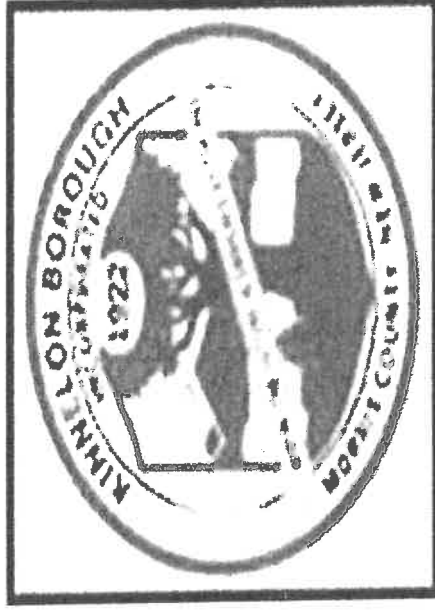


BOROUGH OF KINNELON

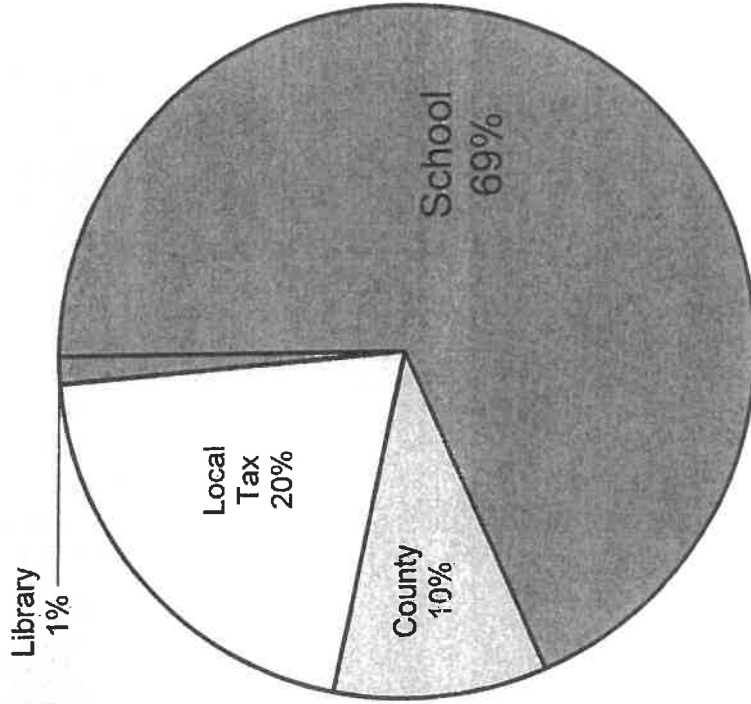


2023 Introduced Municipal Budget

April 20, 2023

Your Total Tax Bill - Divided

(Per average household \$577,728)



| | |
|--------------|-----------------|
| School | \$11,235 |
| Local | \$3,275 |
| County | \$1,558 |
| Library | \$205 |
| Total | \$16,273 |

BUDGET ANALYSIS

2023 Avg Assessed Household local tax increase -
\$16.42 per month (\$197/year)

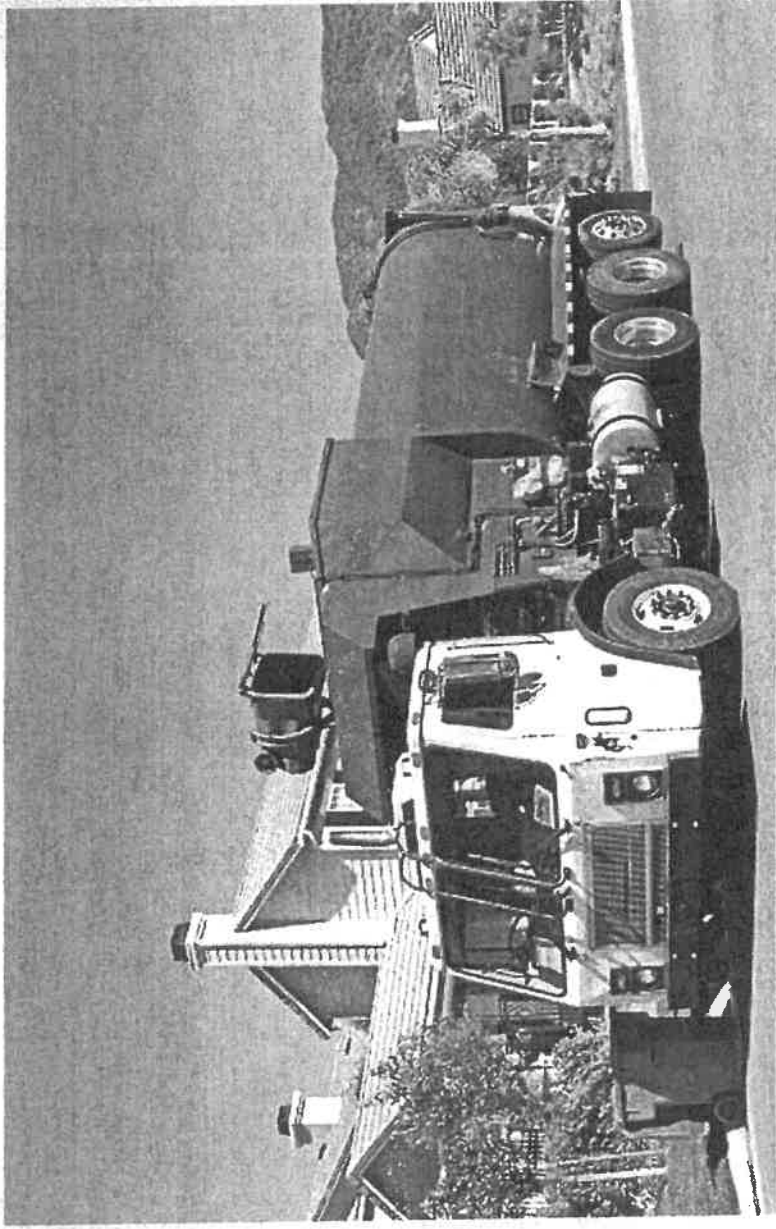
Primary increase factors:

- Garbage/Recycling - \$701,832 - 90% increase
- Health Insurance - \$152,000 - 22% increase
- Pension Payments to State - \$44,500% - 5% increase
- Utilities - \$28,000 - 12% increase

Other factors:

- Salaries - Overall increase of 3.25%
 - Police - 3.5%, Non-police- 3.0%
- Other Expenses - Overall increase of 1.92%
- Debt Service - Increase of 7.60%

Let's Talk Trash! And Recycling



Let's Talk Trash!

- Scenario 1:
 - Residents pay for garbage/recycling (Privatized - not included in municipal services)
 - ❖ Kinnelon Resident pays \$35/month for twice a week garbage and once a week recycling pickup
 - ❖ Privatizing costs - \$55 to \$75/month for once a week garbage and once every two weeks recycling pickup
 - Result: Per residential monthly charge would be significantly more than municipal cost and most likely less service.

Let's Talk Trash!

