BOND ORDINANCE NO. 2155-16

BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON IDENTIFIED SITES ON MCKINLEY AVENUE, NORTH 12TH STREET, THIRD STREET, WASHINGTON AVENUE, BEVERLY ROAD, APPLE HILL COURT, DEBRA COURT AND VINCENT STREET AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING ONE HUNDRED AND TWENTY THOUSAND ($120,000) DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF THE COST THEREOF.

The Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey (not less than two-thirds of all members thereof affirmatively concurring), do hereby ORDAIN as follows:

Section 1. The improvement described in Section 3 of this Bond Ordinance is hereby authorized as a local improvement to be made or acquired by the Borough of Hawthorne, in the County of Passaic, New Jersey. For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of $120,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of $6,000 as the down payment for said improvement or purpose required by law and now available therefor in the Capital Improvement Fund of the Borough by virtue of provision in a budget or budgets of the Borough previously adopted.

Section 2. For the financing of said improvement or purpose and to meet the part of said $114,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $114,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding $114,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is in conjunction with reconstruction or replacement of sidewalks and driveway aprons, including the restoration of grounds adjacent thereto, grading, seeding or planting of trees or other materials along McKinley Avenue, from Brookside to Buena Vista; North 12th Street, from Mohawk to the dead end; Third Street; Washington Avenue,

from Diamond Bridge to Sylvester; Beverly Road, from Goffle Hill to Horizon; Apple Hill Court; Debra Court and Vincent Street, together with all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with plans therefor prepared by Boswell, McClave Engineering, P.E., now on file in the office of the Borough Clerk, and hereby approved. The affected property owners, listed by block and lot as well as street address and name of record owner of each said lot are set forth on a list filed in the office of the Clerk, which list is hereby approved and appended hereto as Schedule A.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is $114,000.

(c) The estimated cost of said purpose is $120,000, the excess thereof over the said estimated maximum amount of bonds or notes being the amount of the said $114,000 down payment.

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

(a) The said purpose described in Section 3 of this Bond Ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a local improvement, the cost of which shall be specially assessed in the manner provided herein.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, and according to the reasonable life thereof computed from the date of the said bonds authorized by this Bond Ordinance is 10 years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Finance in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Law is increased by the authorization of the bonds and notes provided for in this Bond Ordinance by $114,000 and that the said obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding $25,000 for items of expense mentioned in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate of the cost of said improvement or purpose.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate affected by the improvement is five (5) years.

(f) The estimated maximum aggregate amount of the special assessment is $120,000.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitations of rate or amount.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

Section 8. The improvement described in Section 3 of this ordinance shall be undertaken as a sidewalk and driveway apron improvement and the cost thereof shall be assessed in

the manner set forth in this paragraph. An accurate account of the cost of construction of the sidewalk and driveway apron, and improvements incidental thereto as described herein, shall be kept, and such cost shall be assessed upon the several properties fronting on the improvement, as nearly as may be in proportion to the particular benefit, advantage or increase in value which the respective parcels of land or real estate shall be deemed to receive by reason of said improvement and in no case shall any assessment on any parcel of land exceed the amount of such peculiar benefit, advantage or increase in value, and if benefit so assessed shall not equal the cost, the balance shall be paid by the Borough.

Section 9. Unless notice of the pendency of this ordinance is given in accordance with N.J.S.A. 40:65-6, the Borough Clerk shall cause Notice of the proposed improvement to be given to the owner or owners of real estate affected thereby prior to the making of the improvement described in Section 3 hereof or the awarding of any contract for such improvement. The Notice shall contain a description of the property affected sufficient to identify it, a description of the improvement and a statement that unless the owner or owners complete the improvement within 30 days after service thereof, the Borough will make the improvement at the expense of the owner or owners. Such Notice shall be served in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-5, and the proof of service shall be filed with the officer of the Borough in charge of the records of tax liens of the Borough within ten days after service thereof.

