

ORDINANCE NO. 17-2024

AN ORDINANCE TO ESTABLISH A BOARD OF ASSESSMENT COMMISSIONERS

WHEREAS, the Mayor and Council of the Borough of Kinnelon desire to create an Assessment Commission for the assessment of benefits for local improvements in accordance with N.J.S.A. 40:56-21; et seq.; and

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

ASSESSMENT COMMISSION

Section 1. Creation.

Pursuant to and in accordance with the provisions of N.J.S.A. 40:56-21, et seq., there is hereby created the Borough of Kinnelon Assessment Commission, the members of which shall be appointed by the Mayor with the advice and consent of the Council.

Section 2. Membership; term of office; vacancies; Alternate Commissioners.

- A. The Assessment Commission shall consist of three (3) members, all of whom are residents of the Borough, who shall be designated Commissioners.
- B. The Commissioners shall be appointed for a term of three (3) years. There shall also be two (2) Alternate Commissioners appointed for a term of three (3) years. All terms shall commence as of the date this Ordinance is adopted. The Commissioners and Alternate Commissioners shall serve until their successors are appointed and shall qualify.
- C. Vacancies shall be filled for the unexpired term only.
- D. Alternate Commissioners shall serve as Commissioners in those cases where a Commissioner is unable to serve in connection with a specific project or projects.

Section 3. Conflict of interest.

In the event that any Commissioner shall be in any way interested in any local improvement, such Commission shall be disqualified from exercising the powers hereinabove conferred with respect to that improvement; and the Mayor, with the advice and consent of the Borough Council, shall appoint an Alternate Commissioner or, if the Alternate Commissioner shall not qualify, some other qualified person or persons to act in their place with respect to that improvement only.

Section 4. Powers and duties.

The Assessment Commission shall be and hereby is charged with the duty of making assessments for benefits for local improvements within the Borough of Kinnelon in accordance with the duties imposed upon it by virtue of N.J.S.A. 40:56-21 et seq., inclusive, and shall, in addition, have and exercise all of the powers authorized by the aforesaid statutes.

Section 5. Procedures and guidelines.

- A. The Commissioners shall be required to:
 - (1) Examine the subject property both prior to and after completion of the improvement.
 - (2) Schedule a time, date and location for a hearing to be held in connection with assessment and shall notify all owners of all real estate affected directly by mail and by publication in

the appropriate newspaper, all pursuant to N.J.S.A. 40:56-25.

- (3) Conduct a hearing with a quorum of at least two Commissioners, all in accordance with N. J.S.A. 40:56-26.
 - (4) Certify the amount of the assessment to the Mayor and Council by a written report duly signed and accompanied by a map showing the subject real estate.
- B. The Assessment Commission shall report to the Mayor and Council as to its determination, pursuant to N.J.S.A. 40:56-30, within 45 days of the Commission being notified that assessments are required. The Commission shall conduct a hearing before issuing its report, and the property owners who may be assessed shall have the opportunity to address the Assessment Commission at the hearing.
- C. Pursuant to N.J.S.A. 40:56-30, the report may be considered by the Mayor and Council at any meeting after receipt, provided that the Borough Clerk gives at least two weeks' prior notice, which notice shall have been posted in five public places in the Borough; or published in a newspaper circulating in the Borough, once in each week for two weeks prior to the meeting; and by mailing a copy of the notice to the owner or owners named in the report, directed to the last known post-office address of said owner or owners. The affidavit of the Borough Clerk shall be conclusive to evidence such mailing. The notice shall briefly state the object of the meeting with reference to the assessment. At that or any subsequent meeting, the Mayor and Council, after considering the report and map, may adopt and confirm the report with or without alteration, as may seem proper, and/or may refer the matter to any committee of the Council or to the Commission for revision or correction before taking final action.

Section 6. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

Section 7. Effective Date. This ordinance shall take effect after publication and passage according to law.

Karen Iuele, Borough Clerk

James Freda, Mayor