

**MINUTES OF WORKSHOP MEETING  
KINNELON BOROUGH MAYOR & COUNCIL  
JUNE 8, 2022**

Meeting began at 7:00 p.m., was held at 130 Kinnelon Road, Kinnelon NJ 07405, “Court Room”

Open Public Meeting Act was read by Borough Clerk.

**Roll Call:** Councilman William Yago, Councilman Sean Mabey, Councilman Vincent Russo, Councilman Randall Charles and Councilman James Lorkowski. Absent was Councilman Roy

**ATTORNEY REPORT:**

- There was no attorney report

**MAYOR REPORT:**

- Spoke on the ARP and where will the money be used
- Cell Tower, and repeater in the Kinnelon School system
- June 21<sup>st</sup> is the Kinnelon High School Graduation at 6:00 pm
- Fire Committee meeting June 9, 2022

**COUNCIL COMMITTEE REPORTS:**

**FINANCE, PERSONNEL, PUBLIC SAFETY** – Councilman William Yago

- Spoke on the White-Collar Union
- Contract with the fire department will be discussed in close

**PUBLIC WORKS & RECREATION** – Councilman Sean Mabey

- Septic system at Boonton Ave Field

**COORDINATING** - Councilman Roy

- Board of Health, Environmental Committee and Historical had their monthly meetings

**ORDINANCES – KINNELON LIBRARY** - Councilman Russo

- Ordinances to be Adopted and one to be introduced

**UTILITIES & OPEN SPACE** – Councilman Randal Charles

- Utilities-no problems

**TECHNOLOGY** – Councilman James Lorkowski

- Had no report

**HEARING FROM THE PUBLIC**

- No one wish to speak form the public

**PAYMENT OF BILLS**

- To be reviewed for the Mayor and Council meeting.



RESOLUTION 6. .22

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

NOW THEREFORE BE IT FURTHER RESLOVED, that Karen M. luele, Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 16, 2022

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James J. Freda, Mayor

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

Dated: June 16, 2022

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Karen M. luele, RMC  
Kinnelon Borough Clerk

RESOLUTION 6. .22

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

NOW THEREFORE BE IT FURTHER RESLOVED, that Karen M. luele, Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 16, 2022

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James J. Freda, Mayor

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

Dated: June 16, 2022

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Karen M. luele, RMC  
Kinnelon Borough Clerk

RESOLUTION 6. .22

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

NOW THEREFORE BE IT FURTHER RESLOVED, that Karen M. luele, Borough Clerk of the Borough of Kinnelon, be and she is hereby designated as the person to sign said license on behalf of the Mayor and Council.

Dated: June 16, 2022

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James J. Freda, Mayor

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

Dated: June 16, 2022

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Karen M. luele, RMC  
Kinnelon Borough Clerk

Jackie (KN-4)  
Hook Settlement Resolution  
052422

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING STIPULATION OF SETTLEMENT OF TAX APPEAL BY GEORGIANNA HOOK ON PROPERTY KNOWN AS BLOCK 11803, LOT 102 (720 RIDGE ROAD), BOROUGH OF KINNELON, MORRIS COUNTY, NEW JERSEY**

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

**WHEREAS**, there were negotiations between the parties and a settlement has been proposed and is being recommended by the Borough Attorney and the Borough Assessor; and

**WHEREAS**, the Governing Body desires to approve the same.

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

1. The settlement of the tax appeal for Block 11803, Lot 102 (720 Ridge Road) reducing the total assessment of \$525,000 to 500,000 for the 2021 tax year is hereby authorized and approved.
2. The Borough Attorney is hereby authorized to sign the Stipulation of Settlement incorporating the complete agreement between the parties.
3. The Borough Assessor, Borough Attorney, Borough Tax Collector, employees, agents or representatives of the Borough are hereby authorized to do whatever is necessary to effectuate the purpose of this Resolution.

4. This Resolution shall take effect immediately.

### CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon hereby certify the foregoing to be a true copy of a Resolution adopted by the Governing Body of the Borough of Kinnelon at a duly convened meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, Borough Clerk

RESOLUTION #

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

ROLL CALL:

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

I, Karen M. Iuele, Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council June 17, 2022.

