough’s approval is required for the use of same pursuant to N.J.S.A. 27:16-6. This term shall not include private roadways.

- G. "Pole" shall mean a long, slender, rounded piece of wood, concrete or metal.
- H. "Pole Mounted Antenna" shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells, and outside distributed antenna systems.
- I. "Pole Mounted Cabinet" shall mean a Cabinet that is proposed to be placed on an Existing or Proposed Pole.
- J. "Proposed Pole" shall mean a Pole that is proposed to be placed in the Municipal Rights-of-Way.
- K. "Rights-of-Way Agreement" shall mean an agreement that sets forth the terms and conditions for use of the Municipal Rights-of-Way and includes, but is not limited to, municipal franchise agreements.
- L. "Rights-of-Way Permit" shall mean an approval from the Borough setting forth applicant's compliance with the requirements of this Chapter.
- M. "Surrounding Streetscape" shall mean Existing Poles within the same rights-of-way which are located within five hundred linear (500) feet of the Proposed Pole.
- N. "Borough Council" shall mean the Borough Council of the Borough of Kinnelon.
- O. "Utilities Regulated by the Board of Public Utilities" shall mean companies subject to regulation by the New Jersey Board of Public Utilities under Title 48 of the Revised Statutes.
- P. "Utility Service" shall mean electric, telephone, or cable service.
- Q. "Zone, Non-Residential" shall mean the Commercial Zone, Restricted Commercial Zone, Limited Industrial Zone and Restricted Recreation Zone as designated in Chapter 207, Zoning, of the Code of the Borough of Kinnelon.
- R. "Zone, Residential" shall mean any zones permitting single family, two family, or multifamily residences, assisted-living residences, nursing homes, and/or residential health care facilities.

§189-11 Access to Rights-of-Way, Rights-of-Way Agreements.

- A. No person shall operate or place any type of Pole Mounted Antenna, Cabinet or Pole within the Municipal Rights-of-Way without first entering into a Rights-of-Way Agreement pursuant to the provisions of this Section.

B. The terms of said Rights-of-Way Agreement shall include:

- i. A term not to exceed 15 (fifteen) years;
- ii. Reasonable insurance requirements;
- iii. Fine for unauthorized installations;
- iv. A reference to the siting standards as set forth in this Chapter; and
- v. Any other items which may reasonably be required.

§189-12 Application to utilities regulated by the Board of Public Utilities.

Notwithstanding any franchise or Rights-of-Way Agreement to the contrary, all Antennas, Poles and Cabinets proposed to be placed within the Municipal Rights-of-Way by a Utility Regulated by the Board of Public Utilities, or any other entity with legal access to the Municipal Rights-of-Way, shall be subject to the standards and procedures set forth in this Chapter and shall require Rights-of-Way Permits for the siting of Poles, Antennas and Cabinets in the Municipal Rights-of-Way.

§189-13 Rights-of-Way Permits, Siting standards for poles, antennas and cabinets in the Rights-of-Way.

A. No Pole, Antenna or Cabinet shall be installed within the Municipal Rights-of-Way without the issuance of a Rights-of-Way Permit.

B. Pole Siting Standards:

- i. Height. No Pole shall be taller than thirty-five (35) feet or 110% of the average height of Poles in the Surrounding Streetscape, whichever is higher.
- ii. Location, Safety and Aesthetics. No Pole shall be erected in the Rights-of-Way unless it:

1. Is used to bring Utility Service across the Rights-of-Way to an existing or proposed development from an Existing Pole; or
2. Is replacing an Existing Pole; or
3. Approved pursuant to a land development application by either the Borough's Zoning Board of Adjustment or Planning Board pursuant a land use application; or
4. Located on the opposite side of the street from the Electric Distribution System; and
5. For sites in Residential Zones, is two hundred linear feet from any other Existing Pole or Proposed Pole along the same side of the street, or for sites in Non-Residential Zones is one hundred linear feet from any other Existing Pole or Proposed Pole along the same side of the street; and
6. Is not located in an area with underground utilities; and
7. Does not inhibit any existing sight triangles or sight distance; and
8. Allows adequate room for the public to pass and re-pass across the Municipal Rights-of-Way; and

9. Is finished and/or painted, constructed and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties, and to permit the colocation of additional Pole Mounted Antennas thereon.