- Scenario 2:
 - Take garbage/recycling out of tax base, make it a utility
 - ❖ Separate billing
 - ❖ Separate collecting
 - ❖ What happens if a resident opts out, others pay higher
 - Result: Same contractor cost + extra billing and admin support = more cost, no savings

Municipal Increase / Home Value

TAX RATE/TAX INCREASE IMPACT

MUNICIPAL TAX RATE PROPERTY VALUES

| <u>Year</u> | <u>Rate</u> | <u>Avg</u> <u>Assessed</u> <u>Household</u> | <u>Local Tax</u> |
|-------------|-------------|---|------------------|
| 2022 | .534 | \$576,501 | \$3,079 |
| 2023 | .567 | \$577,728 | \$3,276 |

INCREASE

\$197

(* Introduced Tax Rate)

8 Year Review - Amount to be Raised for Taxes (Mcpl/Library)

| Year | Amount to be Raised By Taxes | Increase Over Prior Year | Percent Increase Over Prior Year |
|-------------|------------------------------|--------------------------|----------------------------------|
| 2016 | \$10,413,976 | \$1,075,951 | 11.52% |
| 2017 | \$10,605,419 | \$191,443 | 1.84% |
| 2018 | \$10,705,256 | \$99,837 | 0.94% |
| 2019 | \$11,059,573 | \$354,317 | 3.31% |
| 2020 | \$11,327,846 | \$268,272 | 2.43% |
| 2021 | \$11,626,665 | \$298,819 | 2.64% |
| 2022 | \$11,969,241 | \$342,576 | 2.95% |
| 2023 | \$12,726,695 | \$757,454 | 6.33% |

NEXT STEPS

- 2023 Municipal Budget Introduction – Thursday, April 20th 7:00 pm, Borough Council Meeting
- 2023 Municipal Budget Public Hearing and Adoption – Thursday, May 18th 7:00 pm, Borough Council Meeting

Range of Check Dates: 03/17/23 to 12/31/23
 Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y
 Date of Checking Accts: First to Last
 Report Type: All Checks

| Check # | Check Date | Vendor | Amount Paid | Reconciled/Void Ref Num |
|---------|------------|--------------------------------------|-------------|-------------------------|
| GENERAL | | General Account Payab | | |
| 25504 | 03/31/23 | ADV05 ADVANCED RESCUE BOATS AND | 43,730.00 | 4948 |
| 25505 | 04/20/23 | 4IM01 4IMPRINT, INC. | 26.81 | 4949 |
| 25506 | 04/20/23 | AC A.C. DAUGHTRY INC. | 315.83 | 4949 |
| 25507 | 04/20/23 | ACT04 ACTION DATA SERVICES | 2,895.86 | 4949 |
| 25508 | 04/20/23 | ACU01 ACU-DATA BUSINESS PRODUCTS INC | 800.00 | 4949 |
| 25509 | 04/20/23 | ADV05 ADVANCED RESCUE BOATS AND | 2,056.50 | 4949 |
| 25510 | 04/20/23 | AFF02 AFFILIATED TECHNOLOGY | 190.82 | 4949 |
| 25511 | 04/20/23 | ALL04 ALLIED OIL COMPANY | 8,258.35 | 4949 |
| 25512 | 04/20/23 | AME16 AMERICAN HOSE & HYDRAULIC CO. | 211.77 | 4949 |
| 25513 | 04/20/23 | APO01 APOLLO FLAGS, LLC | 238.00 | 4949 |
| 25514 | 04/20/23 | ATL01 ATLANTIC SALT INC. | 32,562.20 | 4949 |
| 25515 | 04/20/23 | AUT05 THE AUTO PARTS SOURCE | 393.03 | 4949 |
| 25516 | 04/20/23 | BAR07 BARRETT CONSTRUCTION | 1,539.13 | 4949 |
| 25517 | 04/20/23 | BCM01 BCMCAA | 300.00 | 4949 |
| 25518 | 04/20/23 | BLA07 BLACK BEAR ELECTRIC LLC | 1,275.00 | 4949 |
| 25519 | 04/20/23 | BLO03 BLOODGOOD LAW ENFORCEMENT | 149.00 | 4949 |
| 25520 | 04/20/23 | BOR01 BOROUGH OF BUTLER ELECTRIC | 7,745.30 | 4949 |
| 25521 | 04/20/23 | BOR02 BOROUGH OF KINNELON | 444.64 | 4949 |
| 25522 | 04/20/23 | BOR11 BOROUGH OF BLOOMINGDALE | 3,548.00 | 4949 |
| 25523 | 04/20/23 | BOX01 BOXCAST INC | 139.00 | 4949 |
| 25524 | 04/20/23 | BR01 B&R UNIFORMS | 446.85 | 4949 |
| 25525 | 04/20/23 | BRA05 BRAEN STONE INDUSTRIES, INC | 358.91 | 4949 |
| 25526 | 04/20/23 | BSN01 BSN SPORTS LLC | 2,928.16 | 4949 |
| 25527 | 04/20/23 | BUZ01 SURENIAN, EDWARDS, BUZAK & | 6,935.00 | 4949 |
| 25528 | 04/20/23 | CAB01 OPTIMUM | 59.11 | 4949 |
| 25529 | 04/20/23 | CAB02 OPTIMUM | 117.73 | 4949 |
| 25530 | 04/20/23 | CAB03 OPTIMUM | 116.18 | 4949 |
| 25531 | 04/20/23 | CAB04 OPTIMUM | 116.18 | 4949 |
| 25532 | 04/20/23 | CAB05 OPTIMUM | 116.18 | 4949 |
| 25533 | 04/20/23 | CAB06 OPTIMUM | 116.18 | 4949 |
| 25534 | 04/20/23 | CAB07 OPTIMUM | 116.18 | 4949 |
| 25535 | 04/20/23 | CAB08 OPTIMUM | 216.18 | 4949 |
| 25536 | 04/20/23 | CAB09 OPTIMUM | 116.18 | 4949 |
| 25537 | 04/20/23 | CAB10 OPTIMUM | 367.93 | 4949 |
| 25538 | 04/20/23 | CAR10 CARTRIDGE WORLD | 69.99 | 4949 |
| 25539 | 04/20/23 | CIF02 NICHOLAS CIFELLI | 211.89 | 4949 |
| 25540 | 04/20/23 | CIN05 CINTAS CORPORATION #111 | 844.96 | 4949 |
| 25541 | 04/20/23 | CIT03 CIT-E-NET | 3,300.00 | 4949 |
| 25542 | 04/20/23 | CIT05 CIT FINANCE LLC | 586.73 | 4949 |
| 25543 | 04/20/23 | COO03 COOPERATIVE COMMUNICATIONS INC | 3,960.37 | 4949 |
| 25544 | 04/20/23 | COR12 CORE & MAIN LP | 105.46 | 4949 |
| 25545 | 04/20/23 | CRE01 CREW ENGINEERS INC. | 31,825.05 | 4949 |
| 25546 | 04/20/23 | CRO02 CROWN AWARDS | 292.42 | 4949 |
| 25547 | 04/20/23 | CRO04 DAVID CROUTHAMEL | 318.59 | 4949 |
| 25548 | 04/20/23 | DAN10 DANIEL SPELLMON | 233.99 | 4949 |
| 25549 | 04/20/23 | DAN11 CHARLES DANIEL | 50.75 | 4949 |
| 25550 | 04/20/23 | DAR01 DARMOFALSKI ENGINEERING ASSOC. | 675.00 | 4949 |
| 25551 | 04/20/23 | DEB03 DE BLOCK ENVIRONMENTAL SERVICE | 12,000.00 | 4949 |
| 25552 | 04/20/23 | DEP04 TREASURER, STATE OF NEW JERSEY | 516.00 | 4949 |