Section 10. The owner of any land upon which any assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments herein determined, with legal interest on the unpaid balance of the assessment. The first of the installments shall be due and payable two months after the confirmation of the assessment, and such subsequent annual installment and interest shall be payable in each successive year thereafter at such time as the governing body shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or of any balance of installments with accrued interest thereon at any time. Whenever any such installment shall remain unpaid for thirty (30) days from and after the time it shall become due and payable, the whole assessment or balance thereof shall become and be immediately due and payable and shall draw interest at the rate imposed upon the arrearage of taxes in the Borough and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment with all installments and accrued interest

thereon shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Borough shall have the right to waive default as may be permitted by law.

Section 11. This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by said Local Bond Law.

John Bertollo
Council President

ATTEST:
Lori DiBella, RMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on March 2, 2016. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on April 6, 2016, at 7:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Borough of Hawthorne website, www.hawthornenj.org and at the Clerk's Office in said Municipal Building during regular business hours at no cost to the members of the general public who shall request the same.

Lori DiBella, RMC
Borough Clerk

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF BOND ORDINANCE NO. 2155-16 ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE AT A REGULAR MEETING ON APRIL 6, 2016.

ATTEST:

Lori DiBella, RMC, Borough Clerk

John N. Bertollo, Council President

APPROVED:

Richard S. Goldberg, Mayor

2016 Road Program, Street / Block & Lot

Final 03-08-16

Debra Court

Block	Lot	Mailing Address
288	15.01	1074 Lafayette Ave.
288	15.05	17 Debra Court
288	15	18 Debra Court
288	14	1062 Lafayette Ave.

Apple Hill Court

Block	Lot	Mailing Address
275.01	5	7 Apple Hill Court
275.01	7	17 Apple Hill Court
275.01	8	25 Apple Hill Court
275.01	9	36 Apple Hill Court
275.01	10	34 Apple Hill Court

Beverly Road

Block	Lot	Mailing Address
289	2	195 Beverly Road
289	2.01	205 Beverly Road
289	2.02	155 Horizon Terrace

Vincent Street

Block	Lot	Mailing Address
16	1	25 Vincent Street
16	2	2 Vincent Street
16	3	4 Vincent Street
16	4	8 Vincent Street
16	5	12 Vincent Street
16	6	16 Vincent Street
15	3	14 Schoon - industrial parking lot
15	4	15 Vincent Street
15	7	3 Vincent Street
15	6	7 Vincent Street
15	5	11 Vincent Street
15	8	23 Schoon Ave

McKinley Avenue

Block	Lot	Mailing Address
94	7	78 Buena Vista
94	6	91 McKinley Avenue
94	4	99 McKinley Avenue
93	16	72 Parmelee
93	15	121 McKinley Avenue
92	17	125 McKinley Avenue
92	16	69 Brookside
144	1	138 McKinley Avenue
144	18	80 Bamford
143	1	120 McKinley Avenue
143	18	76 Parmelee
140	1	94 McKinley Avenue
140	20	84 Buena Vista

North 12th Street

Block	Lot	Mailing Address
54	11	67 Mohawk Avenue
54	8	87 North 12th Street
50	4	84 North 12th Street

Washington Avenue

Block	Lot	Mailing Address
113	1	241 Washington Avenue
113	2	235 Washington Avenue
113	3	231 Washington Avenue
113	5	225 Washington Avenue
113	6	215 Washington Avenue
113	7	209 Washington Avenue
113	8	205 Washington Avenue
109	40.01	208 Washington Avenue
109	41	212 Washington Avenue
109	42	214 Washington Avenue
109	43	224 Washington Avenue
109	44	230 Washington Avenue
109	45	234 Washington Avenue
109	46	240 Washington Avenue

Third Street

Block	Lot	Mailing Address
126	8.02	147 Forest Ave
126	8.03	6 Third Street
129	9	155 Forest Ave