

**LEGAL NOTICE
BOROUGH OF KINNELON**

ORDINANCE 08-23

**CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Kinnelon in the County of Morris finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$102,843.63 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

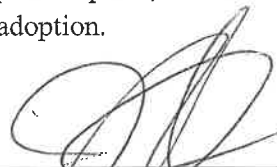
NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Kinnelon, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Kinnelon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$359,952.71, and that the CY 2023 municipal budget for the Borough of Kinnelon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Dated: May 18, 2023



Mayor James Freda

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 by the Governing Body at a regular meeting of the Borough held on April 20, 2023.

May 18, 2023

The Mayor announced the meeting was open to hear any objections to this ordinance that may be presented by any taxpayer of the Borough of Kinnelon, and all parties in interest, and citizens. Hearing none, Mayor Freda brought it back to the dais, does anyone from the council wish to speak on this ordinance at this time.

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

Councilman V. Russo offered a motion to adopt the foregoing resolution. This motion was seconded by Councilman R. Charles.

Mayor asked the Borough Clerk to call the roll on the passage thereof, and the vote was as follows:

Roll Call:	Councilman W. Yago, Yes;	Councilman V. Russo, Yes;
	Councilman J.E. Harriz, Yes;	Councilman R. Charles, Yes;
	Councilman S. Mabey, Yes;	Councilman A. Chirido, Yes.

RESOLUTION: 05.01.2023

Chapter 159 to add the Coronavirus State and Local Fiscal Recovery Funds to the 2023 Municipal Budget \$517,900.01.

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RESOLUTION 5.0123

CHAPTER 159 TO ADD THE
CORONAVIRUS STATE AND LOCAL
FISCAL RECOVERY FUNDS TO THE 2023
MUNICIPAL BUDGET - \$517,900.01

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Kinnelon hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget year 2023 which item is now available as a revenue from

MISCELLANEOUS REVENUES

State and Federal Revenues Offset with appropriations:

Coronavirus State and Local Fiscal Recovery Fund - \$517,900.01

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$517,900.01 be and the same is hereby appropriated to General Appropriations.

Excluded from the Cap and under the caption:

General Appropriations

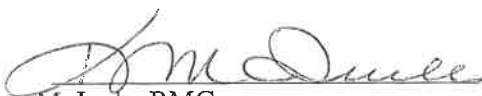
- (A) Operations excluded from the Caps
State and Federal Programs Offset by Revenues.

Coronavirus State and Local Fiscal Recovery Fund - \$517,900.01

SECTION 3.

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed in the Office of the Director of Local Government Services.

DATED: 5/18/23


Karen M. Iuele, RMC
Borough Clerk

Councilman C. Mabey offered a motion to adopt the foregoing resolution. This motion was seconded by Councilman A. Chirido.

Mayor asked the Borough Clerk to call the roll on the passage thereof, and the vote was as follows:

Roll Call:	Councilman W. Yago, Yes;	Councilman V. Russo, Yes;
	Councilman J.E. Harriz, Yes;	Councilman R. Charles, Yes;
	Councilman S. Mabey, Yes;	Councilman A. Chirido, Yes.

TREASURER’S REPORT:

The Treasurer’s Report for May 18, 2023 indicated we started out with cash on hand as of March 31, 2023, in the amount of \$6,897,288.68. Receipts for the month of April totaled \$3,048,105.19, with disbursements amounting to \$4,296,061.66. The new balance on hand as of April 30, 2023 was \$5,649,332.21.

HEARING FROM THE PUBLIC:

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

There were a number of residents from the public who spoke on the pilot program, dog park, apartments and the ballot box outside.

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 May 18, 2023.

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Range of Checking Accts: First to Last Range of Check Dates: 04/21/23 to 12/31/23
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		
25640	04/25/23	HAR14 HARLEM WIZARDS ENTERTAINMENT	400.00	4952
25641	05/18/23	AASLH AMER ASSOC STATE/LOCAL HISTORY	118.00	4953
25642	05/18/23	AC A.C. DAUGHTRY INC.	386.45	4953
25643	05/18/23	ACT04 ACTION DATA SERVICES	2,677.57	4953
25644	05/18/23	AFF02 AFFILIATED TECHNOLOGY	190.82	4953
25645	05/18/23	AGL01 A.G.L. WELDING SUPPLY COMPANY	75.00	4953
25646	05/18/23	ALB02 LOUIS ALBANESE	442.00	4953
25647	05/18/23	ALL04 ALLIED OIL COMPANY	10,728.73	4953
25648	05/18/23	ALL12 ALL TRAFFIC SOLUTIONS INC.	1,500.00	4953
25649	05/18/23	AUT05 THE AUTO PARTS SOURCE	674.71	4953
25650	05/18/23	BBG01 BBG, INC	4,025.00	4953
25651	05/18/23	BIS03 BISDIGITAL	7,990.66	4953
25652	05/18/23	BOR BOROUGH OF BUTLER	48,590.22	4953
25653	05/18/23	BOX01 BOXCAST INC	139.00	4953
25654	05/18/23	BRA05 BRAEN STONE INDUSTRIES, INC	623.22	4953
25655	05/18/23	BSN01 BSN SPORTS LLC	4,491.50	4953
25656	05/18/23	BUZ01 SURENIAN, EDWARDS, BUZAK &	1,662.50	4953
25657	05/18/23	CAB01 OPTIMUM	59.11	4953
25658	05/18/23	CAB02 OPTIMUM	117.73	4953
25659	05/18/23	CAB03 OPTIMUM	116.18	4953
25660	05/18/23	CAB04 OPTIMUM	116.18	4953
25661	05/18/23	CAB05 OPTIMUM	116.18	4953
25662	05/18/23	CAB06 OPTIMUM	116.18	4953
25663	05/18/23	CAB07 OPTIMUM	116.18	4953
25664	05/18/23	CAB08 OPTIMUM	216.18	4953
25665	05/18/23	CAB09 OPTIMUM	116.18	4953
25666	05/18/23	CAB10 OPTIMUM	367.92	4953
25667	05/18/23	CAB11 OPTIMUM	159.28	4953
25668	05/18/23	CAB12 OPTIMUM	285.15	4953
25669	05/18/23	CER02 CERTIFIED VALUATIONS, INC.	723.95	4953
25670	05/18/23	CIN05 CINTAS CORPORATION #111	410.19	4953
25671	05/18/23	CIT05 CIT FINANCE LLC	586.73	4953
25672	05/18/23	COO03 COOPERATIVE COMMUNICATIONS INC	3,957.26	4953
25673	05/18/23	COR12 CORE & MAIN LP	109.06	4953
25674	05/18/23	CQF01 CQFLUENCY	11.55	4953
25675	05/18/23	CRO04 DAVID CROUTHAMEL	377.72	4953
25676	05/18/23	DAN01 DAN COMO & SONS INC.	630.00	4953
25677	05/18/23	DAN11 CHARLES DANIEL	314.61	4953
25678	05/18/23	DAR01 DARMOFALSKI ENGINEERING ASSOC.	675.00	4953
25679	05/18/23	DEB03 DE BLOCK ENVIRONMENTAL SERVICE	6,000.00	4953
25680	05/18/23	DOR06 DORSEY & SEMRAU, LLC	164.40	4953
25681	05/18/23	EHR01 MARK J. EHRENBURG	194.06	4953
25682	05/18/23	ELE03 ELECTRO BATTERY SYSTEMS INC.	55.90	4953
25683	05/18/23	EXT01 EXTRA SPACE STORAGE	367.00	4953
25684	05/18/23	FAS02 FASTSIGNS	180.12	4953
25685	05/18/23	FIC01 PATRICIA FICHTNER	712.50	4953
25686	05/18/23	GAK01 LAURA GAKOS	30.00	4953
25687	05/18/23	GAM01 GAME DAY SPORTS	6,576.03	4953
25688	05/18/23	GIB03 BRIAN T. GIBLIN, ESQ.	6,666.66	4953

