

**ORDINANCE NO. 2018-10**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,  
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING BOND ORDINANCE NO. 2011-7  
ADOPTED ON APRIL 13, 2011**

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**WHEREAS**, the Mayor and Council of the Borough of Elmer have determined that certain amendments to Bond Ordinance 2011-7 are necessary; and

**WHEREAS**, in all other respects Bond Ordinance 2011-7 shall remain in full force and effect;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, (not less than two-thirds of all members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 16 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), and it is hereby enacted and ordained by the authority that Bond Ordinance No. 2011-7 be amended as follows:

**Section 1.**

The title of Bond Ordinance No. 2011-7 is hereby amended to read as follows:

**A BOND ORDINANCE OF THE BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY APPROPRIATING \$300,000.00 FOR THE INSTALLATION, REPAIR AND/OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS, AND/OR PEDESTRIAN AND VEHICULAR ACCESSIBILITY AND RELATED IMPROVEMENTS AND ALTERNATIVES FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT ("ADA"), AND INSPECTIONS AND SURVEYS RELATED THERETO, IN THE BOROUGH OF ELMER, AUTHORIZING THE ISSUANCE OF \$285,000.00 OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF ELMER FOR THE PURPOSE OF PAYING FOR THE PROJECT IN QUESTION; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SELL BOND ANTICIPATION NOTES**

**Section 2.**

Section 1 of Bond Ordinance shall be amended to read as follows:

Section 1. Consistent with N.J.S.A. 40A:2-1 et seq., the Borough Council of the Borough of Elmer that it is both necessary and proper to install, repair and/or replace sidewalks and driveway aprons, and/or pedestrian and vehicular accessibility and related improvements and alternatives for compliance with the Americans with Disabilities Act ("ADA"), and inspections and surveys related thereto, in the Borough of Elmer for the benefit of the residents of the Borough of Elmer.

### **Section 3.**

Section 3 of Bond Ordinance shall be amended to read as follows:

Section 3. The acquisition mentioned above, and referred to herein below, are hereby authorized; and the purpose of financing of said acquisitions of which said obligations are to be issued, the appropriations made for and the estimated costs as the maximum amount of money to be raised from all sources for the installation, repair and/or replacement of sidewalks and driveway aprons, and/or pedestrian and vehicular accessibility and related improvements and alternatives for compliance with the Americans with Disabilities Act ("ADA"), and inspections and surveys related thereto, and inspections and surveys related thereto, as set forth above, and the estimated maximum amount of notes and bonds to be issued for such purchase is as follows: the installation, repair and/or replacement of the sidewalks and driveway aprons, and inspections and surveys related thereto, in the Borough of Elmer - not to exceed \$285,000.00.

### **Section 4.**

Section 4A. of Bond Ordinance shall be amended to read as follows:

A. The installation, repair and/or replacement of sidewalks and driveway aprons, and/or pedestrian and vehicular accessibility and related improvements and alternatives for compliance with the Americans with Disabilities Act ("ADA"), and inspections and surveys related thereto, and inspections and surveys related thereto, described in Section 3 hereof is not a current expense and is work which the Borough of Elmer may lawfully make, and no part of the costs thereof has been or shall be specifically assessed on property specifically benefited thereby, if any.

### **Section 5.**

The capital budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended applicable capital budget and applicable capital improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the Clerk and available for public inspection.

### **Section 6.**

#### **Repealer.**

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

**Section 6.**

**Severability.**

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**Section 7.**

**When effective.**

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**BOROUGH OF ELMER**

BY: \_\_\_\_\_  
**Joseph Stemberger, Mayor**

**ATTEST:**

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**Sarah D. Walker, Registered Municipal Clerk**

**ROLL CALL VOTE as follows:**

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	_____	_____	_____	_____	_____	_____
Davis	_____	_____	_____	_____	_____	_____
Nolan	_____	_____	_____	_____	_____	_____
Richards	_____	_____	_____	_____	_____	_____
Schalick	_____	_____	_____	_____	_____	_____
Zee	_____	_____	_____	_____	_____	_____

**NOTICE**

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on June 13, 2018. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on July 11, 2018 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

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Sarah D. Walker  
Registered Municipal Clerk