| Check # | Check Date | Vendor | Amount Paid | Reconciled/Void Ref Num |
|---------|------------|---|--------------|-------------------------|
| GENERAL | | General Account Account Payab Continued | | |
| 25553 | 04/20/23 | DOR06 DORSEY & SEMRAU, LLC | 1,096.00 | 4949 |
| 25554 | 04/20/23 | ELE03 ELECTRO BATTERY SYSTEMS INC. | 99.89 | 4949 |
| 25555 | 04/20/23 | EXT01 EXTRA SPACE STORAGE | 367.00 | 4949 |
| 25556 | 04/20/23 | FAY01 FAYSON LAKE WATER COMPANY | 16,152.67 | 4949 |
| 25557 | 04/20/23 | FOV01 FOVEONICS DOCUMENT SOLUTIONS | 5,022.00 | 4949 |
| 25558 | 04/20/23 | GAK01 LAURA GAKOS | 300.00 | 4949 |
| 25559 | 04/20/23 | GAM01 GAME DAY SPORTS | 2,087.05 | 4949 |
| 25560 | 04/20/23 | GEN03 GENERAL CODE, LLC | 1,195.00 | 4949 |
| 25561 | 04/20/23 | GIB03 BRIAN T. GIBLIN, ESQ. | 6,666.66 | 4949 |
| 25562 | 04/20/23 | GOP01 GOPHER | 207.09 | 4949 |
| 25563 | 04/20/23 | GRA01 GRAINGER INC. | 51.51 | 4949 |
| 25564 | 04/20/23 | GRA14 GRAND HOTEL | 648.00 | 4949 |
| 25565 | 04/20/23 | HAI04 ELLEN HAID | 30.00 | 4949 |
| 25566 | 04/20/23 | HAM03 HAMBURG SUPPLY CO. | 3,894.02 | 4949 |
| 25567 | 04/20/23 | HOLL01 HOLLYROCK ENTERTAINMENT | 1,100.00 | 4949 |
| 25568 | 04/20/23 | HOM02 HOME DEPOT CREDIT SERVICE | 182.46 | 4949 |
| 25569 | 04/20/23 | HOR04 HORIZON OFFICE EQUIPMENT | 655.00 | 4949 |
| 25570 | 04/20/23 | IUE01 KAREN IUELE | 110.00 | 4949 |
| 25571 | 04/20/23 | JBR01 JB ROBERTS INC | 1,036.00 | 4949 |
| 25572 | 04/20/23 | JCALDWEL J CALDWELL & ASSOCIATES, LLC | 1,625.00 | 4949 |
| 25573 | 04/20/23 | JCP01 JCP&L | 9.80 | 4949 |
| 25574 | 04/20/23 | JIM01 JIMMY THE SHOE DOCTOR | 99.98 | 4949 |
| 25575 | 04/20/23 | KAS04 CAMILLE KASSAR | 300.00 | 4949 |
| 25576 | 04/20/23 | KIN08 KINNELON VOLUNTEER FIRE CO. | 9,625.00 | 4949 |
| 25577 | 04/20/23 | KIN09 KINNELON BOARD OF EDUCATION | 3,388,239.75 | 4949 |
| 25578 | 04/20/23 | KUL01 KULPEKSA LAND IMPROVEMENT CO | 124,445.30 | 4949 |
| 25579 | 04/20/23 | KYB01 KYBA | 447.50 | 4949 |
| 25580 | 04/20/23 | LAK02 LAKELAND BANK EQUIP FINANCE | 5,772.70 | 4949 |
| 25581 | 04/20/23 | LAK13 LAKELAND AUTO PARTS | 129.96 | 4949 |
| 25582 | 04/20/23 | LAW07 LAWSOFT INC. | 745.00 | 4949 |
| 25583 | 04/20/23 | LOE01 LOEFFEL'S WASTE OIL SERVICE | 604.80 | 4949 |
| 25584 | 04/20/23 | MAT04 MATTHIJSSSEN, INC. | 2,666.00 | 4949 |
| 25585 | 04/20/23 | MGL01 M.G.L. PRINTING SOLUTIONS | 1,499.50 | 4949 |
| 25586 | 04/20/23 | MOD02 MODERN CONSTRUCTION EQ. CO | 2,590.41 | 4949 |
| 25587 | 04/20/23 | MON14 MONMOUTH TELECOM | 494.34 | 4949 |
| 25588 | 04/20/23 | MOR14 MORRIS CTY POLICE CHIEFS ASSOC | 100.00 | 4949 |
| 25589 | 04/20/23 | MOR42 THE LAND CONSERVANCY OF NJ | 3,125.00 | 4949 |
| 25590 | 04/20/23 | MUC01 CHRISTOPHER MUCCI | 100.00 | 4949 |
| 25591 | 04/20/23 | MUN02 MUNICIPAL RECORD SERVICE INC. | 634.00 | 4949 |
| 25592 | 04/20/23 | NES01 NESTLE PURE LIFE DIRECT | 82.26 | 4949 |
| 25593 | 04/20/23 | NEW24 NEW JERSEY SHADE TREE FED | 95.00 | 4949 |
| 25594 | 04/20/23 | NJD07 NJ DEPT HEALTH & SENIOR SERV | 220.20 | 4949 |
| 25595 | 04/20/23 | NOR02 NORTH JERSEY MEDIA GROUP | 473.24 | 4949 |
| 25596 | 04/20/23 | NOR13 NORTH JERSEY MUNICIPAL | 3,729.00 | 4949 |
| 25597 | 04/20/23 | NOR18 NORTHEAST COMMUNICATIONS, INC. | 409.68 | 4949 |
| 25598 | 04/20/23 | ONE02 ONE CALL CONCEPTS, INC. | 121.55 | 4949 |
| 25599 | 04/20/23 | PBM01 PBM SUPPLY COMPANY | 716.65 | 4949 |
| 25600 | 04/20/23 | PEQ02 PEQUANNOCK TOWNSHIP | 58,799.50 | 4949 |
| 25601 | 04/20/23 | PRB01 P.R.B.R.S.A. | 74,092.00 | 4949 |
| 25602 | 04/20/23 | PSE01 P.S.E. & G. | 4,690.51 | 4949 |
| 25603 | 04/20/23 | RAC02 RACHLES/MICHELE'S OIL CO., INC | 2,530.94 | 4949 |
| 25604 | 04/20/23 | REI09 REINER GROUP INC. | 333,543.00 | 4949 |

| Check # | Check Date | Vendor | Amount Paid | Reconciled/Void | Ref Num |
|---------|------------|--------------------------------------|-------------|-----------------|---------|
| GENERAL | | General Account Payab Continued | | | |
| 25605 | 04/20/23 | RIV07 RIVALRY SPORTS MEDICINE | 1,080.00 | | 4949 |
| 25606 | 04/20/23 | ROU01 ROUTE 23 AUTO MALL | 136.80 | | 4949 |
| 25607 | 04/20/23 | RUT08 RUTGERS YTH SPORTS RESRCH COUN | 845.00 | | 4949 |
| 25608 | 04/20/23 | SAL01 SBI MATERIALS, LLC | 320.00 | | 4949 |
| 25609 | 04/20/23 | SCH03 SCHMITZ SAFE & LOCK COMPANY | 264.06 | | 4949 |
| 25610 | 04/20/23 | SCH30 MELANIE SCHUCKERS | 142.28 | | 4949 |
| 25611 | 04/20/23 | SHA03 THE SHADE TREE DEPARTMENT LLC | 373.12 | | 4949 |
| 25612 | 04/20/23 | SHE12 THE SHERWIN WILLIAMS CO. | 904.65 | | 4949 |
| 25613 | 04/20/23 | SHI03 SHI INTERNATIONAL CORP | 960.00 | | 4949 |
| 25614 | 04/20/23 | SIT01 SITEONE LANDSCAPE SUPPLY, LLC | 868.34 | | 4949 |
| 25615 | 04/20/23 | SKY04 SKYLANDS ICE WORLD | 554.00 | | 4949 |
| 25616 | 04/20/23 | SKY05 SKYTOP RECYCLING | 1,000.00 | | 4949 |
| 25617 | 04/20/23 | SMO01 SMOKE RISE CLUB | 16,215.13 | | 4949 |
| 25618 | 04/20/23 | SOM03 SOMERSET COUNTY BAR ASSOC. | 45.00 | | 4949 |
| 25619 | 04/20/23 | STA STAPLES ADVANTAGE, DEPT NY | 82.42 | | 4949 |
| 25620 | 04/20/23 | STA05 STATE OF NEW JERSEY PWT | 80.38 | | 4949 |
| 25621 | 04/20/23 | STA19 LESZEK STALA | 62.02 | | 4949 |
| 25622 | 04/20/23 | STA33 GEORGE STATHOPOULOS | 40.00 | | 4949 |
| 25623 | 04/20/23 | STO01 STORR TRACTOR COMPANY | 51.89 | | 4949 |
| 25624 | 04/20/23 | SUB03 SUBURBAN DISPOSAL INC. | 121,541.66 | | 4949 |
| 25625 | 04/20/23 | SUP03 SUPERIOR TREE WIZARDS, LLC | 3,500.00 | | 4949 |
| 25626 | 04/20/23 | TAS01 TASTE OF REALITY | 208.87 | | 4949 |
| 25627 | 04/20/23 | TEA04 TEAM ONE NETWORK | 650.00 | | 4949 |
| 25628 | 04/20/23 | TIL01 TILCON NEW YORK INC. | 3,352.97 | | 4949 |
| 25629 | 04/20/23 | TRE09 TREASURER, STATE OF NEW JERSEY | 420.00 | | 4949 |
| 25630 | 04/20/23 | TRE11 TREASURER, STATE OF NEW JERSEY | 2,000.00 | | 4949 |
| 25631 | 04/20/23 | TUR01 TURN-OUT UNIFORMS INC. | 280.98 | | 4949 |
| 25632 | 04/20/23 | VER06 VERIZON WIRELESS | 467.57 | | 4949 |
| 25633 | 04/20/23 | VER11 VERIZON WIRELESS - KPD | 152.04 | | 4949 |
| 25634 | 04/20/23 | VER15 VERIZON CONNECT NWF, INC | 679.98 | | 4949 |
| 25635 | 04/20/23 | VER18 VERIZON CONNECT NWF, INC | 188.90 | | 4949 |
| 25636 | 04/20/23 | WAS04 WASH HOUNDS | 135.00 | | 4949 |
| 25637 | 04/20/23 | WEI07 WEINER LAW GROUP LLP | 1,154.00 | | 4949 |
| 25638 | 04/20/23 | WIN06 WIND RIVER ENVIRONMENTAL | 1,720.80 | | 4949 |
| 25639 | 04/20/23 | WUB01 ANDREW WUBBENHORST | 300.00 | | 4949 |

