

**BOROUGH OF KINNELON
MORRIS COUNTY, NEW JERSEY**

ORDINANCE No. 1-11

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 4-40C OF THE REVISED GENERAL CODE
OF BOROUGH OF KINNELON WHICH ESTABLISHED
AND CREATED A RECREATION COMMISSION

WHEREAS, the General Code of the Borough of Kinnelon, Chapter 4-40C provides for the establishment of a Board of Recreation Commissioners; and

WHEREAS, while the underlying statute permits alternate members on a recreation commission, said Code does not provide for alternate members on said Commission; and

WHEREAS, the Mayor and Council of the Borough of Kinnelon have determined that there exists a need on the part of the Borough to modify the Borough Code to provide for alternate members.

BE IT ORDAINED, by the Mayor and Council of the Borough of Kinnelon, Morris County, State of New Jersey as follows:

Chapter 4-40C of the Revised General Code of the Borough of Kinnelon shall be revised to read as follows:

Board of Recreation Commissioners. (N.J.S.A. 40:12-1) The Board of Recreation Commissioners is established in the Borough of Kinnelon. The Board shall be composed of seven regular members. The term of the regular members of the Board shall be five years. The Board shall have supervision and control over the maintenance, operation and regulation of any public recreation areas and public entertainment activities in connection therewith, and shall have the powers and duties as are provided by law. In addition to the aforesaid regular members, the Board shall include two alternate members, designated as "Alternate No. 1" and "Alternate No. 2". The length of the terms of the alternate members shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners.

Except as provided for hereinabove, all other provisions of this chapter of the Revised Borough Code shall remain in full effect.

All Ordinances of parts or Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

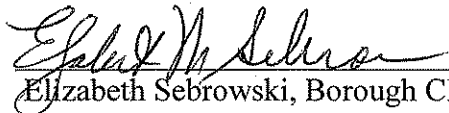
MOTION: A. SanFilippo SECONDED BY: S. Cobell

ADOPTED on March 17, 2011, by roll call vote as follows:

COUNCILPERSONS

	Yes	No	Abs		Yes	No	Abs
Daniel O'Dougherty	[x]	[]	[]	Stephen Cobell	[x]	[]	[]
A. SanFilippo	[x]	[]	[]	R. Mondello	[x]	[]	[]

Attest:


Elizabeth Sebrowski, Borough Clerk

Approved:


Robert W. Collins, Mayor

2/17/11

ORDINANCE # 2-11

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF CUTLASS ROAD IN AND BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$465,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$452,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Kinnelon, in the County of Morris, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$465,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$13,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also the sum of \$200,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$465,000 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 \$452,000 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 \$452,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the reconstruction and resurfacing of Cutlass Road, from Boonton Avenue to State Route 23, to provide a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including all curbing, drainage facilities, landscaping, guide rails, traffic markings, signage, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$452,000 of which \$200,000 is the amount of notes of the Borough to be issued pending receipt of the said \$200,000 NJDOT grant.

(c) The estimated cost of said purpose is \$465,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$13,000 down payment for said purpose.

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 general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$452,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$70,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

(e) This bond ordinance authorizes \$200,000 of obligations of the Borough to be issued pending receipt of the said NJDOT grant and pursuant to section 40A:2-11(c) of said Local Bond Law no down payment is required for such obligations.

Section 5. The funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof

either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

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

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the

Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistent herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.


MOTION: D. O'Dougherty SECONDED BY: A. SanFilippo

ADOPTED on March 17, 2011, by roll call vote as follows:

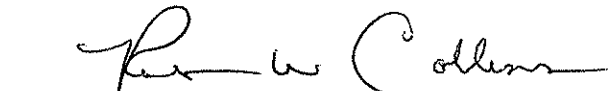
COUNCILPERSONS

	Yes	No	Abs		Yes	No	Abs
Daniel O'Dougherty	[x]	[]	[]	Stephen Cobell	[x]	[]	[]
A. SanFilippo	[x]	[]	[]	R. Mondello	[x]	[]	[]

Attest:


Elizabeth Sebrowski, Borough Clerk

Approved:


Robert W. Collins, Mayor