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
GENERAL		General Account Payab	Continued	
25689	05/18/23	GOB01 GO BALLISTIC SPORTS LLC	600.00	4953
25690	05/18/23	GRA01 GRAINGER INC.	72.01	4953
25691	05/18/23	HAI04 ELLEN HAID	30.00	4953
25692	05/18/23	HAW03 HAWTHORNE CHEVROLET	184.88	4953
25693	05/18/23	HOM02 HOME DEPOT CREDIT SERVICE	790.41	4953
25694	05/18/23	HOO01 HOOVER TRUCK CENTERS	4,496.62	4953
25695	05/18/23	HOR04 HORIZON OFFICE EQUIPMENT	255.00	4953
25696	05/18/23	IUE01 KAREN IUELE	211.70	4953
25697	05/18/23	JCP01 JCP&L	11.11	4953
25698	05/18/23	JES01 JESCO, INC.	53.01	4953
25699	05/18/23	JHA01 J. HARRIS ACADEMY OF POLICE TR	189.00	4953
25700	05/18/23	JON13 DANIEL JONKER	273.04	4953
25701	05/18/23	KEL06 KEITH KELLY	442.00	4953
25702	05/18/23	KIN08 KINNELON VOLUNTEER FIRE CO.	19,531.00	4953
25703	05/18/23	KIN09 KINNELON BOARD OF EDUCATION	3,383,387.50	4953
25704	05/18/23	KUL01 KULPEKSA LAND IMPROVEMENT CO	148,877.95	4953
25705	05/18/23	LAK02 LAKELAND BANK EQUIP FINANCE	5,772.65	4953
25706	05/18/23	LAK13 LAKELAND AUTO PARTS	452.41	4953
25707	05/18/23	LAW07 LAWSOFT INC.	745.00	4953
25708	05/18/23	LOE01 LOEFFEL'S WASTE OIL SERVICE	150.00	4953
25709	05/18/23	MAT04 MATTHIJSSSEN, INC.	4,301.00	4953
25710	05/18/23	MCC04 LORI MCCLUSKEY	3,000.00	4953
25711	05/18/23	MCD01 PATRICK MC DONNELL	245.53	4953
25712	05/18/23	MCI01 MCI EASTERN SECURITY SYSTEMS	1,547.50	4953
25713	05/18/23	MIL09 MILITARY TRIBUTE BANNERS	4,936.00	4953
25714	05/18/23	MON14 MONMOUTH TELECOM	486.86	4953
25715	05/18/23	MOR07 MORRIS COUNTY DETECTIVES ASSOC	100.00	4953
25716	05/18/23	MOR14 MORRIS CTY POLICE CHIEFS ASSOC	300.00	4953
25717	05/18/23	MOR21 MORRIS COUNTY M.U.A.	33,703.28	4953
25718	05/18/23	MOR52 MORRIS COUNTY MUNICIPAL JOINT	98,871.00	4953
25719	05/18/23	MOR62 MORRIS SECURITY ELECTRONICS	440.00	4953
25720	05/18/23	MUC01 CHRISTOPHER MUCCI	168.96	4953
25721	05/18/23	MUN01 MUN CLERK ASSOC OF MORRIS CTY	50.00	4953
25722	05/18/23	NES01 NESTLE PURE LIFE DIRECT	213.17	4953
25723	05/18/23	NISIVOCC NISIVOCCIA LLP	33,687.00	4953
25724	05/18/23	NJA06 NJ ASSOC. OF CHIEFS OF POLICE	1,334.00	4953
25725	05/18/23	NJD07 NJ DEPT HEALTH & SENIOR SERV	96.00	4953
25726	05/18/23	NJLABOR NJ LABOR LAW POSTER SERVICE	99.50	4953
25727	05/18/23	NJP07 NJ PEST, LLC	700.00	4953
25728	05/18/23	NOR02 NORTH JERSEY MEDIA GROUP	402.23	4953
25729	05/18/23	NOR13 NORTH JERSEY MUNICIPAL	3,391.00	4953
25730	05/18/23	NOR18 NORTHEAST COMMUNICATIONS, INC.	23,792.14	4953
25731	05/18/23	ONE02 ONE CALL CONCEPTS, INC.	72.93	4953
25732	05/18/23	ONE03 ONE SOURCE OF NEW JERSEY LLC	468.71	4953
25733	05/18/23	ORI01 ORIENTAL TRADING COMPANY	980.23	4953
25734	05/18/23	PAS06 PASSAIC COUNTY TRAFFIC OFFICER	50.00	4953
25735	05/18/23	PSE01 P.S.E. & G.	2,349.50	4953
25736	05/18/23	QUA06 QUALITY ELECTRIC CONSTRUCTION	3,305.00	4953
25737	05/18/23	RAC02 RACHLES/MICHELE'S OIL CO., INC	244.70	4953
25738	05/18/23	ROG01 ROGO FASTENER CO., INC	188.70	4953
25739	05/18/23	ROU01 ROUTE 23 AUTO MALL	181.54	4953
25740	05/18/23	SAN03 TONY SANCHEZ, LTD	1,123.00	4953

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GENERAL General Account Account Payab Continued					
25741	05/18/23	SCH03 SCHMITZ SAFE & LOCK COMPANY	9.80		4953
25742	05/18/23	SCH30 MELANIE SCHUCKERS	107.07		4953
25743	05/18/23	SEA02 SEAL MASTER PRODUCTS & SERVICE	1,457.69		4953
25744	05/18/23	SHA03 THE SHADE TREE DEPARTMENT LLC	1,460.13		4953
25745	05/18/23	SHE12 THE SHERWIN WILLIAMS CO.	129.30		4953
25746	05/18/23	SKY05 SKYTOP RECYCLING	1,300.00		4953
25747	05/18/23	SS01 S & S WORLDWIDE, INC.	1,775.18		4953
25748	05/18/23	STA STAPLES ADVANTAGE, DEPT NY	624.23		4953
25749	05/18/23	SUB03 SUBURBAN DISPOSAL INC.	121,541.66		4953
25750	05/18/23	SUP04 SUPPLIES SHOPS, INC.	131.94		4953
25751	05/18/23	THY01 THYSSENKRUPP ELEVATOR CORP.	1,858.25		4953
25752	05/18/23	TIL01 TILCON NEW YORK INC.	1,953.29		4953
25753	05/18/23	TIR02 TIRE TECH AND AUTO REPAIR	379.90		4953
25754	05/18/23	TOT01 TOTOWA CONCRETE PRODUCTS, INC.	360.00		4953
25755	05/18/23	TRA11 TRANSUNION RISK & ALTERNATIVE	500.00		4953
25756	05/18/23	TRI20 TRIONAID ASSOCIATES	405.00		4953
25757	05/18/23	TUR01 TURN-OUT UNIFORMS INC.	588.96		4953
25758	05/18/23	UNI22 UNIFIRST-FIRST AID + SAFETY	332.28		4953
25759	05/18/23	VER06 VERIZON WIRELESS	352.16		4953
25760	05/18/23	VER11 VERIZON WIRELESS - KPD	152.04		4953
25761	05/18/23	VER15 VERIZON CONNECT NWF, INC	339.99		4953
25762	05/18/23	VER18 VERIZON CONNECT NWF, INC	188.90		4953
25763	05/18/23	WAS04 WASH HOUNDS	135.12		4953
25764	05/18/23	WAT02 WATER TECH SERVICES, LLC	2,100.00		4953

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	125	0	4,040,898.23	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	125	0	4,040,898.23	0.00

PLANNING 2		Columbia Bank		Amount Paid	Reconciled/Void	Ref Num
1877	04/24/23	DAR01	DARMOFALSKI ENGINEERING ASSOC.	0.00	04/24/23 VOID	0
1878	04/24/23	DAR01	DARMOFALSKI ENGINEERING ASSOC.	6,885.00	04/24/23 VOID	4950 (Reason: Printed upside down)
1879	04/24/23	WEI07	WEINER LAW GROUP LLP	1,793.00		4950
1880	04/24/23	DAR01	DARMOFALSKI ENGINEERING ASSOC.	0.00	04/24/23 VOID	0
1881	04/24/23	DAR01	DARMOFALSKI ENGINEERING ASSOC.	6,885.00		4951
1882	05/18/23	DAR01	DARMOFALSKI ENGINEERING ASSOC.	0.00	05/18/23 VOID	0
1883	05/18/23	DAR01	DARMOFALSKI ENGINEERING ASSOC.	6,912.50		4954
1884	05/18/23	GINGEREL	JEFF GINGERELLI	625.00		4954

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	4	4	16,215.50	6,885.00
Direct Deposit:	0	0	0.00	0.00
Total:	4	4	16,215.50	6,885.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	129	4	4,057,113.73	6,885.00
Direct Deposit:	0	0	0.00	0.00
Total:	129	4	4,057,113.73	6,885.00