C. Ground Level Cabinet Site Standards

- i. Ground Level Cabinets are prohibited in Residential Zones.
- ii. Ground Level Cabinets are permitted in Non-Residential Zones provided that each Ground Level Cabinet:

- 1. Is less than twenty-eight cubic (28) feet in volume; and
- 2. Is finished and/or painted to blend in compatibly with its background to minimize its visual impact on surrounding properties; and
- 3. Does not inhibit any existing sight triangles or sight distance; and
- 4. Allows adequate room for the public to pass and repass across the Municipal Rights-of-Way.

D. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards

- i. Pole Mounted Antennas are permitted on Existing Poles in all zones, provided that each Pole Mounted Antenna:

- 1. Does not exceed three (3) cubic feet in volume; and
- 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, to blend in compatibly with its background to minimize its visual impact on surrounding properties; and
- 3. Does not inhibit sight triangles or sight distance; and
- 4. Allows adequate room for the public to pass and repass across the Municipal Rights-of-Way.

- ii. Pole Mounted Cabinets are permitted on Existing Poles in all zones, provided that each Pole Mounted Cabinet:

- 1. Does not exceed sixteen (16) cubic feet; and
- 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, to blend in compatibly with its background to minimize its visual impact on surrounding properties; and
- 3. Does not inhibit sight triangles or sight distance; and
- 4. Allows adequate room for the public to pass and repass across the Municipal Rights-of-Way.

iii. The Borough may also require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet and the structure on which it is proposed to be mounted.

§189-14 Application process.

- A. Pre-Application Meeting - While not required by the Borough, prior to making a formal application with the Borough for use of the Municipal Rights-of-Way, all applicants are advised to meet with the Borough Engineer to review the scope of applicant's proposal.
- B. The Borough Council shall, by Resolution, approve or disapprove every Rights-of-Way Permit application based on the recommendations provided to it pursuant to subsection (e) below.
- C. All applications made under this Chapter which trigger Federal Communications Commission shot clock rules pursuant to the Federal Communications Commission Order "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 17-84 shall be processed on an expedited basis.
- D. Every application for a Proposed Pole must include a stamped survey prepared by a New Jersey licensed surveyor demonstrating that any such Proposed Pole is located within the Municipal Rights-of-Way. An application which does not include such a survey shall immediately be deemed incomplete.
- E. The Borough Engineer shall review applications made pursuant to this Chapter and advise the Borough Council of his or her recommendation to approve or disapprove same. If he or she recommends that an application be disapproved, the factual basis for that recommendation must be transmitted to the Borough Council in writing.
- F. If the Borough Council denies any application made under this Chapter, it shall do so in writing and set forth the factual basis therefor.

§189-15 Waiver.

- A. The Borough Council may, by Resolution, waive any siting standard set forth in Section 189-13 where the applicant demonstrates that strict enforcement of said standard:
- i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C. 253(a); or
 - ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(II); or

iii. Will violate any requirement set forth by the Federal Communications Commission Order “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment.” WT Docket No. 17-79; WC Docket 17-84.

§189-16 Rights-of-Way Permit Fees and deposit towards anticipated municipal expenses.

A. Every Rights-of-Way Permit application must include a Rights-of-Way Permit Fee in the following amounts:

- i. One (1) to five (5) collocation sites on Existing Poles- \$500.00.
- ii. Each additional collocation site on an Existing Pole- \$100.00.

B. Deposit Towards Anticipated Municipal Expenses

- i. In addition to the Rights-of-Way Permit Fee, the Borough Engineer may, in his or her own discretion, require the posting of a Two Thousand Dollar (\$2,000.00) Deposit Towards Anticipated Municipal Expenses related to an application made pursuant to this Chapter.
- ii. Applicant’s Deposit Towards Anticipated Municipal Expenses shall be placed in an escrow account. If said deposit contains insufficient funds to enable the Borough to perform its review, the Chief Financial Officer of the Borough or designee shall provide applicant a notice of insufficient balance. In order for review to continue, the applicant shall, within ten (10) days post a deposit to the account in an amount to be mutually agreed upon.
- iii. The Chief Financial Officer or designee shall, upon request by the applicant, and after a final decision has been made by the Borough Council regarding his or her pending Rights-of-Way Permit application, and subject to review by the Borough Engineer, refund any unused balance from applicant’s Deposit Towards Anticipated Municipal Expenses.

§189-17 Colocation requirement.

Any applicant for a Rights-of-Way permit shall, as a condition to the issuance of same, permit the collocation of Pole Mounted Antennas onto any new Pole to the maximum amount that collocation is technically feasible which, in any event, shall not be less than two Pole Mounted Antennas.