| Checking Account Totals | Paid | Void | Amount Paid | Amount Void |
|-------------------------|------|------|--------------|-------------|
| Checks: | 136 | 0 | 4,398,373.17 | 0.00 |
| Direct Deposit: | 0 | 0 | 0.00 | 0.00 |
| Total: | 136 | 0 | 4,398,373.17 | 0.00 |

| Report Totals | Paid | Void | Amount Paid | Amount Void |
|-----------------|------|------|--------------|-------------|
| Checks: | 136 | 0 | 4,398,373.17 | 0.00 |
| Direct Deposit: | 0 | 0 | 0.00 | 0.00 |
| Total: | 136 | 0 | 4,398,373.17 | 0.00 |

| Funds by Year-Fund Description | Fund | Budget Total | Revenue Total | G/L Total | Total |
|-----------------------------------|------|--------------|---------------|-----------|--------------|
| CURRENT FUND | 2-01 | 24,423.06 | 0.00 | 0.00 | 24,423.06 |
| CURRENT FUND | 3-01 | 3,717,909.64 | 0.00 | 0.00 | 3,717,909.64 |
| WATER FUND | 3-05 | 13,357.61 | 0.00 | 0.00 | 13,357.61 |
| SEWER FUND | 3-07 | 75,812.80 | 0.00 | 0.00 | 75,812.80 |
| Year Total: | | 3,807,080.05 | 0.00 | 0.00 | 3,807,080.05 |
| | C-04 | 520,506.30 | 0.00 | 0.00 | 520,506.30 |
| | C-06 | 15,093.55 | 0.00 | 0.00 | 15,093.55 |
| Year Total: | | 535,599.85 | 0.00 | 0.00 | 535,599.85 |
| DOG TAX | D-13 | 220.20 | 0.00 | 0.00 | 220.20 |
| STATE AND FEDERAL GRANTS | G-02 | 600.00 | 0.00 | 0.00 | 600.00 |
| RECREATION SPECIAL | R-16 | 14,290.93 | 0.00 | 0.00 | 14,290.93 |
| | V-27 | 13,356.90 | 0.00 | 0.00 | 13,356.90 |
| WHEELCHAIR FUND | Y-21 | 2,802.18 | 0.00 | 0.00 | 2,802.18 |
| Total Of All Funds: | | 4,398,373.17 | 0.00 | 0.00 | 4,398,373.17 |

RESOLUTION 04.01.2023

AUTHORIZING PETER PRIESTNER, DPW
MAINTAINER, FROM STEP 2 OF THE
DPW UNION CONTRACT TO STEP 3 IN
RECOGNITION OF A VALUABLE EMPLOYEE
FOR THE BOROUGH OF KINNELON

WHEREAS, the Mayor and Council of the Borough of Kinnelon wishes to promote Peter Priestner, DPW Maintainer, from Step 2 of the DPW Union Contract to Step 3, and

WHEREAS, Peter Priestner has proven himself to be a valuable asset to the Borough of Kinnelon;
and

WHEREAS, Peter Priestner has acquired his class B CDL and has the knowledge in electrical field which has been utilized many times. Peter has also learned the needed in the water and sewer areas of the Borough and has mastered the operation of the Jet Vacuum truck.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve moving Peter Priestner, DPW Maintainer, as of April 13, 2023 from Step 2 of the DPW Union Contract to Step 3 for the recognition and dedication of a valuable Kinnelon employee.

Dated: April 13, 2023



Karen M. Luele, RMC
Kinnelon Borough Clerk

RESOLUTION 4.02.2023

AUTHORIZING HIRE OF
KODIE HARPER AS A
FULL TIME DPW MAINTAINER

WHEREAS, the Kinnelon Department of Public Works wishes to hire Kodie Harper of 77 Kiel Ave, Kinnelon, New Jersey as a Full Time Department of Public Works Maintainer; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough Of Kinnelon hire Kodie Harper, as a Full-Time worker for the Department of Public Works, at \$20.00 per hour starting on April 17, 2023.

CERTIFICATION

I, Karen M. luele, 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 April 13, 2023.

Dated: April 13, 2023


Karen M. luele, RMC
Borough Clerk

RESOLUTION 4.03.2023

AUTHORIZING HIRE OF
JEFERSON VILLEDA AS A
FULL TIME DPW MAINTAINER

WHEREAS, the Kinnelon Department of Public Works wishes to hire Jeferson Villeda of 70 High Crest Drive, West Milford-, New Jersey as a Full Time Department of Public Works Maintainer; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough Of Kinnelon hire Jeferson Villeda, as a Full-Time worker for the Department of Public Works, at \$20.00 per hour starting on April 17, 2023.

CERTIFICATION

I, Karen M. luele, 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 April 13, 2023.

Dated: April 13, 2023


Karen M. luele, RMC
Borough Clerk

RESOLUTION 4.04.2023

AUTHORIZING HIRE OF
JOHN BAUER AS A
FULL TIME DPW MAINTAINER

WHEREAS, the Kinnelon Department of Public Works wishes to hire John Bauer of 6 Pepperidge Tree Terrace, Kinnelon, New Jersey as a Full Time Department of Public Works Maintainer; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough Of Kinnelon hire John Bauer, as a Full-Time worker for the Department of Public Works, at \$20.00 per hour starting on April 17, 2023.

CERTIFICATION

I, Karen M. luele, 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 April 13, 2023.

Dated: April 13, 2023


Karen M. luele, RMC
Borough Clerk

RESOLUTION 04.05.23

APPOINTING MUNICIPAL ATTORNEY FOR THE
CALENDAR YEAR 2023 & AUTHORIZING THE
AWARD OF A FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES CONTRACT

WHEREAS, the Borough of Kinnelon has a need for professional legal services to be provided to the Borough of Kinnelon for the calendar year 2023 pursuant to the provision of N.J.S.A 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified that the value of the contract will exceed \$17,500.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Kinnelon as follows:

1. Brian Giblin Sr., Esq. of the Law Firm of Giblin & Gannaio, LLC is hereby appointed Borough Attorney for the calendar year 2023 and is awarded a professional service contract for an amount not to exceed \$80,000.00 plus litigation expenses for state tax appeals at an hourly rate of \$150.00 per hour for all time devoted for representing the Borough of Kinnelon.