Totals by Year-Fund and Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	2-01	26,594.39	0.00	0.00	26,594.39
CURRENT FUND	3-01	3,789,519.10	0.00	0.00	3,789,519.10
WATER FUND	3-05	46,008.75	0.00	0.00	46,008.75
SEWER FUND	3-07	8,071.53	0.00	0.00	8,071.53
Year Total:		3,843,599.38	0.00	0.00	3,843,599.38
	C-04	148,877.95	0.00	0.00	148,877.95
DOG TAX	D-13	96.00	0.00	0.00	96.00
RECREATION SPECIAL	R-16	21,189.89	0.00	0.00	21,189.89
	V-27	360.00	0.00	0.00	360.00
RECYCLE FUND	Y-21	180.62	0.00	0.00	180.62
Total of All Funds:		4,040,898.23	0.00	0.00	4,040,898.23

Project Description	Project No.	Project Total
11906107 2 HAZELWOOD OWENS	11906107	1,080.00
36 TOWER HILL ROTHMAN 12104106	12104106	810.00
760 RIDGE RD TERR	1502	625.00
PEREDO 8 POINSETTA 1534	1534	531.50
1 STANDISH DELAMONTAIGNE 1541	1541	635.00
3 OAKWOOD TRL 1542 DLUGOLECKI	1542	945.00
1167 RT 23 SOUTH ECHELON	1547	1,642.50
152 KIEL AVE 1550 ROMAN	1550	2,025.00
12 JUNIPER WALBRECHT 1552	1552	675.00
CARVAJAL 24 CUTLASS	1553	945.00
5 STANDISH WYSOCKI 1554	1554	810.00
27 CLIFF TRL MOODY 1556	1556	810.00
FARKASH 232 KINNELON RD	22501108	540.00
236 SOUTH GLEN ROAD	23201130	1,595.50
LOPEZ 5 POINTSETTA 33701134	33701134	405.00
10 DERRYGALLY HERTZ	33704116	675.00
8 HARRISON CHRIDO 45002112	45002112	472.50
4 ELIZABETH J.TANIS	56703122A	270.00
HILLVIEW MED/1481 REALTY LLC	852	723.50
Total of All Projects:		<u>16,215.50</u>

BOROUGH OF KINNELON

RESOLUTION NO. 5.03.23

**RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO SIGN
THE DEVELOPER'S AGREEMENT BETWEEN IVO M. RODRIGUES AND THE
BOROUGH OF KINNELON**

WHEREAS, the Kinnelon Board of Adjustment approved the application of IVO M. RODRIGUES concerning property located at 236 South Glen Road by Resolution dated April 4, 2023; and

WHEREAS, pursuant to Condition #3 of the Resolution of approval, prior to the issuance of building permits, the applicant shall enter into a Builders Agreement with the Borough of Kinnelon that addresses, at a minimum, the concerns raised by the Board during the public hearing on this Application; and

WHEREAS, the attorney for the Zoning Board of Adjustment has prepared the attached Developers Agreement, which addresses the concerns of the Board; and

WHEREAS, the attached Developers Agreement has been reviewed by the Borough Engineer and the Borough Attorney, both of whom find the Developers Agreement acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk of the Borough of Kinnelon are hereby authorized to sign the attached Developers Agreement on behalf of Borough of Kinnelon.

CERTIFICATION

I, Karen M. Iuele, Borough Clerk, do hereby certify this to be a true copy of a resolution duly adopted at the Mayor and Council work session meeting of the Kinnelon Mayor and Council held on May 18, 2023.


Karen M. Iuele, RMC, Borough Clerk

RESOLUTION 5.04.23


AUTHORIZATION FOR MAYOR TO
SIGN LETTER OF AGREEMENT
BETWEEN COUNTY OF MORRIS AND
KINNELON MUNICIPAL ALLIANCE

WHEREAS, the Borough desires to sign Letter of Agreement between County of Morris and the Kinnelon Municipal Alliance for the period July 2020 through June 2025; and

WHEREAS, it is necessary for the Mayor to sign the Letter of Agreement Between the County of Morris and the Borough of Kinnelon for funds issued by the County in the amount not to exceed \$9,868.00.

NOW, THEREFORE, BE IT RESOLVED the Mayor is hereby authorized to sign the letter of Agreement Between the County of Morris and Kinnelon Municipal Alliance in the amount not to exceed \$9,868.00.

Dated: May 18, 2023


Karen M. Iuele, RMC
Kinnelon Borough Clerk

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2020-June 2025

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Kinnelon, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

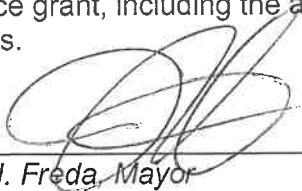
WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Kinnelon, County of Morris, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Kinnelon Municipal Alliance grant for fiscal year 2024 in the amount of:

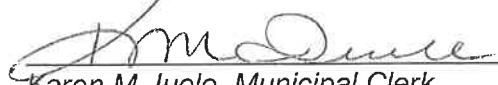
DEDR	\$4,934.00
Cash Match	\$1,233.50
In-Kind	\$3,700.50
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____


James J. Freda, Mayor

CERTIFICATION

I, Karen M. Iuele, Municipal Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 18th day of May, 2023.


Karen M. Iuele, Municipal Clerk

Approved: _____ YES _____ NO
Date: _____

FORM 1A

STRATEGIC PLAN FOR FUNDING MUNICIPAL ALLIANCES

Grant Year: 2024 Alliance Tier 1

APPLICANT MUNICIPALITY/IES: Kinnelon Borough	COUNTY: Morris
ALLIANCE NAME: Kinnelon Municipal Alliance	ALLIANCE WEBSITE: www.kinnelonboro.org
ALLIANCE STREET ADDRESS: 130 Kinnelon Rd TOWN: Kinnelon STATE: NJ ZIP: 07405	
TELEPHONE: (973) 838-5401 Ext. 201	FAX: (973) 838-1682
ALLIANCE CHAIRPERSON: Nevin Okay STREET ADDRESS: 130 Kinnelon Rd. TOWN: Kinnelon STATE: NJ ZIP: 07405 EMAIL: nokay@kinnelonboro.org	ALLIANCE COORDINATOR: Vincent Russo STREET ADDRESS: 130 Kinnelon Rd. TOWN: Kinnelon STATE: NJ ZIP: 07405 EMAIL: vrusso@kinnelonboro.org
DATE OF RESOLUTION AUTHORIZING THE STRATEGIC PLAN (MM/DD/YYYY): 05/18/2023	

A) Alliance DEDR Allocation	\$ 4,934.00
B) Cash Match (must be 25% of DEDR Allocation)	\$ 1,233.50
C) In-Kind Match (must be 75% of the DEDR Allocation)	\$ 3,700.50
TOTAL ALLIANCE BUDGET (add A+ B+C)	\$ 9,868.00

Kinnelon Borough	James J. Freda	
*MUNICIPALITY	NAME/ MAYOR/Head of Governing Body	SIGNATURE

*MUNICIPALITY	NAME/TITLE OF GOVERNING BODY REPRESENTATIVE	SIGNATURE

*MUNICIPALITY	NAME/TITLE OF GOVERNING BODY REPRESENTATIVE	SIGNATURE

Nevin Okay		
ALLIANCE CHAIRPERSON	SIGNATURE	DATE

*** If a municipality is part of a consortium, a signature and resolution is required from all participating municipalities entering into the agreement. Signatures hereby accept all components of this grant including membership terms, Statement of Assurances and Fiscal Requirements.**

RESOLUTION: 05.05.23

**AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES
UNDER \$17,500 FOR THE YEAR 2023**

WHEREAS, the Borough of Kinnelon has a need to acquire professional services pursuant to N.J.S.A. 40A:11-5 (1)(a)(i) utilizing a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the CMFO has determined and certified in writing that the value of the services will not exceed \$150.00 per hour; and

WHEREAS, the anticipated term of this contract is on a month to month service at a cost of \$400.00 per month base retainer fee and \$150.00 per hour writing Services; and

WHEREAS, the governing body of the Borough of Kinnelon has certified that the professional services for the Kinnelon Mayor & Council provided by the below listed professionals will not exceed \$150.00 per hour.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Kinnelon authorizes the Borough of Kinnelon to enter into professional contracts with the below listed professional services as described herein: at \$400.00 per month base retainer fee and \$150.00 per hour writing Services.

Millenium Strategies
60 Columbia Road
Suite 230
Morristown, NJ 07960

BE IT FURTHER RESOLVED this resolution shall take effect immediately.