§189-18 Miscellaneous provisions.

A. Any approval received pursuant to this Chapter does not relieve the applicant from receiving consent from the owner of the land above which an applicant’s facility may be located as may be required under New Jersey law, or the owner of any existing pole on which the facility may be mounted.

B. Applicant must, in addition to receiving a Rights-of-Way Permit, also receive all necessary road opening permits, construction permits and any other requirement set forth in the Code of the Borough of Kinnelon or state statutes.

C. The Borough's consent for use of County Roads, as required pursuant to N.J.S.A. 27:16-6, shall take the form of a Rights-of-Way Permit subject to the standards and application process set forth in this Chapter. No such applicant shall be required to enter into a Rights-of-Way Agreement with the Borough.

D. Applicant must comply with all applicable state, local and federal regulations.

E. Any agreement or Rights-of-Way permit issued pursuant to this Chapter shall not supersede or in any way take the place of any local approvals or franchises which otherwise in the future may be required by applicant under the New Jersey Cable Television Act, N.J.S.A. 48:5A-1, et seq.

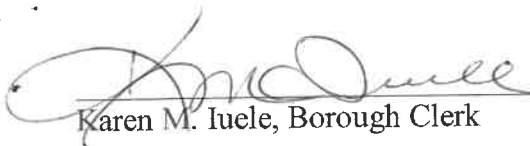
SECTION THREE. All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

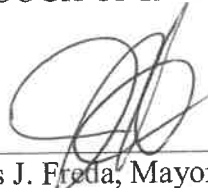
SECTION FOUR. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION FIVE. This Ordinance shall take effect as provided by law.

ATTEST

BOROUGH OF KINNELON


Karen M. Iuele, Borough Clerk


James J. Freda, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk, 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 first reading at a regular meeting of the Kinnelon Borough Council held on May 19, 2022 and adopted by the Governing Body at a regular meeting of the Borough held on June 16, 2022.


Karen M. Iuele, Borough Clerk

**ORDINANCE NO. _____7-2022 AN ORDINANCE AMENDING CHAPTER 199
“WATER” OF THE CODE OF THE BOROUGH OF
KINNELON TO REPEAL SECTIONS 199-21 AND 199-23,
AND AMEND SUBSECTION “A” OF SECTION 199-25
“WATER RATES, FEES AND CHARGES”**

WHEREAS, the Borough of Kinnelon (“Borough”) desires to amend Chapter 199, Water, of the Code of the Borough of Kinnelon in order to repeal Section 199-21 “Water charges and fees” and Section 199-23 “Power to amend by ordinance or resolution” to no longer allow the establishment of water rates, fees and charges by resolution as N.J.S.A. 40A:31-5 provides that municipalities are to establish water rates, fees and charges by ordinance; and

WHEREAS, Subsection “A” of Section 199-25 “Water rates, fees and charges” of Chapter 199 currently provides a schedule which sets forth the water rates, fees and charges for all users, and provides that charges in effect shall increase by 10% over the then existing charges on January 1 of each year ending in an even number; and

WHEREAS, the Borough desires to amend the schedule found at Section 199-25A(2) regarding metered water charges by inserting the rates as adjusted as of January 1, 2020, and, as of January 1, 2022, to cease the imposition of an automatic 10% increase in existing charges on January 1 of each year ending in an even number as set forth at Section 199-25A(3); and

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. Sections 199-21 “Water charges and fees” and 199-23 “Power to amend by ordinance or resolution” of Chapter 199, Water, of the Code of the Borough of Kinnelon are hereby **REPEALED**.

SECTION 2. Section 199-25A(2) of the Code of the Borough of Kinnelon shall be amended such that said section is stricken and replaced with the following language and shall now read as follows:

“(2) In addition to the fixed charge, all metered water shall be charged for as follows:

Usage (in gallons)	Cost per 1,000 Gallons
1 through 50,000	\$10.99
50,0001 through 100,000	\$13.18
100,001 through 150,000	\$14.65
150,001 and over	\$15.38”

SECTION 3. Section 199-25A(3) of the Code of the Borough of Kinnelon shall be stricken in its entirety, retroactive to January 1, 2022.