2. That the services to be rendered shall be in compliance with the Laws of New Jersey.

3. This contract is awarded without competitive bidding as "Professional Services" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1) (a) because it is for service performed by law to practice a recognized profession.

Dated: April 20, 2023


Karen M. Luele, RMC
Borough Clerk

RESOLUTION 4.06.2023


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

WHEREAS, the Kinnelon Mayor and Council have reviewed and approved the Collective Bargaining Agreement between the Borough of Kinnelon and Local #164 IBEW for the years January 2023 through December 2024; and

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

NOW, THEREFORE, BE IT RESOLVED by the Kinnelon Mayor and Council the Mayor of the Borough is hereby authorized to execute the January 2023 through December 2024. Collective Bargaining Agreement between the Borough of Kinnelon and Local #164 IBEW.

April 20, 2023



Karen Iuele, RMC
Borough Clerk

RESOLUTION # 04.07.23


BE IT RESOLVED, BY THE Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to BOROUGH OF BUTLER ELECTRIC in the amount of \$2,447.73 for the return of funds collected on their behalf at the 2022 Tax Lien Sale.

ROLL CALL: Councilman Yago Councilman Russo
 Councilman Harris Councilman Charles
 Councilman Mabe Councilman Childs

April 16, 2023
Judith O'Brien, CTC
Acting Tax Collector
Borough of Kinnelon

I, Karen M. Luele, Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon May and Council April 20, 2023.

Date: 4/20/2023


Karen M. Luele, Borough Clerk

Resolution 04.08.2023 Supporting Senate Bill No. 3739 of the 2022-2023 Legislative Session

WHEREAS, Municipalities have incurred significant expenses in complying with fair share affordable housing obligations, borne by the State's taxpayers;

WHEREAS, Often, municipalities lack the infrastructure necessary to properly build substantial amounts of new housing, but are nevertheless obligated to do, which results in a lower quality of life and services for residents, especially those belonging to vulnerable populations such as people with disabilities, those of extremely low income, veterans, and others.

WHEREAS, Recognizing these complexities and competing interests, the Supreme Court of New Jersey has determined that affordable housing is a policy matter best left to the Legislature and that the court's role in upholding the Kinnelon Borough doctrine could decrease as a result of legislative action;

WHEREAS, Compounding the pre-existing burden of litigation and other expenses associated with affordable housing obligations, drastic action was taken to shut down the New Jersey economy in response to the COVID-19 pandemic, creating severe economic challenges throughout the State;

WHEREAS, These economic challenges have presented and continue to present severe hardship for municipalities seeking, in good faith, to satisfy their affordable housing obligations;

WHEREAS, Inflation and a high demand for construction materials have exacerbated the problem, making affordable housing construction exceedingly difficult;

WHEREAS, In light of these difficulties and the uncertainty they have created, reliance on data from the third round of affordable housing obligations would be advantageous in establishing present and prospective regional needs and municipal affordable housing obligations;

WHEREAS, As the Legislature seeks to clarify its intent with respect to Kinnelon Borough obligations, the Council on Affordable Housing, and enforcement, delaying the fourth round of affordable housing obligations is critical to ensure full third round data is available, thereby providing the Legislature an opportunity to clarify the process for establishing regional need and municipal obligations with respect to affordable housing in this State;

WHEREAS, Despite completing three rounds of affordable housing settlements under the existing program, the State still remains well behind the State's affordable housing needs;

WHEREAS, Continuing down the same path and expecting a positive change is misguided; and

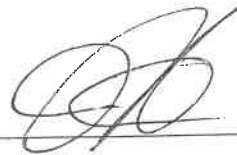
WHEREAS, It is therefore necessary and proper to delay the fourth round of affordable housing obligations, including present and prospective need and related litigation, until July 1,

2028, to provide municipalities and the legislature the opportunity to review the process and make corrections in the system for the betterment of the State's communities and residents.

NOW, THEREFORE, BE IT RESOLVED, that Kinnelon Borough, Mayor and Council urges the Legislative District 26th delegation to the New Jersey Legislature to support the passage of Senate Bill No. 3739.

BE IT RESOLVED, copies of this resolution shall be forwarded to State Senator Joseph Pennacchio, State Assemblyman Jay Webber, Assemblyman Christian E. Barranco Assembly Speaker Craig J. Coughlin, Senate President Nicholas P. Scutari, and Governor Phil Murphy.

Dated: April 20, 2023

A handwritten signature in black ink, appearing to be 'J. Freda', written over a horizontal line.

James J. Freda, Mayor

LICENSE FOR: Raffle
(Insert Bingo or Raffles)

License No. RL-875-KB

Identification No. 238-9-18748

Insert Name
Of Municipality BOROUGH OF KINNELON

(Display this license conspicuously
During the conduct of the games)

Insert Name of
Licensee KINNELON VOLUNTEER FIRE COMPANY

Address 103 KIEL AVENUE, KINNELON NJ, 07405

(cross out line which)

1. This license allows the licensee to conduct _____ Raffles of the kind stated,
The winner to be determined on each of the dates, at the places and during the hours shown below:

| Kind of Game | Date | Place | During hours |
|--------------------------|-----------------|---------------------|-------------------------|
| <u>50/50 On Premises</u> | <u>04/30/23</u> | <u>103 Kiel Ave</u> | <u>7:00AM – 12:00PM</u> |

_____ Kinnelon Road, Kinnelon NJ

2. The value and character of the prizes authorized to be offered and given on each date are:

50/50 CASH

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose:

Assist the Fire Company in purchasing new equipment

4. The names and addresses of the members under whom the games will be held, operated and conducted are:

| Names | Addresses |
|----------------------|--|
| <u>David Bott</u> | <u>20 Cutlass Road, Kinnelon NJ</u> |
| <u>Bryan Juncosa</u> | <u>445 Pepperidge Tree Lane, Kinnelon NJ</u> |

Issued by order of MAYOR AND COUNCIL ON April 14, 2023

(SEAL)


(Signature of Borough Clerk)

Games must be played in accordance with the rules of the Control Commission.
See Parts VI, VII and VIII of Rules and Regulations.

RESOLUTION 04.05.23

APPOINTING MUNICIPAL ATTORNEY FOR THE
CALENDAR YEAR 2023 & AUTHORIZING THE
AWARD OF A FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES CONTRACT

WHEREAS, the Borough of Kinnelon has a need for professional legal services to be provided to the Borough of Kinnelon for the calendar year 2023 pursuant to the provision of N.J.S.A 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified that the value of the contract will exceed \$17,500.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Kinnelon as follows:

1. Brian Giblin Sr., Esq. of the Law Firm of Giblin & Gannaio, LLC is hereby appointed Borough Attorney for the calendar year 2023 and is awarded a professional service contract for an amount not to exceed \$80,000.00 plus litigation expenses for state tax appeals at an hourly rate of \$150.00 per hour for all time devoted for representing the Borough of Kinnelon.

2. That the services to be rendered shall be in compliance with the Laws of New Jersey.

3. This contract is awarded without competitive bidding as "Professional Services" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1) (a) because it is for service performed by law to practice a recognized profession.

Dated: April 20, 2023


Karen M. Iuele, RMC
Borough Clerk

ORDINANCE NO 04-2023 AN ORDINANCE TO AMEND CHAPTER 207 ZONING, ARTICLE II, DEFINITIONS, ARTICLE V SUPPLEMENTARY REGULATIONS, AND ARTICLE XVII SENIOR RESIDENTIAL ZONE OF THE BOROUGH OF KINNELON, MORRIS COUNTY, NEW JERSEY TO ADOPT REVISED ZONES AND UPDATES PURSUANT TO AN AMENDED MASTER PLAN.