Dated 5/18/23


Karen M. Iuele, RMC
Borough Clerk

Resolution 5-06-23

**RESOLUTION OF THE BOROUGH OF KINNELON DIRECTING THE
CHIEF FINANCIAL OFFICER TO TAKE ADMINISTRATIVE ACTIONS
TO APPROPRIATE AMERICAN RESUE PLAN FUNDS**

WHEREAS, the Borough of Kinnelon has received a total of \$1,035,800.02 from the federal American Rescue Plan Act with half of the funds received in 2021 and the remaining half received in 2022; and

WHEREAS, due to a slow financial recovery after the Covid-19 pandemic, the Chief Financial Officer anticipates that the Borough will have to reduce certain planned capital projects in the coming years; and

WHEREAS, the Mayor and Council recognize that the current municipal road paving schedule must move forward in order to maintain the borough's road infrastructure.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Kinnelon that the Chief Financial Officer is directed to take the necessary administrative action to appropriate, reserve and /or encumber \$216,450.00 of American Rescue Plan Act funds towards the Fayson Lakes Road Improvement project.

Dated: May 11, 2023



James J. Freda, Mayor

Attest:


Karen M. Iuele, RMC

Resolution 5.07.23

**RESOLUTION OF THE BOROUGH OF KINNELON DIRECTING THE
CHIEF FINANCIAL OFFICER TO TAKE ADMINISTRATIVE ACTIONS
TO APPROPRIATE AMERICAN RESUE PLAN FUNDS**

WHEREAS, the Borough of Kinnelon has received a total of \$1,035,800.02 from the federal American Rescue Plan Act with half of the funds received in 2021 and the remaining half received in 2022; and

WHEREAS, due to a slow financial recovery after the Covid-19 pandemic, the Chief Financial Officer anticipates that the Borough will have to reduce certain planned capital projects in the coming years; and

WHEREAS, the Mayor and Council recognize that the current condition of police department flooring/carpeting has deteriorated due to foot traffic and age.

WHEREAS, the new flooring/carpeting for the police department is necessary in order to prevent a tripping hazard due to the condition of the existing flooring/carpeting.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Kinnelon that the Chief Financial Officer is directed to take the necessary administrative action to appropriate, reserve and /or encumber \$10,000.00 of American Rescue Plan Act funds towards the purchase of new flooring/carpeting for the police department.

Dated: May 11, 2023


James J. Freda, Mayor

Attest:


Karen M. Luele, RMC

Resolution 5.08.23

**RESOLUTION OF THE BOROUGH OF KINNELON DIRECTING THE
CHIEF FINANCIAL OFFICER TO TAKE ADMINISTRATIVE ACTIONS
TO APPROPRIATE AMERICAN RESUE PLAN FUNDS**

WHEREAS, the Borough of Kinnelon has received a total of \$1,035,800.02 from the federal American Rescue Plan Act with half of the funds received in 2021 and the remaining half received in 2022; and

WHEREAS, due to a slow financial recovery after the Covid-19 pandemic, the Chief Financial Officer anticipates that the Borough will have to reduce certain planned capital projects in the coming years; and

WHEREAS, the Mayor and Council recognize that the digitization of municipal government records preserves the integrity of the records and complies with governmental retention standards, as well as allows for efficient access of public records in order to comply with OPRA requests, inquiries, etc.

WHEREAS, the digitization of Board of Health records and council meeting minutes continues the digitization project started in 2021 of the borough's records.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Kinnelon that the Chief Financial Officer is directed to take the necessary administrative action to appropriate, reserve and /or encumber \$77,000.00 of American Rescue Plan Act funds towards the digitization of the borough's Board of Health and council meeting minutes records.

Dated: May 11, 2023


James J. Freda, Mayor

Attest:


Karen M. Iuele, RMC

Resolution 5.09.23

**RESOLUTION OF THE BOROUGH OF KINNELON DIRECTING THE
CHIEF FINANCIAL OFFICER TO TAKE ADMINISTRATIVE ACTIONS
TO APPROPRIATE AMERICAN RESUE PLAN FUNDS**

WHEREAS, the Borough of Kinnelon has received a total of \$1,035,800.02 from the federal American Rescue Plan Act with half of the funds received in 2021 and the remaining half received in 2022; and


WHEREAS, due to a slow financial recovery after the Covid-19 pandemic, the Chief Financial Officer anticipates that the Borough will have to reduce certain planned capital projects in the coming years; and

WHEREAS, the Mayor and Council recognize that the current police dispatch system is antiquated;

WHEREAS, the new police dispatch system will provide an upgrade to the dispatch communication process, thus enhancing public safety.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Kinnelon that the Chief Financial Officer is directed to take the necessary administrative action to appropriate, reserve and /or encumber \$150,000.00 of American Rescue Plan Act funds towards the purchase of a new police dispatch system for the police department.

Dated: May 11, 2023


James J. Freda, Mayor

Attest:


Karen M. Iuele, RMC

Resolution 5.10.23

**RESOLUTION OF THE BOROUGH OF KINNELON DIRECTING THE
CHIEF FINANCIAL OFFICER TO TAKE ADMINISTRATIVE ACTIONS
TO APPROPRIATE AMERICAN RESUE PLAN FUNDS**

WHEREAS, the Borough of Kinnelon has received a total of \$1,035,800.02 from the federal American Rescue Plan Act with half of the funds received in 2021 and the remaining half received in 2022; and

WHEREAS, due to a slow financial recovery after the Covid-19 pandemic, the Chief Financial Officer anticipates that the Borough will have to reduce certain planned capital projects in the coming years; and

WHEREAS, the Mayor and Council recognize that new computer tablets for the police patrol cars will enhance police communications, law enforcement, record-keeping and information gathering.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Kinnelon that the Chief Financial Officer is directed to take the necessary administrative action to appropriate, reserve and /or encumber \$24,000.00 of American Rescue Plan Act funds towards the purchase of new computer tablets for the police patrol cars.

Dated: May 11, 2023



James J. Freca, Mayor

Attest:


Karen M. Luele, RMC

RESOLUTION NO. 05-11-23

**A RESOLUTION AMENDING THE CONTRACT BETWEEN
THE BOROUGH OF KINNELON AND SUBURBAN DISPOSAL, INC.**

WHEREAS, the Borough of Kinnelon sought bids for a contract for solid waste, bulk waste and recyclable materials, curbside collection and transportation services commencing on January 1, 2023 (“The Contract”); and

WHEREAS, the Borough received one (1) bid for the services and awarded the contact to Suburban Disposal, Inc. located at 54 Montesano Road, Fairfield, New Jersey for all of the services including the amount of One Million Four Hundred Thirty Thousand (\$1,430,000.00) Dollars for dual-stream recyclable materials, curbside collection, transportation disposal for the period 2023 through 2024; and

WHEREAS, the bid specification states, at page 34, under the title “Recyclable Materials, Curbside Collection and Transportation Contract” the following:

“Note: the contractor will be solely responsible for any costs of disposal and is permitted to retain any proceeds from the Contract’s sale of the collected recyclable materials which shall be included in the base bid for category B.”;

WHEREAS, the parties have negotiated an amendment to the Contact wherein the Borough will be solely responsible for the “processing fees” and, in exchange, Suburban Disposal, Inc. shall credit the Borough of Kinnelon in the amount of Twenty-Five Thousand (\$25,000.00) Dollars per month for each month remaining in the Contract if the Borough of Kinnelon chooses to market the recycling and pay all processing fees;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon that the Contract between the Borough and Suburban Disposal, Inc. shall be revised to provide that the Borough shall market all recycling and pay all processing fees, and in exchange, shall receive a credit of Twenty-Five Thousand (\$25,000.00) Dollars per month for each month remaining in the Contract from Suburban Disposal, Inc.; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign any agreement or other document(s) necessary to effectuate this change.

ATTEST:

BOROUGH OF KINNELON


Karen M. Iuele, RMC, Borough Clerk


James J. Freda, Mayor

Mayor Freda asked for a roll call.

Councilman W. Yago asked for “Resolution F. 5.07.23 CFO to take Administrative Actions to Appropriate American Rescue Plan Funds-New Flooring/Carpeting for the Police Department \$10,000.00, Resolution H, 5.09.23 CFO to take Administrative Actions to Appropriate American Rescue Plan Funds- New Police Dispatch System for the Police Department-\$150,000.00 and I. 5.10.23 CFO to take Administrative Actions to Appropriate American Rescue Plan Funds- New Computers Tablets for the Police Patrol Cars \$24,000.00“ to be pulled from the consent agenda.