SECTION 4. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. 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 6. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:


Karen M. Iuele, RMC, Borough Clerk

BOROUGH OF KINNELON


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 19, 2022 and adopted by the Governing Body at a regular meeting of the Borough held on June 16, 2022


Karen M. Iuele, RMC, Borough Clerk

ORDINANCE NO. 08-22

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-36 “SCHEDULE VIII – STOP INTERSECTIONS” OF CHAPTER 84, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF KINNELON, TO DESIGNATE ADDITIONAL STOP INTERSECTIONS

WHEREAS, pursuant to N.J.S.A. 40:48-2, N.J.S.A. 39:4-8 and N.J.S.A. 39:4-197, 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 N.J.S.A. 40:48-2, or by any law, and is authorized to pass, without the approval of the New Jersey Commissioner of Transportation, an ordinance regulating the passage or stopping of traffic on certain congested street corners or other designated points that are under the jurisdiction of the Borough; and

WHEREAS, the Borough of Kinnelon desires to amend and supplement Section 84-36 “Schedule VIII – Stop intersections” of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon to provide for the designation of additional stop intersections.

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 84-36 “Schedule VIII – Stop intersections” of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby

amended and supplemented by the addition of the following:

Stop Sign on

Terminus of Strong Drive
Honeysuckle Lane
Derrygally Circle (both approaches)

At Intersection of

Derrygally Circle
Derrygally Circle
Western intersection of Strong Drive

SECTION 2. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. 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 4. 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. Fredda, 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 19, 2022 and adopted by the Governing Body at a regular meeting of the Borough held on June 16, 2022


Karen M. Iuele, RMC, Borough Clerk

ORDINANCE NO. 9-22— AN ORDINANCE AMENDING AND
SUPPLEMENTING ARTICLE XVI “WIRELESS
TELECOMMUNICATIONS TOWERS AND
ANTENNAS” IN CHAPTER 207 OF THE CODE OF THE
BOROUGH OF KINNELON TO PROVIDE GENERAL
REGULATIONS AND DESIGN STANDARDS FOR THE
LOCATION OF GOVERNMENTAL AND NON-
GOVERNMENTAL WIRELESS
TELECOMMUNICATIONS TOWERS AND ANTENNAS

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, pursuant to N.J.S.A. 40:55D-1 *et seq.* the governing body of a municipality may adopt land use, land development and zoning ordinances; and

WHEREAS, the Borough of Kinnelon desires to amend and supplement Article XVI, “Wireless Telecommunications Towers and Antennas” of Chapter 207 “Zoning” of the Code of the Borough of Kinnelon, to provide for general regulations and design standards for the location of governmental and non-governmental wireless telecommunications towers and antennas.

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. Article XVI, Section 207-83 “Purpose”, shall be amended such that the paragraph of said section is stricken and replaced with the following language and shall now read

as follows:

“This article establishes general regulations and design standards for the location of governmental and non-governmental wireless telecommunications towers and antennas. The goals of this article are: to avoid the incompatibility of towers and antennas with residential uses by prohibiting the location and siting of towers and antennas in the residential zones; as a first priority, to locate antennas on existing towers, structures and buildings rather than construct additional wireless telecommunications towers; as a second priority, to locate antennas and towers on municipally owned lands, public open space or park land; as a third priority, to locate towers in a nonresidential zone; to avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of towers; to encourage the collocation of antennas where technically feasible on any tower constructed under this article; and to prevent the construction, installation or placement of speculative towers where there is no demonstrated need.”

SECTION 2. Article XVI, Section 207-84 “Applicability; definitions and abbreviations”

shall be supplemented to include the following additional definition:

“**GOVERNMENTAL ANTENNA** – Any Antenna as defined herein which is owned, operated, maintained, repaired and replaced exclusively by a governmental entity and used exclusively for emergency and governmental communications purposes.”

SECTION 3. Article XVI, Section 207-86 “Locational and land use priority for towers and antennas” shall be amended such that Paragraph B of said section is stricken and replaced with the following language and shall now read as follows:

“B. The second priority location shall be on municipally owned lands, public open space or parkland.”

SECTION 4. Article XVI, Section 207-87 “Accessory uses and structures” shall be amended such that Paragraph A of said section is stricken and replaced with the following language and shall now read as follows:

“A. Notwithstanding anything in this Chapter 207 to the contrary, antennas are permitted as accessory uses and structures in all zone districts only if installed on a specific existing structure:

Structure	Block	Lot	Street
Relay tower	56502	113	Graceview Drive
Municipal water tower	45104	112	Lincoln Road

Water tank	34706	134	Cliff Trail
Municipal water tank	57401	147	Denise Drive
Department of Public Works Building	10801	102	Kinnelon Road”

SECTION 5. Article XVI, Section 207-89 “Permitted uses on public open space or parkland” shall be amended such that said section shall be re-titled and the paragraph of said section stricken and replaced with the following language and shall now read as follows:

“Permitted uses on municipally owned lands, public open space or parkland.