WHEREAS, pursuant to N.J.S.A. 40:38-2, 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 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 Planning Board of the Borough of Kinnelon adopted a Master Plan Reexamination Report and Land Use Element Update on December 28, 2022, that proposed a revised Zoning Map including revisions to the Commercial Zone, Restricted Commercial Zone, and certain other zones; and

WHEREAS, the Governing Body desires to update Chapter 207, Zoning to reflect the revised Zoning Districts in the Master Plan of the Borough of Kinnelon;

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. Chapter 207 Zoning, Section 207-4 is hereby amended and supplemented as follows:

§ 207-4 Definitions and word usage.

The definition for Restricted Commercial shall be deleted in its entirety.

The following definitions shall be added to this section.

SIGN - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

SIGN, BILLBOARD [BILLBOARD SIGN] - A sign containing a commercial message, or messages, which direct(s) attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. A sign advertising both businesses on-premises and off-premises is still considered a billboard. (See Also: Sign, Off-Premises Advertising). There are two types of billboard signs: Multiple Message Billboard Signs and Static Message Billboard Signs as follows:

MULTIPLE MESSAGE BILLBOARD SIGN - A billboard sign capable of changing the message or copy on the sign electronically, such that the alphabetic, pictographic, or symbolic informational content of which can be changed or altered on a fixed display surface composed of electronically illuminated or electronically actuated or motivated elements which can be changed or altered electronically.

STATIC MESSAGE BILLBOARD SIGN - A billboard sign that includes, but is not limited to, any graphics that are painted, printed or otherwise adhered to a sign face that remain static until manually changed and do not change electronically.

SIGN DISPLAY AREA - The entire area of a sign that is within a single perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate the sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which the sign is placed. On no sign shall the display area be less than 50 percent of the surface area of the sign.

SIGN, DOUBLE-FACED [DOUBLE-FACED SIGN] - A freestanding sign with two identical display areas which are back-to-back.

SIGN, FREESTANDING [FREESTANDING SIGN] - Any non-movable sign, not affixed to a building, which is permanently erected, constructed, supported or maintained on a base, post(s), pole(s) or other bracing or supporting device(s).

SIGN, ILLUMINATED [ILLUMINATED SIGN] - A sign lighted by or exposed to artificial lighting either exterior to the sign or lit from within (internally illuminated).

SIGN, MULTIPLE MESSAGE [MULTIPLE MESSAGE SIGN] - A sign capable of changing the message or copy on the sign electronically, such that the alphabetic, pictographic, or symbolic informational content of which can be changed or altered on a fixed display surface composed of electronically illuminated or electronically actuated or motivated elements which can be changed or altered electronically.

SIGN, OFF-PREMISES ADVERTISING [OFF-PREMISES ADVERTISING SIGN] - A sign containing a commercial message, or messages, which direct(s) attention to a business, commodity service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. A sign advertising both businesses on-premises and off-premises is still considered an off-premises advertising sign. (See Also: Sign, Billboard)

SIGN, ON-PREMISES ADVERTISING [ON-PREMISES ADVERTISING SIGN] - A sign which identifies a principal activity, product or service which is conducted, available, offered or produced on the property where the sign is located, including a sign which exclusively advertises the sale or lease of the property on which the sign is located.

SIGN, STATIC MESSAGE [STATIC MESSAGE SIGN] - A sign that includes, but is not limited to, any graphics that are painted, printed or otherwise adhered to a sign face that remain static until manually changed and do not change electronically.

SIGN, V-TYPE [V-TYPE SIGN] - A freestanding sign with a structure or structures with two sign faces, forming the shape of the letter "V" when viewed from above, with an angle between two faces of not more than 60 degrees.

SIGN AREA MEASUREMENT - The area of any sign face shall be computed as the product of the largest horizontal width and the largest vertical height of the lettering, illustration, display or background. Where there is no geometric frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the sign. This shall not be construed to include the supporting members of any sign which are used solely for such purpose.

SECTION 2. Chapter 207 Zoning, Section 207-5 is hereby amended and supplemented as follows:

§ 207-5 Designation of Zones.

For the purpose of limiting and restricting to specified zones and regulating therein buildings and structures according to their construction and the nature and extent of their use and the nature and extent of the use of land and to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied and the size of yards, courts and other open spaces, the density of population and the location and use and extent of use of buildings and structures and land for residence or other purposes, the Borough of Kinnelon is hereby divided into zones, of which there shall be seven in number, as follows:

| | |
|------|-----------------------------------|
| R | Residential Zone |
| C | Commercial Zone |
| RC | Restricted Commercial Zone |
| RR | Restricted Recreation Zone |
| AH | Affordable Housing Zone |
| AH-2 | Affordable Housing-2 Overlay Zone |
| SR | Senior Residential Zone |

- A. The location and boundaries of said zones are hereby established as shown on the Land Use Map of the Borough of Kinnelon, dated March 2023, which is attached hereto and hereby made a portion of this chapter. Said map or maps and all notations, references and designations shown thereon shall be, as such, a part of this chapter as if the same were all fully described and set forth herein.
- B. Anything to the contrary notwithstanding, Lot 101, Block 10201, on the Official Tax Map of the Borough of Kinnelon is hereby zoned AH as set forth in Article XI hereof.
- C. Soil maps. The United States Department of Agriculture Soil Conservation Service Survey Maps for Morris County, Map Nos. 3, 6, 7, 10 and 11, are hereby adopted as supplements to the Zoning Map of the Borough of Kinnelon for purposes of indicating critical areas. Said maps are hereby adopted by reference and made a part of this chapter fully as if entirely set forth herein. Copies of said maps are on file in the office of the Clerk of the Borough of Kinnelon and are available for inspection.
- D. Anything to the contrary notwithstanding, Lots 168.01, 181, 195, 201, 204, 204:01 and 205. Block 11 on the Official Tax Map of the Borough of Kinnelon is hereby zoned SR as set forth in Article XVII hereof. [Added 9-19-2002 by Ord. No. 15-2002; amended 10-17-2002 by Ord. No. 17-2002].
- E. Anything to the contrary notwithstanding, the following properties shall hereafter be designated as being in the C Commercial Zone:

| Block | Lot |
|----------|-----|
| 10101 | 101 |
| 10101 | 102 |
| 10101 | 103 |
| 10102 | 102 |
| 10103 | 101 |
| 10104 | 104 |
| 11208 | 101 |
| 12302 | 102 |
| 45202 | 101 |
| 45202.01 | 101 |
| 45202.01 | 102 |

| Block | Lot |
|----------|-----|
| 45202.01 | 103 |
| 45202.01 | 104 |
| 45202 | 102 |
| 45301 | 101 |
| 45301 | 102 |
| 57501 | 122 |
| 57501 | 123 |
| 57501 | 124 |
| 57501 | 125 |
| 57501 | 126 |
| 57601 | 103 |

| Block | Lot |
|-------|-----|
| 57601 | 104 |
| 57601 | 105 |
| 57601 | 106 |

F. Anything to the contrary notwithstanding, the following properties shall hereafter be designated as being in the RC Restricted Commercial Zone:

| Block | Lot |
|----------|-----|
| 10201 | 102 |
| 10201 | 103 |
| 10201 | 104 |
| 10202 | 101 |
| 10902 | 101 |
| 10902 | 102 |
| 10902.01 | 1 |
| 10902.01 | 2 |
| 10902.01 | 3 |
| 10902.01 | 4 |
| 10902.01 | 5 |
| 10902.01 | 6 |
| 10902.01 | 7 |
| 10902.01 | 8 |
| 10902.01 | 9 |
| 10902.01 | 10 |
| 10902.01 | 11 |