Date: 6/17/2022

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Karen M. Iuele, Borough Clerk



RESOLUTION 06. .22

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

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

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

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

Dated: June 16, 2022

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Karen M. luele, RMC  
Borough Clerk

RESOLUTION 6. .22

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

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

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

June 16, 2022

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Karen Iuele, Borough Clerk

RESOLUTION 06. .22

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

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

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

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

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

Dated: June 16, 2022

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Karen M. luele,  
Borough Clerk, RMC

RESOLUTION: 06. .22

ALCOHOLIC BEVERAGE RESOLUTION  
PERSON TO PERSON TRANSFER

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Kinnelon does hereby approve, effective June 16, 2022, the transfer of the aforesaid Plenary Retail Consumption License to Tulsee LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Tulsee LLC, effective June 16, 2022.

Date: June 16, 2022

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Karen M. Iuele, RMC  
Borough Clerk

RESOLUTION 06. .22

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

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

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

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

Dated: June 16, 2022

BY: \_\_\_\_\_  
James J. Freda, Mayor

ATTEST:

\_\_\_\_\_  
Karen M. luele, RMC  
Borough Clerk

CERTIFICATION

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

LICENSE FOR: Raffles License No. RL-864 -KB  
(Insert Bingo or Raffles)

Identification No. 238-5-41825  
(Display this license conspicuously  
During the conduct of the games)

Insert Name  
Of Municipality BOROUGH OF KINNELON

Insert Name of  
Licensee Kinnelon High School Football Association

Address 121 Kinnelon Road, Kinnelon, New Jersey 07405

1. This license allows the licensee to conduct (cross out line which) Bingo (not to Exceed 35 games),  
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
On Premises Raffle	<u>9/13/22, 9/16/22, 9/17/22</u>	<u>121 Kinnelon Road,</u>	<u>6:00-10:00 pm</u>
	<u>9/23/22, 9/24/22, 9/25/22, 9/26/22, 9/27/22, 9/30/22, 10/01/22, 10/2/22, 10/3/22,</u>	<u>Kinnelon, NJ 07405</u>	
	<u>10/4/22, 10/7/22, 10/8/22, 10/9/22, 10/10/22, 10/11/22, 10/14/22, 10/15/22, 10/16/22, 10/17/22, 10/18/22,</u>		
	<u>10/21/22, 10/22/22, 10/23/22, 10/24/22, 10/25/22, 11/1/22, 11/4/22, 11/5/22, 11/6/22, 11/7/22, 11/8/22, 11/11/22,</u>		
	<u>11/12/22, 11/13/22, 11/14/22, 11/15/22, 11/18/22, 11/19/22, 11/20/22, 11/21/22, 11/21/22</u>		

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

3. This license is valid only if the entire net proceeds are devoted to the following specific purpose:  
Equipment for Kinnelon High School Football Team

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

Names	Addresses
<u>Jennifer Sullivan</u>	<u>793 W. Shore Drive, Kinnelon NJ</u>
<u>Christine Relousky</u>	<u>36 Maple Lake Road, Kinnelon NJ</u>

Issued by order of MAYOR AND COUNCIL ON May 31, 2022

(SEAL)

\_\_\_\_\_  
(Signature of Municipal Clerk)

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



**ORDINANCE NO. 06-22**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE I ERECTION AND PLACEMENT OF POLES AND FACILITIES**

§189-1 **Plan required.**

§189-2 **Placement.**

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

§189-4 **Additional information.**

§189-5 **Approval required.**

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

§189-7 **Replacement facilities.**

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

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

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

## **ARTICLE II RIGHTS-OF-WAY PERMITS**

§189-10 **Definitions.**

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

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

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

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

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

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

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

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

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

B. Pole Siting Standards:

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

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

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

C. Ground Level Cabinet Site Standards

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

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

D. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards

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

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

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

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

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

**§189-14 Application process.**

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

**§189-15 Waiver.**

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



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

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

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

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

B. Deposit Towards Anticipated Municipal Expenses

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

**§189-17 Colocation requirement.**

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

**§189-18 Miscellaneous provisions.**

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

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

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

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

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

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

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

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

ATTEST

BOROUGH OF KINNELON

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Karen M. Iuele, Borough Clerk