Where an applicant demonstrates in accordance with the requirements of **§207-91C(1)(e)** of this article that it is not technically feasible to install antennas on an existing tower, building or structure as enumerated in **§207-87** of this article, or where reasonable arrangements cannot be made with the owner of the existing tower structure or building listed in **§207-87** of this article, antennas and towers shall in next priority be a permitted use if located on municipally owned lands, public open space or parkland.”

SECTION 6. Article XVI, Section 207-90 “Permitted uses in all nonresidential zones” shall be amended such that the paragraph of said section is stricken and replaced with the following language and shall now read as follows:

“Where an applicant demonstrates in accordance with the requirements of **§207-91C(1)(e)** of this article that it is not technically feasible or where reasonable arrangements cannot be made with the owner to install antennas first on an existing tower, building or structure as enumerated in **§207-87** of this article or on municipally owned lands or on public open space or parkland in accordance with this article, then antennas and towers shall in next priority be a permitted use in all nonresidential zone districts of the Borough.”

SECTION 7. Article XVI, Section 207-91 “Supplementary regulations for location of towers” shall be amended such that the first paragraph of said section, Paragraph A, is stricken and replaced with the following language and shall now read as follows:

“A. Height and setbacks. Where an applicant proposing to construct a new tower demonstrates to the satisfaction of the reviewing agency that suitable locations to hold an antenna on an existing tower, building or structure in accordance with the requirements of **§207-91C(1)(e)** as enumerated in **§207-87** of this article either do not exist or are not available or where adequate and reasonable arrangements cannot be made with the owner of said structure to utilize the same, the applicant may propose a new tower on municipally

owned lands, public open space or parkland and, if the applicant demonstrates that it is not technically feasible to install antennas on municipally owned land or open space or parkland, then the applicant may propose a new tower on property in a nonresidential zone. The construction of any new tower shall be only in accordance with all zoning regulations of the zone in which the proposed structure is located and the following additional requirements:”

The subsections following Paragraph A shall remain unaffected by the aforesaid amendment.

SECTION 8. Article XVI, Section 207-94 “Application fees” shall be amended and supplemented such that said section shall be re-titled “Fees”, and said section replaced with the following language and shall now read as follows:

“207-94 **Fees.**

“A. Application fees. The applicant shall pay the site plan application fees set forth in §176-29 of the Borough’s Subdivision of Land Ordinance.

B. Expert fees. If the Planning Board or the Board of Adjustment requires the services of a radio frequency engineer or some other expert in connection with an application, the fees of such experts shall be paid by the applicant pursuant to §47-31L of the Land Use Procedures Ordinance.”

SECTION 9. Article XVI, Section 207-95 shall be amended such that said section is entirely stricken and replaced with the following language and shall now read as follows:

“§207-95 **Governmental Antenna.**

- A. Notwithstanding anything in this Chapter 207 to the contrary, a singular Governmental Antenna in the form of a monopole with a height not to exceed 100 feet, measured as defined herein, together with the related Wireless Telecommunications Equipment Compound, shall be permitted to be located on a portion of Block 57401 Lot 147, which property currently contains the Denise Drive water tank.
- B. Prior to the construction and installation of a Governmental Antenna in the form of a monopole on Block 57401 Lot 147, a site plan pursuant to section 176-37 E of this Code and section 207-92 of this article shall be submitted and approved.
- C. The construction and installation of the Governmental Antenna in the form of a monopole shall be subject to compliance with visual compatibility requirements in section 207-88 of this article.

D. The construction and installation of the Governmental Antenna in the form of a monopole shall be subject to all provisions of this Article XVI governing the installation of Antenna as otherwise not inconsistent with this section 207-96.”

SECTION 10. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 11. 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 12. 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 _____ and adopted by the Governing Body at a regular meeting of the Borough held on _____.