| Block | Lot |
|----------|-----|
| 10902.01 | 12 |
| 10902.01 | 13 |
| 10902.01 | 14 |
| 10902.02 | 15 |
| 10902.02 | 16 |
| 10902.02 | 17 |
| 10902.02 | 18 |
| 10902.02 | 19 |
| 10902.02 | 20 |
| 10902.02 | 21 |
| 10902.03 | 23 |
| 10902.03 | 24 |
| 10902.03 | 25 |
| 10902.03 | 26 |
| 10902.03 | 27 |
| 10902.03 | 28 |
| 10902.03 | 29 |

| Block | Lot |
|----------|-----|
| 10902.03 | 30 |
| 10902.03 | 31 |
| 10902.03 | 32 |
| 10902.03 | 33 |
| 10902.03 | 34 |
| 10902.03 | 35 |
| 10902.03 | 36 |
| 10902.03 | 37 |
| 10902.03 | 38 |
| 10902.03 | 39 |
| 44901 | 125 |
| 45201 | 101 |
| 45201 | 102 |
| 45205 | 138 |
| 45205 | 139 |
| 45205.02 | 101 |
| 45205.02 | 102 |

| Block | Lot |
|----------|-----|
| 45205.02 | 201 |
| 45205.02 | 202 |
| 45205.02 | 301 |
| 45205.02 | 302 |
| 45601 | 139 |
| 45601 | 145 |
| 45601 | 146 |
| 57601 | 101 |
| 57601 | 102 |

D. Anything to the contrary notwithstanding, Block 22801, Lot 104 shall hereafter be designated as being in the RR Restricted Recreation Zone.

E. Anything to the contrary notwithstanding, any parcels not identified in Subsections B through G above are designated as being in the R Residential Zone.

SECTION 3. Chapter 207 Zoning, Section 207-7 is hereby amended and supplemented as follows:

The following shall be added to § 207-7 the existing wording.

The most restrictive zone is the Residential Zone. The other zones are less restrictive in the following sequence: Restricted Recreation, Restricted Commercial, and Commercial.

§ 207-16 Limited Industrial Zone shall be deleted in its entirety.

The following shall be added to § 207-17 Commercial Zone.

Purpose statement. The purpose of the Commercial Zone is to provide standards for the orderly development of commercial land uses on properties located along State Highway Route 23. The intent of this Commercial Zone is to permit a variety of commercial land uses which are appropriate for areas located along a state highway which are “highway commercial” in nature, meaning, they may be of a larger scale and intensity that provides for regional commercial needs while also serving the needs of the immediate community.

- M. Billboards are permitted in the C- Commercial Zone and are subject to the following regulations:
- a. The terms used in this section are defined in Section 207-4.
 - b. Compliance with State laws for billboard signs.
 - i. All billboard signs must be in compliance with the Roadway Signs Outdoor Advertising Act (N.J.S.A. 27:1A-5, 27:1A-6, 27:5-5 et seq.).
 - ii. No billboard sign shall be permitted unless specifically authorized by permit from the applicable agency of the State of New Jersey having jurisdiction over outdoor advertising signs, where said billboard signs shall be maintained within the State of New Jersey or any department thereof right-of-way, or any portion of limited access or unlimited access highways within the State of New Jersey. This prohibition shall not apply to signs, public notices, or markers erected or maintained by the Department of Transportation, the County of Morris or the Borough of Kinnelon.
 - c. Billboard sign location restrictions.
 - i. Billboard signs shall only be permitted in the C - Commercial Zone on properties with frontage along New Jersey State Highway Route 23 (hereinafter “NJSH Route 23”) and commercially zoned and shall be constructed to confine their lines of sight to motorists traveling along NSJH Route 23, which area is identified within the map annexed hereto as Attachment “1” and shall be prohibited elsewhere within Kinnelon Borough.
 - d. Billboard signs are considered principal uses and may be a second principal use on properties within the C -Commercial zone.
 - e. Any billboard sign to be erected under these regulations shall employ sideline blocking technology including but not limited to louver systems to limit visibility from residential zones and residences.
 - f. Double-faced-type and v-type billboard signs shall be permitted only under the terms and conditions of this ordinance.
 - g. Billboard signs shall only be permitted as freestanding signs.
 - h. No billboard signs shall be permitted that are painted on or attached to a building, railroad bridges, overhead bridges, or any other structure over any highway or overhanging the highway, and within the right-of-way of any highway.
 - i. No billboard signs shall be affixed to motor vehicles, buildings, bridges, overpasses, or overhead structures. They shall be permanently affixed to a base, post(s), pole(s) or other bracing or supporting device(s), comparable to a freestanding sign.

- j. No billboard sign shall be painted, drawn, erected, or maintained upon trees, or other natural features, or public utility poles.
- k. No billboard sign shall be located within 500 feet of an interchange, intersection at grade, or safety rest area. This restriction prohibits any sign on either side of the highway that would be visible to a main-traveled way where it would be within 500 feet of the beginning or ending of pavement widening, within 500 feet of the point of gore, or any point between those features where the pavement is widened. This distance shall be measured along the pavement edge of the highway nearest those points. If an interchange lacks a point of pavement widening, a sign shall not be located in that direction within 1,000 feet of the point of gore.
- l. There shall be a minimum setback for the billboard sign from the lot line nearest to NJSH Route 23, which shall be not less than ten (10') feet as measured from the right-of-way line. The minimum side yard setback shall be a minimum of 20 feet per side yard.
- m. No billboard signs shall interfere with the ability of an operator of a motor vehicle to have a clear and unobstructed view of streets or highways ahead, approaching, merging or intersecting traffic, or official signs, signals or traffic control devices.
- n. No billboard sign shall interfere with or contain advertisements that resemble any official traffic sign, signal or device.
- o. No billboard sign shall be of a type, size, or character or placed at a location that will endanger or potentially injure public safety or health, or pose a physical threat to property in the vicinity.
- p. No advertisements shall be permitted on any billboard sign that are deemed to be in violation of federal, state, or local law, offensive to the moral standards of the community, false, misleading or deceptive, or in any way reflect upon the character, integrity or good standing of any organization or individual.
- q. No billboard sign shall be permitted which have any animated or moving parts or have reflectorized materials which may impair the vision of a motorist.
- r. Billboard dimensional requirements.
 - i. The billboard sign display area shall be the entire area of a sign that is within a single perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate the sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which the sign is placed. On no billboard sign shall the display area be less than 50 percent of the surface area of the billboard sign.
 - ii. The sign area of any billboard sign face shall be computed as the product of the largest horizontal width and the largest vertical height of the lettering, illustration, display or background. Where there is no geometric frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the sign. This shall not be construed to include the supporting members of any sign which are used solely for such purpose.
 - iii. No billboard sign may exceed the maximum height of 40 feet from the ground level to the highest point of the sign.
 - iv. The billboard sign display area shall be rectangular-shaped and not exceed 11 feet by 36 feet for each display area.