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James J. Freda, Mayor

### CERTIFICATION

I, Karen M. Iuele, Borough Clerk, Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title,

and passed on first reading at a regular meeting of the Kinnelon Borough Council held on \_\_\_\_\_ and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, Borough Clerk

**ORDINANCE NO.       7-2022 AN ORDINANCE AMENDING CHAPTER 199  
“WATER” OF THE CODE OF THE BOROUGH OF  
KINNELON TO REPEAL SECTIONS 199-21 AND 199-23,  
AND AMEND SUBSECTION “A” OF SECTION 199-25  
“WATER RATES, FEES AND CHARGES”**

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

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

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

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

**SECTION 1.** Sections 199-21 “Water charges and fees” and 199-23 “Power to amend by ordinance or resolution” of Chapter 199, Water, of the Code of the Borough of Kinnelon are hereby **REPEALED**.

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

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

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

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

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

**SECTION 5.** If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

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

ATTEST:

BOROUGH OF KINNELON

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk

\_\_\_\_\_  
James J. Freda, Mayor

**CERTIFICATION**

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on \_\_\_\_\_ and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk

**ORDINANCE NO. 08-22**

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

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, N.J.S.A. 39:4-8 and N.J.S.A. 39:4-197, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by N.J.S.A. 40:48-2, or by any law, and is authorized to pass, without the approval of the New Jersey Commissioner of Transportation, an ordinance regulating the passage or stopping of traffic on certain congested street corners or other designated points that are under the jurisdiction of the Borough; and

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

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

**SECTION 1.** Section 84-36 "Schedule VIII - Stop intersections" of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon, Morris County, New Jersey is hereby

amended and supplemented by the addition of the following:

**Stop Sign on**

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

**At Intersection of**

Derrygally Circle  
Derrygally Circle  
Western intersection of Strong Drive

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

**SECTION 3.** If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 4.** This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk

\_\_\_\_\_  
James J. Freda, Mayor



**CERTIFICATION**

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on \_\_\_\_\_ and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk



ORDINANCE NO. 9-22

**AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE XVI “WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS” IN CHAPTER 207 OF THE CODE OF THE BOROUGH OF KINNELON TO PROVIDE GENERAL REGULATIONS AND DESIGN STANDARDS FOR THE LOCATION OF GOVERNMENTAL AND NON-GOVERNMENTAL WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

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

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

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

**SECTION 1.** Article XVI, Section 207-83 “Purpose”, shall be amended such that the paragraph of said section is stricken and replaced with the following language and shall now read

as follows:

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

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

shall be supplemented to include the following additional definition:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“207-94 **Fees.**

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

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

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

“§207-95 **Governmental Antenna.**

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

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

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

**SECTION 11.** If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 12.** This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk

\_\_\_\_\_  
James J. Freda, Mayor

**CERTIFICATION**

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on \_\_\_\_\_ and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk



**APPOINTMENTS:** Thomas Ott – Environmental Advisory Committee

RESOLUTION TO GO INTO CLOSED SESSION:

Motion: W. Yago  
 Second: S. Mabey

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975-N.J.S.A.10:4-12-permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this Governing Body of the Borough of Kinnelon is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kinnelon, County of Morris, State of New Jersey shall now go into closed session for the following reason:

Contract

Disclosure of said matter will be revealed upon settlement. This meeting went into closed session at 7:45 p.m.

Councilman	Aye	Nay	Abstain	Absent	Councilman	Aye	Nay	Abstain	Absent
Yago	X				Russo	X			
					Charles	X			
Mabey	X				Lorkowski	X			

***(OPEN MEETING IN FROM CLOSE MEETING)***

Motion to go into Open Session at 8:15 p.m.:  
 Second Motion:

Councilman	Aye	Nay	Abstain	Absent	Councilman	Aye	Nay	Abstain	Absent
Yago	X				Russo	X			
					Charles	X			
Mabey	X				Lorkowski	X			

**ADJOURNMENT:**

This meeting adjourned at approximately 8:15 p.m. on motion by Councilperson W. Yago seconded by Councilperson V. Russo and the unanimous affirmative voice vote of all present.

Respectfully submitted by:

June 8, 2022



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Karen M. Iuele, RMC Municipal Clerk



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James J. Freda, Mayor