Mayor Freda and the council had a discussion on these matters. Mayor Freda asked for a roll call for the consent agenda to be passed with Resolution F, H, I removed

Roll Call:	Councilman W. Yago, No;	Councilman V. Russo, No;
	Councilman J.E. Harriz, Yes;	Councilman R. Charles, No;
	Councilman S. Mabey, Yes;	Councilman A. Chirido, Yes.

Mayor Freda stated that there was a tie, the Borough Attorney asked the Borough Clerk to ask the Mayor for his vote to break the tie. Mayor Freda voted Yes.

Mayor Freda now asked for a roll call to approve the consent agenda A through K.

Roll Call:	Councilman W. Yago, Abstain;	Councilman V. Russo, Yes; but Resolution H
	Councilman J.E. Harriz, Yes;	Councilman R. Charles, Yes; but Resolution H
	Councilman S. Mabey, Yes;	Councilman A. Chirido, Yes.

Mayor Freda stated that the consent agenda was passed.

Old Business:

Ordinance 05-2023

**Ordinance Amending Chapter 156 of the Borough Code, Titled “Public Property, use of” By Repealing and Replacing 156-21 Titled “Marijuana” with a New 156-21 to be Titled”
Marijuana and Adding a New 156-25 to be Titled “Cannabis”**

This ordinance was introduced and passed on first reading at a regular meeting of the Governing Body held on May 18, 2023.

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.

- *
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- *
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ORDINANCE NO. 05-2023 AN ORDINANCE AMENDING CHAPTER 156 OF THE BOROUGH CODE, TITLED “PUBLIC PROPERTY, USE OF” BY REPEALING AND REPLACING §156-21 TITLED “MARIJUANA” WITH A NEW §156-21 TO BE TITLED “ MARIJUANA AND ADDING A NEW §156- 25 TO BE TITLED “CANNABIS””

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, the Borough of Kinnelon (“Borough”) desires to revise to its Municipal Code, specifically Part II General Legislation therein, by amending Chapter 156 titled “Public Property, Use Of” by repealing and replacing §156-21 titled “Marijuana” with a new §156-21 to be titled “Marijuana”.

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. Existing Section 156-21 of the Code of the Borough of Kinnelon is hereby repealed and replaced with the following, to be titled “**§156-21 Marijuana**”:

§156-21 Marijuana

It shall be unlawful for anyone to possess, smoke, vape, chew or otherwise ingest marijuana or

any derivative products, or to sell, purchase or convey any of the aforesaid, in the Borough parks and recreation areas, shopping centers, parking lots and all other public spaces, or in any other place where smoking is prohibited.

SECTION 2. A new Section 156-25 titled "Cannabis", is hereby added to read as follows:

§156-25 It shall be unlawful for anyone to smoke, vape, chew or otherwise ingest cannabis or any derivative products, or to sell, purchase or convey any of the aforesaid, in the Borough parks and recreation areas, shopping centers, parking lots and all other public spaces, or in any other place where smoking is prohibited.

SECTION 3. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

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

Karen M. Iuele, RMC, Borough Clerk

**ORDINANCE NO. 06-2023 AN ORDINANCE ADDING A NEW CHAPTER 147
TITLED “PEACE & GOOD ORDER” TO THE
BOROUGH OF KINNELON CODE**

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, the Borough of Kinnelon (“Borough”) desires to add to its municipal Code, specifically Part II General Legislation therein, a new Chapter 147 titled “Peace & Good Order” to preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise, preventing noise which is prolonged or unsuitable for the time and place, and forestalling disturbances that are detrimental to the peace and good order of the Borough community.

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. The Code of the Borough of Kinnelon, Part II General Legislation therein, is hereby supplemented with a new Chapter 147, titled “Peace & Good Order”, which shall read as follows:

Chapter 147 Peace & Good Order

GENERAL REFERENCES

Police Department — See Ch. 56.

Alcoholic beverages — See Ch. 87.

Dogs and other animals — See Ch. 110.

Noise – See Ch. 146

§ 147-1 Disturbing Peace & Good Order.

- A. It shall be unlawful for any person, firm, corporation, association or other entity to make, cause or permit to be made, any unnecessary noises or sounds, by means of, including but not limited to, the human voice, self-contained and/or portable music or sound production devices, musical instruments, which are plainly audible to any adjacent property or which disturbs or interferes with the peace, comfort or repose of any other person.. This shall include any other noise or sounds that are plainly audible and excessively loud, harsh, or unusual in time and occurrence. Sound production devices, as defined in Chapter 146, shall not be operated in a manner that disturbs the lives, comfort, and peace of the residents or the community.

- B. No person, firm, corporation, association, or other entity shall make or assist in making or causing any improper noise, riot, disturbance or breach of the peace in the streets or elsewhere within the Borough, and no person shall collect in bodies or crowds for idle or unlawful purposes to the annoyance or disturbance of any individual or the community.

§ 147-2 Music and other sounds emitted from buildings or grounds.

It shall be unlawful for any person to maintain or operate in any building or upon any premises in the Borough of Kinnelon any sound producing device or mechanical musical instrument or device of any kind, whereby the sound therefrom is cast directly upon the public streets, or which is so placed and operated that sounds coming therefrom can be heard to the annoyance or inconvenience of any person upon any street, public place or neighboring premises.

§ 147-3 Other Violative acts; non-applicability.

- A. In particular, the following acts, which enumeration shall not be deemed to be exclusive, shall be considered violative of the provisions of this chapter:
 - (1) Operation of bulldozers, shovels and other types of construction equipment, including the loading or unloading of trucks carrying sand, clay, gravel, stone or other construction material, other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, or between the hours of 9:00 a.m. and 6:00 p.m. on weekends and federal holidays, prevailing time.

 - (2) Operation of power landscaping equipment, including but not limited to, lawn mowers, leaf blowers, trimmers, etc., other than between the hours of 8:00 a.m. and 8:00 p.m. prevailing time.

- (3) The collection of trash or recyclables from a commercial location by a privately-contracted hauler may take place only between the hours of 8:00 a.m. and 6:00 p.m. prevailing time, Monday through Saturday. Trash or recyclables may not be collected by a commercial or privately-contracted hauler on Sunday. This provision does not apply to the Borough's municipal trash/recyclables collection.
 - (4) Riding of motorcycles and/or ATV's on private property which emit repetitive or continuous noise for a prolonged period of time is prohibited.
- B. The provisions of this chapter do not apply to certain utilities under contract with the Borough, or who are responding to an emergency condition; Borough employees in the performance of their duties; emergency service providers and first responders; activities, events and/or services which are authorized, sponsored or licensed by the Borough so long as the activity, event and/or service is conducted pursuant to the conditions of the license, permit or contract authorizing the activity, event and/or service; or musical, recreational and athletic events conducted by and on the site of a school or educational institution.

§ 147-4 Violations and penalties.

- A. This chapter shall be enforced by any officer of the Police Department of Kinnelon, the Code Enforcement Officer, and the Zoning Officer.
- B. Any person, firm, corporation, association or other entity violating this chapter shall be subject, upon conviction, to one or more of the following at the discretion of the court: a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed 90 days or community service not to exceed 90 days, and each day that a violation is permitted to exist shall constitute an additional, separate, and distinct offense.

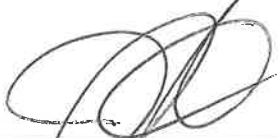
SECTION 2. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. 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 April 26, 2023 and adopted by the Governing Body at a regular meeting of the Borough held on May 18, 2023.

Karen M. Iuele, RMC, Borough Clerk

**ORDINANCE NO. 07-2023 AN ORDINANCE REPEALING AND REPLACING CHAPTER 110
OF THE BOROUGH OF KINNELON CODE TITLED “DOGS AND
OTHER ANIMALS”**

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, the Borough of Kinnelon (“Borough”) desires to repeal and replace Chapter 110 titled “Dogs and Other Animals” to preserve the public health, safety, and welfare by setting forth regulations on the maintenance and care of animals.

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. The Code of the Borough of Kinnelon, Part II General Legislation therein, is hereby amended by repealing and replacing Chapter 110, titled “Dogs and Other Animals”, which shall read as follows:

Chapter 110
Dogs and Other Animals

Article I
Licensing, Registration; Control

§110-1 Definitions.

For the purposes of this article, the terms used herein are defined as follows:

ANIMAL CONTROL OFFICER

A certified municipal animal control officer or, in the absence of such an officer, the chief law enforcement officer of the municipality or their designee.