- v. The billboard sign display area shall not exceed 396 square feet for each billboard sign display area. All dimensions include border, trim, cutouts, and extensions but exclude decorative bases, decorative trim and supports.
- s. Billboard lighting requirements.
 - i. A lighting plan prepared by a qualified individual shall be provided with site plan applications.
 - ii. Lighting of billboard signs is permitted from dusk to dawn for static message billboard signs and 24 hours per day for multiple message billboard signs.
 - iii. The light intensity at ground level shall average 0.5 footcandle; however, variations are permitted depending upon the intensity of the use. The light intensity shall not exceed 0.3 footcandle along any property line and shall be so arranged and shielded to reflect the light away from adjoining streets or properties.
 - iv. The lighting plan shall indicate the proposed light intensity (including existing fixtures to remain) at ground level where 0.5 footcandle occurs. Manufacturer's lighting detail and specifications including footcandle distributions shall be provided. All lights shall be concealed-source nonglare lighting and shall be installed only to reasonably illuminate the subject billboard sign face(s) from dusk to midnight. The minimum footcandle in the areas used by the public shall be 0.5; the maximum footcandle 1.0.
 - v. No perimeter, strobing, or other attracting type of lighting may be operated in conjunction with a billboard sign.
 - vi. Technology to limit glare and light pollution shall be employed for all multiple message billboards including, but not limited to, automatic dimming technology and honeycomb technology.
 - vii. No billboard sign shall be of such intensity or brilliance to cause glare, or be otherwise operated in a manner that impairs the safe operation of a motor vehicle. Illumination of billboard signs shall be shielded, so as to prevent light from being directed at any portion of the main-traveled way of any highways. All such lighting shall also be subject to any other provision relating to lighting of signs applicable to highways under the jurisdiction of the State of New Jersey.
- t. Billboard landscaping.
 - i. Billboard signs shall be suitably landscaped to improve the environment of the site and surrounding area.
 - ii. Plant types which shall be installed shall be a mixture of hardy evergreen and other deciduous canopy and understory trees and shrubs, which shall be indigenous to the area. A conscious effort shall be made to preserve and incorporate the existing vegetation on site, wherever possible. The support for the billboard sign shall be screened with evergreen and deciduous shrubs and trees.
 - iii. All plant material installed as part of a billboard sign planting screening shall be guaranteed for a period of two years.
 - iv. To the extent possible any landscaping should be used to buffer the billboard sign from areas away from NJSH Route 23.
- u. Multiple-message billboard sign standards.
 - i. The minimum spacing between multiple message billboard signs on the same side of NJSH Route 23 shall be 3,000 feet being measured along the nearest edge of the pavement between points directly opposite the side of the sign faced nearest to the center line of the right-of-way of NJSH Route 23 where the sign shall be erected,

- and shall apply only to sign faces on the same side of NJSH Route 23 in the C-Commercial Zone and visible in the same travel direction.
- ii. Notwithstanding the above, the minimum distance between static message billboard signs and multiple message billboard signs on the same side of NJSH Route 23 shall be 1,000 feet.
 - iii. Multiple message billboard signs shall not be placed within 800 feet, as measured along the edge of the pavement, of an official permanent variable electronic traffic sign, which is capable of displaying any message allowed by the Manual on Uniform Traffic Control Devices (MUTCD).
 - iv. Each face of a multiple message billboard sign shall be permitted a three (3) foot decorative apron at the bottom of the sign face to include the name of the billboard operator, and such decorative apron shall not be considered when calculating sign face area.
 - v. No more than one (1) billboard sign shall be permitted on any lot. For the purposes of this section, only single-sided, double faced or V-type billboard signs with a single display per face shall be permitted.
 - vi. The Borough of Kinnelon shall have access to the multiple message billboard sign(s) for emergency messaging and/or community information displays at one message per cycle.
 - vii. Multiple message billboard signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.
 - viii. The dwell time for each message on a multiple message billboard sign shall not be less than eight seconds per N.J.A.C. 16:41C-11.1(a)3.
 - ix. The change from one display to the next shall be completely accomplished within one second or less and the entire display shall change at the same time.
 - x. No multiple message billboard sign shall be operated so that the meaning of one display is continued on the next display.
 - xi. No regulations in this section or portions thereof are intended to be less restrictive than state or federal regulations.
- v. Static-message billboard sign standards.
- i. The minimum distance (spacing) between static message billboard signs on the same side of NJSH Route 23 shall be 1,000 feet being measured along the nearest edge of the pavement between points directly opposite the side of the sign faced nearest to the center line of the right-of-way of Route 23 where the sign shall be erected, and shall apply only to sign faces on the same side of NJSH Route 23 in the C- Commercial Zone and visible in the same travel direction.
 - ii. Notwithstanding the above, the minimum distance between static message billboard signs and multiple message billboard signs on the same side of NJSH Route 23 shall be 1,000 feet.
 - iii. Each face of a static message billboard sign shall be permitted a three (3) foot decorative apron at the bottom of the sign face to include the name of the billboard operator, and such decorative apron shall not be considered when calculating sign face area.
 - iv. No more than one (1) billboard sign shall be permitted on any lot. For the purposes of this section, double-faced billboards visible from opposite directions but built on a common frame shall be considered one billboard sign.

- v. Only single-sided and back-to-back or V-type billboard signs with a single display per face shall be permitted.
- vi. A static message billboard sign may be multi-colored and illumination shall be installed only to reasonably illuminate the subject billboard sign from dusk to midnight. No perimeter, strobing or other attracting type of lighting may be operated in conjunction with a billboard sign.
- vii. No static message billboard sign shall be permitted which, because of its size, shape and/or location, may obscure or obstruct the view of vehicular traffic.
- viii. No regulations in this section or portions thereof are intended to be less restrictive than state or federal regulations.
- w. Approval and review procedures for billboard signs.
 - i. Billboard sign applications shall follow the preliminary site plan application process pursuant to Article XII § 176-28 of the Borough of Kinnelon Code.

The following shall be added to § 207-18 Restricted Commercial Zone.

Purpose statement. The purpose of the Restricted Commercial Zone is to provide standards for the orderly development of small-scale commercial land uses within the Borough where neighborhood commercial-oriented retail and service uses may be located, primarily serving residents of the Borough.

The following shall replace subsection B of § 207-19 Signs.

- B. Commercial and Restricted Commercial Zones. No signs or advertising devices shall be permitted outside or attached to the exterior of any building in these zones, except signs referring to the premises upon which they are displayed or to the services rendered thereon, provided that no sign shall project beyond a property line and that the aggregate area of such signs shall not exceed 50 square feet.
 - a. A billboard, signboard or advertising sign shall be permitted as a permitted principal use an accessory use, provided that it meets the standards provided in § 207-17M.

The following shall be added to § 207-27 Schedule IV Commercial Zone.

| Type of Control | Requirements |
|--------------------------|---|
| Principal permitted uses | Retail bakeries, barbershops and beauty parlors, funeral homes, hand laundries, laundrettes, offices, banks, restaurants, salesrooms or showrooms, retail dyeing and cleaning establishments, retail stores and theaters and motion-picture houses, billboards pursuant to § 207-17M. |

SECTION 4. § 207-29 Schedule III: Industrial Zone shall be deleted in its entirety.

SECTION 5. Chapter 207 Zoning, Section 207-29 is hereby amended and supplemented as follows:

SECTION 6. All ordinances of the Borough of Kinnelon, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 8. This Ordinance may be renumbered for codification purposes.

Introduced:

Adopted:

Effective Date:


ATTEST:

BOROUGH OF KINNELON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Karen M. Iuele, RMC, Borough Clerk

By: _____



James J. Freda, Mayor

**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. Freda, Mayor

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. |

Ordinance 06-2023

An Ordinance Adding a New Chapter 147 Titled "Peace & Good Order" to the Borough of Kinnelon Code

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. 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

**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

**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: April 20, 2023

Mayor James Freda


**RESOLUTION 04.09.23
OF THE GOVERNING BODY
OF THE BOROUGH OF KINNELON
COUNTY OF MORRIS, NEW JERSEY**

Re: Introduction of 2023 Budget

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Kinnelon, Morris County, New Jersey for the year 2023.

BE IT FURTHER RESOLVED, that the said budget be published in the Suburban Trends in the issue of May 7, 2023 and that a hearing on the Budget will be held at the Kinnelon Municipal Building on May 18, at 7:00 PM or as soon thereafter as the matter may be reached.

Dated: April 20, 2023


Karen M. Iuele, Borough Clerk

April 20, 2023

*

INVESTMENT OFFICER'S REPORT:

A total of \$38,375.53 was collected in interest for the month of March 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,



A handwritten signature in cursive script, appearing to read "K. M. Iuele", is written over a horizontal line.

Karen M. Iuele, RMC
Borough Clerk

Mayor James Freda