Karen M. Iuele, RMC, Borough Clerk

ORDINANCE # 10-22

BOND ORDINANCE APPROPRIATING \$1,750,000, AND AUTHORIZING THE ISSUANCE OF \$1,666,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Kinnelon, in the County of Morris, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,750,000 including the aggregate sum of \$84,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,750,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,666,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes,

negotiable notes of the Borough in a principal amount not exceeding \$1,666,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of municipally-owned facilities in and by the Borough, including the Municipal Building and the Library by the upgrade of the heating, ventilation and air conditioning systems therein, together with all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$1,250,000	\$1,190,400
(b) Improvement of various roads in and by the Borough, by the reconstruction and resurfacing thereof to provide a roadway pavement of at least equal in useful life or durability to a roadway pavement of Class B reconstruction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including without limitation, roads in the Lake Reality area and White Birch Road/Cook Terrace, together with all drainage facilities, landscaping, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	<u>500,000</u>	<u>475,600</u>
Totals	\$1,750,000	\$1,666,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 13.57 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,666,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$200,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (the "Chief Financial Officer") provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

June 16, 2022

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

Roll Call: R. Roy, Yes; V. Russo, Yes;
 S. Mabey, Yes; R. Charlies, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 16, 2022 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 21, 2022 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 R. Charles offered a motion to publish the foregoing resolution. This was second by Councilman V. Russo.

Roll Call: R. Roy, Yes; V. Russo, Yes;
 S. Mabey, Yes; R. Charlies, Yes.

Ordinance 11-22

Bond Ordinance Appropriating \$2,000,000 and Authorizing the Issuance of \$1,904,500 Bonds or Notes of the Borough, for Various Improvements or Purposes Authorized to be Undertaken by the Borough of Kinnelon, in the County of Morris, New Jersey for the Water Supply and Distribution System of the Borough

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 R. Charles.

Mayor J. Freda 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 # 11-22

BOND ORDINANCE APPROPRIATING \$2,000,000, AND AUTHORIZING THE ISSUANCE OF \$1,904,500 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY FOR THE WATER SUPPLY AND DISTRIBUTION SYSTEM OF THE BOROUGH.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Kinnelon, in the County of Morris, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$2,000,000 including the aggregate sum of \$95,500 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$2,000,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,904,500 pursuant to the Local Bond Law of New Jersey. In anticipation

of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,904,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of the water supply and distribution system in and by the Borough, including by the demolition and installation of a new water tank on Denise Drive, together with all structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$1,700,000	\$1,619,000
(b) Acquisition by purchase, and installation as necessary, of new and additional equipment for use by the water utility of the Borough, including water meters, together with all attachments, appurtenances and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications thereof on file or to be filed in the office of the Borough Clerk and hereby approved	<u>300,000</u>	<u>285,500</u>
Totals	\$2,000,000	\$1,904,500

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 36.25 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,904,500, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$200,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (the "Chief Financial Officer") provided that no note shall mature later

than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from revenues of the water supply and distribution system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as

approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

June 16, 2022

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

Roll Call: R. Roy, Yes; V. Russo, Yes;
 S. Mabey, Yes; R. Charlies, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on June 16, 2022 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on July 21, 2022 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 R. Charles offered a motion to publish the foregoing resolution. This was second by Councilman V. Russo.

Roll Call: R. Roy, Yes; V. Russo, Yes;
 S. Mabey, Yes; R. Charlies, Yes.

TAX COLLECTOR'S REPORT:

During the month of May 2022, the Tax Collector's Report indicated we collected \$10,025,531.31 in taxes.

INVESTMENT OFFICER'S REPORT:

A total of \$1,935.91 was collected in interest for the month of May 2022.

APPOINTMENTS:

Upon motion of Councilman S. Mabey, and seconded by Councilman R Charles, followed by roll call vote of all Council Members present, the appointment of Thomas Ott to the Open Space Advisory Committee.

Roll Call: R. Roy, Yes; V. Russo, Yes;
 S. Mabey, Yes; R. Charlies, Yes.

Upon motion of Councilman S. Mabey, and seconded by Councilman R Charles, followed by roll call vote of all Council Members present, the appointment of Jon Olstein to the Kinnelon Volunteer Fire Company.

Roll Call: R. Roy, Yes; V. Russo, Yes;
 S. Mabey, Yes; R. Charlies, Yes.

June 16, 2022

ADJOURNMENT:

This meeting adjourned at approximately 9:30 p.m. on motion by Councilman V. Russo with the unanimous affirmative voice vote of all present.

Respectfully submitted,



Karen M. Iuele, RMC
Borough Clerk



Mayor James Freda