ANIMAL RESCUE ORGANIZATION

An individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.

ANIMAL RESCUE ORGANIZATION FACILITY

The home or other facility in which an animal rescue organization houses and cares for an animal.

AT LARGE

Off the property of the owner and not on a leash. This does not apply when a dog is confined within a vehicle.

DOG

Any canine or a canine hybrid.

DOG OF LICENSING AGE

Any dog which has attained the age of seven months. (N.J 4:19-15.1)

DOMESTIC ANIMAL

Any cat, dog, or livestock.

FEED

To give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

IMMEDIATELY

At once, without delay.

KENNEL

Any establishment wherein or whereupon the business of boarding or selling dogs or breeding dogs for sale is carried on, except for a pet shop (N.J 4:19-15.1)

NJ LICENSED ANIMAL FACILITY

An establishment for the confinement of dogs or other animals seized under the provisions of this article, state statutes or otherwise.

OWNER

When applied to proprietorship of a dog, every person having a right of propriety of such dog, and every person who has such dog or other animal in his keeping or under his control, whether or not the owner of such pet

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PET

Any dog (other than a trained service animal), cat, rodent, turtle, bird, fish or other animal kept for pleasure rather than for commercial purposes on the property of the owner.

PET WASTE MATERIAL

Waste material expelled from the bowels of the pet; excrement

POTENTIALLY DANGEROUS OR VICIOUS DOG

"Potentially dangerous dog" means any dog or dog hybrid declared potentially dangerous by a municipal court pursuant to section 7 of P.L.1989, c.307 (C.4:19-23).

"Vicious dog" means any dog or dog hybrid declared vicious by a municipal court pursuant to section 6 of P.L.1989, c.307 (C.4:19-22).

PROPERLY DISPOSE

Pet waste should be bagged and placed in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector.

TRAINED SERVICE ANIMAL

An animal required because of a disability which has been trained to perform a specific task or work, as defined by the Americans With Disabilities Act. The task must be directly related to the disability.

WILDLIFE

All animals that are neither human nor domesticated.

§110-2 License and registration required.

Any person who shall own, keep or harbor a dog of licensing age shall, within 10 days after the acquisition thereof, and annually thereafter in the month of January, apply for and procure from the Borough Clerk a license and official metal registration tag for each such dog so owned, kept or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto. Such license shall state the breed, sex, age, name, color and markings of the dog for which the license and registration are sought, whether it is of a long- or short-haired variety, and the name, street and post office address of the owner and the person who shall keep or harbor such dog.

§110-3 License and registration fees.

- A. Persons applying for a license shall pay a fee of \$20 for each license (if the dog is spayed or neutered) or a fee of \$23 for each license (if the dog is not spayed or neutered). All such licenses, registration tags and renewals shall expire on the last day of December in each year. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefore.
- B. The owner of a potentially dangerous/vicious dog shall pay a special annual fee of \$700 for a potentially dangerous/vicious dog license, in addition to, and on the same schedule as the fees indicated in Section A above..
- C. Any person who shall own, keep or harbor a dog of licensing age which is found to be licensed after March 1 shall be required to pay a late charge of \$10 in addition to the required license fee.
- D. Newly acquired dogs must be licensed no later than ten (10) days after acquisition or of attaining licensing age.

§110-4 Disposition of fees collected.

The disposition of license fees and registration fees collected hereunder shall be in accordance with N.J.S.A.

4:19-15.11.

§110-5 Canvass of dogs in the Borough.

The Animal Control Officer of the Borough may cause a canvass to be made of all dogs owned, kept or harbored within the Borough for the purpose of licensing enforcement.

§110-6 Restrictions on Public and Private Property.

A. No person owning, harboring, keeping or in charge of any dog shall permit or take such animal upon the lawn, yard, entranceway or driveway of any private property whatsoever without the consent of the property owner.

B. Dogs (except service animals) are prohibited from or in any municipal parks, playfields, playgrounds, play areas, school property or other municipal property, except public roads, unless authorized by the Borough.

C. Dogs (except service animals) are prohibited from any public eating place, and may only be permitted in non-eating establishments with the expressed permission of the store owner.

§110-6.1 Dogs to be leashed.

No person owning, harboring, keeping or in charge of any dog shall allow or permit such dog to go upon any public streets, or in any of the public places or semipublic areas of multi-dwelling complexes within the Borough unless such is accompanied by a person and is securely confined and controlled by an adequate physical leash which may not exceed six (6) feet in length.

§110-6.2 Dogs at large.

It shall be unlawful for any person owning, keeping, harboring or having the custody and possession of any dog, whether registered or not, to permit such dog to be at large within the Borough.

Dogs on their owner's property must be leashed or otherwise prohibited from leaving the property unattended.

§110-7 Appointment of Animal Control Officer;

The Borough Council is hereby authorized and empowered to appoint an Animal Control Officer in accordance with N.J.S.A. 4:19-15.16a et seq. and the rules promulgated thereunder. The Animal Control Officer shall have the full power and authority to carry out the provisions of this chapter. The Borough Council shall fix the compensation to be paid to such person or persons so appointed and shall pay the same out of the monies of the Borough.

§110-8 Impoundment of dogs at large; notice to owner; disposition of unclaimed dogs or other animals

A. The animal control officer or Chief Law Enforcement Officer, or his or her designee, shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or offered for adoption as provided in this section:

- (1) Any dog off the premises of the owner or of the person keeping or harboring said dog which said official or their agent or agents have reason to believe is a stray dog;
- (2) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on its collar;
- (3) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog;
- (4) Any dog or other animal which is suspected to be rabid;

(5) Any dog or other animal off the premises of the owner reported to, or observed by, a certified animal control officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.

B. If any animal so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring said animal is known, any person authorized by the governing body shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said animal, if known, a notice in writing stating that the animal has been seized and will be liable to be offered for adoption or destroyed if not claimed within seven days after the service of the notice. A notice under this section may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of abode, or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar.

C. Any person authorized by the governing body may cause an animal to be destroyed in a manner causing as little pain as possible and consistent with the provisions of R.S.4:22-19 or to be offered for adoption seven days after seizure; provided that:

- (1) Notice is given as set forth above and the animal remains unclaimed; or
- (2) The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs not exceeding \$4.00 per day; or
- (3) The owner or person keeping or harboring a dog which was unlicensed at the time of seizure does not produce a license and registration tag for the dog.

D. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a crime of the fourth degree.

After observation, any animal seized under this section suspected of being rabid shall be immediately reported to the executive officer of the local board of health and to the Department of Health and Senior Services.

§110-9 Administration and enforcement.

- A. The Animal Control Officer of the Borough shall be responsible for all dogs impounded or taken into custody under the provisions of this article or state statutes and shall designate the place where such dogs are to be impounded or held in custody.
- B. Except for the issuance of dog licenses, which shall be done by the office of the Borough Clerk, this article shall be enforced by the Animal Control Officer of the Borough. However, nothing herein shall be deemed to prohibit any police officer of the Borough from enforcing any provisions hereof.

§110-10 NJ Licensed Animal Facility Open for inspection and examination.

All NJ Licensed Animal Facilities for dogs or other animals shall be open at all times for inspection and examination by the Borough Health Department.

§110-11 Dogs which habitually bark or cry.

It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a

Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

§110-12 Injury to persons or damage to property.

No person owning, harboring, keeping or in charge of any dog shall allow or permit it to do any injury to any person or to do any damage to any lawn, shrubbery, flowers, garden, grounds or property of another person or to any public property.

§110-13 Injuring domestic animals.

No person owning, keeping or harboring a dog shall allow or permit it to do any injury or damage to any domestic animals.

§110-14 Commercial Establishments, Sale of dogs or cats.

- (1) Operating a commercial dog breeding, boarding or kennel or daycare type service is prohibited on any residential property.
- (2) (a) The sale, or offer for sale, of dogs or cats in any commercial establishment in the Borough is prohibited.
 (b) Nothing in this section shall be construed to prohibit a retail pet store or other commercial establishment from providing space to an animal rescue organization or an animal shelter to publicly showcase dogs or cats available for adoption.
 (c) An animal rescue organization or animal shelter may offer dogs or cats for adoption at their facility.
 (d) Animal rescue organization does not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person or establishment that breeds animals.

§110- 14A Violations and penalties.

Unless another penalty is expressly provided herein, any person, firm or corporation violating this article shall be subject, upon conviction, to one or more of the following at the discretion of the court: a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed 90 days or community service not to exceed 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Article II
Rabies**

§110-15 Vaccination required; procedure; certificate of compliance.

- A. Any person who shall own, keep or harbor a dog of licensing age in the Borough of Kinnelon shall annually apply for and procure from the Borough Clerk or other official designated by the governing

body thereof to license dogs, a license and official registration tag for each such dog so owned, kept or harbored, and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.

- B. The Borough Clerk or other official designated by the governing body to license dogs therein shall not grant any such license and official registration tag for any dog unless the owner thereof provides evidence that the dog to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Health, Education, and Welfare, or has been certified exempt as provided by regulations of the NJ State Department of Health. Such vaccination shall be repeated at intervals as provided by regulations of the NJ State Department of Health, and shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same. The NJ State Department of Health shall promulgate regulations providing for the recognized duration of immunity, interval of inoculation, certificate of vaccination, certificate of exemption, and such other matters related to this article.
- C. The owner of any newly-acquired dog of licensing age or of any dog which attains licensing age, shall make application for license and registration tag for such dog within ten days after such acquisition or age attainment.
- D. The Board of Health is hereby authorized and empowered to provide free vaccination for such dog or other such warm-blooded animal at a suitable clinic and place designated by it, to be conducted by a duly licensed veterinarian and Certified Animal Control Officer or licensed Registered Environmental Health Specialist of the State of New Jersey. Said Board of Health is hereby further authorized and empowered to make and adopt such rules and regulations, not inconsistent or in conflict with the terms and provisions of this article, as it may deem proper and necessary for the carrying out of the purposes of this article.

§110-16 Persons attacked or bitten by animals; confinement of animals for rabies tests.

- A. The Board of Health, within its jurisdiction, may serve notice upon the owner or person in charge of a dog, cat or other animal which has attacked or bitten a person, to confine the animal at the expense of the owner or person in charge of it upon the premises of the owner or person in charge or at some other place designated in the notice, for at least ten days after the animal has attacked or bitten a person.
- B. Prior to releasing any dog or other such warm-blooded animal confined under the provisions of this article, a duly licensed veterinarian, a Certified Animal Control Officer or, in their absence, a licensed Registered Environmental Health Specialist of the State of New Jersey shall issue a certificate to the Board of Health, stating the physical condition of such animal at the end of the ten-day period of confinement. If the certificate indicates the release of the said animal is not warranted by reason of its physical condition at the end of the ten-day period of confinement, the animal shall be confined at the expense of the person, firm or corporation owning, possessing, harboring or having custody of such animal until such time as the veterinarian, a Certified Animal Control Officer or, in their absence, a licensed Registered Environmental Health Specialist of the State of New Jersey certifies that its physical condition warrants its release.

§110-17 Attacks or bites by rabid animals: reports to Board of Health.

- A. Whenever a dog, cat or other such warm-blooded animal is infected with rabies or suspected of being infected with rabies or has been bitten by an animal known to be infected with rabies, the person, firm or corporation owning, possessing, harboring or having custody of such animal shall forthwith notify the Board of Health.
- B. Every physician, within 12 hours after his first professional attendance upon any person bitten by a warm-blooded animal, shall report the same to the Board of Health.
- C. The parent, guardian or other custodian of a child or an adult, or, if he is incapacitated, the person caring for such adult, bitten by a dog, cat or other such warm-blooded animal, shall, within 12 hours after the biting, report the same to the Board of Health.

§110-18 Violations and penalties.

Any person, firm or corporation violating this article shall be subject, upon conviction, to one or more of the following at the discretion of the court:

- A. A fine not to exceed \$1,000;
- B. Imprisonment in the county jail for a term not to exceed 90 days; or
- C. Community service not to exceed 90 days.

Article III

Vicious and Potentially Dangerous Dogs

§110-19 Proceedings; statutory authority.

The Board of Health, its Animal Control Officer and other designated municipal officials shall proceed in accordance with N.J.S.A. 4:19-17 et seq. and the regulations promulgated thereunder with respect to vicious and potentially dangerous dogs.

§110-20 Special license fee.

In addition to license and registration fees set forth in Article I of this chapter, the owner of a potentially dangerous dog shall pay a special annual fee of \$700 for a potentially dangerous or vicious dog license.

§110-21 Violations and penalties.

Any person found by a preponderance of the evidence to have violated any of the provisions of this article shall be subject to a fine of a minimum of \$100 and not more than \$1,000 per day of the violation and each day's continuance of the violation shall constitute a separate and distinct violation. When its owner violates the provisions of this article, a potentially dangerous dog may be seized and impounded and the Municipal Court may order its humane destruction 10 days or longer after the conviction.

Article IV

Defiling on Public Property and Certain Private Property

§110-22 Defiling on public property and certain private property prohibited.

A. No person owning, keeping, or harboring any dog shall cause, permit or allow the dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of the property. The restriction in this subsection shall not apply to that portion of the street lying between the curb lines or the paved or other otherwise improved portion of the right-of-way, which shall be used to curb the dog under the following conditions:

- (1) The person who curbs the dog shall immediately remove all feces deposited by the dog and properly dispose of same.

Proper disposal shall consist of placing the waste in a suitable container, which is then discarded in a public refuse container which is regularly emptied by the municipality or some other refuse collector. Animal waste shall not be placed in any residential waste container without the expressed permission of the receptacle owner. Animal waste shall not be placed in any storm sewer.

Owners of pets who permit their pets to defecate on their own property shall likewise promptly and properly dispose of said waste so as to prevent obnoxious odors or unsanitary conditions which would affect other property owners.

B. The provisions of this article shall not apply to blind persons who may use trained dogs as guides.

§110-23 Violations and penalties.

Any person owning, keeping, or harboring any dog who shall be found guilty of violating any provision of this article shall, for each offense, upon conviction thereof by the Municipal Judge, be subject to the general penalty provisions set forth in §110-14A.

§110-24 Enforcement.

All police officers of the Borough and the Borough Animal Control Officer shall have full power and authority to enforce the provisions of this article.

Article V Wildlife Feeding

§110-25 Purpose.

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Kinnelon, so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

§110-26 Prohibited conduct.

No person shall feed, in any public park or on any other property owned or operated by the Borough of Kinnelon, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks, or rehabilitation centers, or unconfined wildlife at environmental education centers.)

§110-27 Enforcement.

This article shall be enforced by Police Department and the Animal Control Officer of the Borough of

Kinnelon.

§110-28 Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, be punished in accordance with §110-14A. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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.

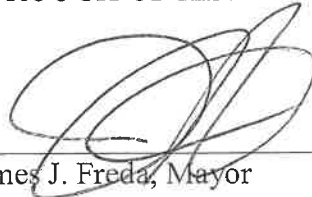
SECTION 3. This Ordinance shall take effect after approval and publication as required by law.

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 April 20, 2023 and adopted by the Governing Body at a regular meeting of the Borough held on May 18, 2023.


Karen M. Iuele, RMC, Borough Clerk

ORDINANCE NO. 09-23

**AN ORDINANCE AMENDING ORDINANCE 18-22 TITLED
"AN ORDINANCE DISSOLVING THE OPEN SPACE COMMITTEE AND
ENVIRONMENTAL ADVISORY COMMITTEE AND CREATING A NEW
SUSTAINABILITY AND OPEN SPACE ADVISORY COMMITTEE"**

WHEREAS, the Mayor and Council of the Borough of Kinnelon ("Borough"), pursuant to Ordinance 18-22, created a new Sustainability and Open Space Advisory Committee as Chapter 51 of the Code of the Borough of Kinnelon; and

WHEREAS, the Mayor and Council of the Borough of Kinnelon now desire to amend the Ordinance to remove the requirement that the Committee include representatives from the Historical Commission, the Recreation Committee and the Planning Board.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Kinnelon as follows:

SECTION 1. Chapter 51 of the Code of the Borough of Kinnelon titled "Open Space Advisory Committee" shall be amended by repealing §51-2 titled "Members; Term; Qualifications; Council Liaison; Secretary" and replacing it with the following:

§51-2 Members; terms; qualifications; Council liaison; Secretary.

- A. The SOSAC shall be comprised of seven (7) regular members and two alternates:
- seven members from the public,
 - two alternates from the public designated as Alternate No.1 and Alternate No. 2 who may participate in all matters but may not vote except in the absence or disqualification of a regular member. Alternate No. 1 shall be the first to vote in the place of a regular member, then Alternate No. 2.

The Mayor shall appoint, with the advice and consent of the Council, all members of SOSAC. All members of SOSAC shall be residents of the Borough of Kinnelon.

- B. The terms of the members first appointed shall be as follows:

- a. Two alternates from the public shall be appointed for one-year term;
- b. Two members from the public shall be appointed for one year term; and
- c. Two members from the public shall be appointed for two-year terms; and
- d. Three members from the public shall be appointed for three-year terms.
- e. Thereafter, the term for each member of the public shall be for a period of three years.
- f. Any vacancy occurring during the term of any of the members of the public shall be filled for the balance of the unexpired term.

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. 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 _____, 2023.

Karen M. Iuele, RMC, Borough Clerk

Mayor Freda asked the Borough Clerk to call the roll on the passage thereof, and the vote was as followed.

Roll Call:	Councilman W. Yago, Yes;	Councilman V. Russo, Yes;
	Councilman J.E. Harriz, Yes;	Councilman R. Charles, Yes;
	Councilman S. Mabey, Yes;	Councilman A. Chirido Yes.

WHEREAS, the above ordinance was introduced at this meeting held on May 18, 2023 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on June 15, 2023 at 7:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

BE IT FURTHER RESOLVED that the Borough Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman A. Chirido offered a motion to publish the foregoing resolution. This was second by Councilman S. Mabey.

Roll Call:	Councilman W. Yago, Yes;	Councilman V. Russo, Yes;
	Councilman J.E. Harriz, Yes;	Councilman R. Charles, Yes;
	Councilman S. Mabey, Yes;	Councilman A. Chirido, Yes.

Ordinance 10-2023

**An Ordinance Amending Chapter 44 of the Code of the Borough of Kinnelon,
 Titled "Kinnelon Alliance Committee" and Specifically Section 44-1 of said Chapter Titled
 "Establishment;
 Membership; Terms: Vacancies."**

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.

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ORDINANCE NO. 10-23

AN ORDINANCE AMENDING CHAPTER 44 OF THE CODE OF THE BOROUGH OF KINNELON, TITLED "KINNELON ALLIANCE COMMITTEE" AND SPECIFICALLY SECTION 44-1 OF SAID CHAPTER TITLED "ESTABLISHMENT; MEMBERSHIP; TERMS; VACANCIES."

WHEREAS, the Mayor and Council of the Borough of Kinnelon ("Borough"), have previously established an Alliance Committee under Chapter 44 of the Code of the Borough of Kinnelon; and

WHEREAS, the Mayor and Council of the Borough of Kinnelon now desire to change the name of the Committee to "K-Cares";

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Kinnelon as follows:

SECTION 1. Section 44-1.A. of the Code of the Borough of Kinnelon titled "Establishment; membership; terms; vacancies" shall be amended by repealing the existing section and replacing it with the following:

§ 44-1. Establishment; membership; terms; vacancies.

A. An Alliance Committee for positive community service is hereby created in the Borough of Kinnelon and shall consist of seven persons, who shall be residents or employees of the Borough of Kinnelon or the Board of Education of the Borough of Kinnelon, said persons to be appointed by the Mayor with the advice and consent of the Council. The Kinnelon Alliance Committee shall be known as "K-CARES."

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. 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 _____, 2023.

Karen M. Iuele, RMC, Borough Clerk

Mayor Freda asked the Borough Clerk to call the roll on the passage thereof, and the vote was as followed.

Roll Call:	Councilman W. Yago, Yes;	Councilman V. Russo, Yes;
	Councilman J.E. Harriz, Yes;	Councilman R. Charles, Yes;
	Councilman S. Mabey, Yes;	Councilman A. Chirido Yes.

WHEREAS, the above ordinance was introduced at this meeting held on May 18, 2023 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on June 15, 2023 at 7:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

BE IT FURTHER RESOLVED that the Borough Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman A. Chirido offered a motion to publish the foregoing resolution. This was second by Councilman S. Mabey.

Roll Call:	Councilman W. Yago, Yes;	Councilman V. Russo, Yes;
	Councilman J.E. Harriz, Yes;	Councilman R. Charles, Yes;
	Councilman S. Mabey, Yes;	Councilman A. Chirido, Yes.

Ordinance 11-2023

Bond Ordinance Appropriation \$1,350,850, and Authorizing the Issuance of \$774,250 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

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.

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ORDINANCE # 11-23

BOND ORDINANCE APPROPRIATING \$1,350,850, AND AUTHORIZING THE ISSUANCE OF \$774,250 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 sums, except as stated below, being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,350,850 including the aggregate sum of \$198,841 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 and including in the case of the improvement or purpose described in Section 3(a) hereof for the improvement of Cutlass Road (i) the sum of \$23,512.71 from proceeds of the sale of obligations of the Borough heretofore issued and not necessary for financing the purposes for which issued, (ii) the sum of \$122,546.29 from funds available under ordinances of the Borough adopted and not necessary for the purposes for which appropriated and (iii) the sum of \$231,700

received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement to Cutlass Road.

Section 2. For the financing of said improvements or purposes, including for the purpose of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$1,350,850 appropriations not provided for by application hereunder of said down payments, grant and said prior ordinances of the Borough, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$774,250 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 \$774,250 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 various roads in and by the Borough by the surfacing or resurfacing thereof to provide a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including, but not limited to, Cutlass Road, Foothill Road and Cabot Road, together with all engineering, drainage improvements, 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, the \$1,210,850 appropriation hereby made therefor being inclusive of the sum of (i) \$231,700 received or expected to be received by the Borough from the New Jersey Department of		

Transportation as a grant-in-aid of financing said improvement to Cutlass Road and (ii) \$146,059 available under Ordinance Nos. 06-06, 17-12, 07-16, 09-17, 06-18, 08-20, 11-20 and 13-20 for financing the improvement to Cutlass Road	\$1,210,850	\$641,250
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(b) Acquisition by purchase of new and additional vehicular equipment for use by the Department of Public Works of the Borough including one (1) CV truck, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	<u>140,000</u>	<u>133,000</u>
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Totals	\$1,350,850	\$774,250
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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, the said \$231,700 grant and the said \$146,059 from prior ordinances of the Borough.

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 9.14 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 \$774,250, 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 \$135,000 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. The funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purposes described in Section 3(a) of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. It is the opinion of the Borough Council of the Borough, as the governing body thereof, that it is in the best interest of the Borough that \$146,059, to the extent of \$23,512.71, constituting proceeds of obligations of the Borough heretofore issued under Ordinance No. 17-12 and to the extent of \$122,546.29, constituting funds available under Ordinance Nos. 06-06 (\$12,345), 07-16 (\$16.96), 09-17 (\$17,705), 06-18 (\$52,253.18), 08-20 (\$1,342), 11-20 (\$1,719) and 13-20 (\$37,165.25) of the Borough, shall be appropriated to and

used to finance costs, including incidental expenses, of the improvements or purposes above described in Section 3(a) of this ordinance.

Section 7. All bond anticipation notes issued hereunder shall mature at such times as may be determined by 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 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 8. 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 9. 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 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

May 18, 2023

Mayor Freda asked the Borough Clerk to call the roll on the passage thereof, and the vote was as followed.

Roll Call: Councilman W. Yago, Yes; Councilman V. Russo, Yes;
Councilman J.E. Harriz, Yes; Councilman R. Charles, Yes;
Councilman S. Mabey, Yes; Councilman A. Chirido Yes.

WHEREAS, the above ordinance was introduced at this meeting held on April 20, 2023 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on May 18, 2023 at 7:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

BE IT FURTHER RESOLVED that the Borough Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman A. Chirido offered a motion to publish the foregoing resolution. This was second by Councilman S. Mabey.

Roll Call: Councilman W. Yago, Yes; Councilman V. Russo, Yes;
Councilman J.E. Harriz, Yes; Councilman R. Charles, Yes;
Councilman S. Mabey, Yes; Councilman A. Chirido, Yes.

TAX COLLECTOR'S REPORT

During the month of April 2023, the Tax Collector's office processed a total of \$3,260,150.17

INVESTMENT OFFICER'S REPORT:

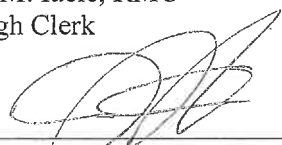
A total of \$23,469.14 was collected in interest for the month of April 2023.

ADJOURNMENT:

This meeting adjourned at approximately 10:30 p.m. on motion by Councilman A. Chirido with the unanimous affirmative voice vote of all present.

Respectfully submitted,


Karen M. Iuele, RMC
Borough Clerk



Mayor James Freda