

**ORDINANCE 2015:02**

**AN ORDINANCE TO AMEND ORDINANCE 2014:22 TO PROVIDE A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF NEW MILFORD AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF ADDITIONAL GRANT FUNDS THEREFORE**

**WHEREAS**, the Borough of New Milford (Borough) has entered into an agreement with the County of Bergen (County) for ADA Cooperative Engineering Design and ADA Cooperative Curb Ramp Construction; and

**WHEREAS**, the ADA Cooperative Engineering Design Agreement provides, in part, that the County will make County funds available to a municipality on a reimbursement basis as authorized by the County Engineer or his designee, for engineering design work related to the construction of ADA improvements at crosswalk locations, as designated by the County Engineer or his designee, on County Roads; and

**WHEREAS**, the ADA Cooperative Curb Ramp Construction Agreement provides, in part, that the County will, upon proper verification and pre-construction authorization by the County Engineer, reimburse the municipality for the construction costs in connection with the county wide ADA Cooperative Curb Ramp Construction contract provided that participating municipalities are responsible for all costs outside the scope of work; and

**WHEREAS**, Boswell Engineering performed a site visit with the County Engineer's designee and identified eighty-two crosswalk locations on the County roads of Henley Avenue, River Edge Avenue, and Milford Avenue; and

**WHEREAS**, Boswell Engineering has estimated, based upon the ADA Engineering and Design Agreement, the engineering and design expense for the work proposed will be \$9,650.00; and

**WHEREAS**, Boswell Engineering has estimated, based upon the ADA Cooperative Curb Ramp Construction Agreement, the ramp construction as proposed will be \$171,000.00;

**WHEREAS**, the Borough anticipated reimbursement of \$180,650.00 as per the ADA Engineering Design Agreement and the ADA Cooperative Curb Ramp Construction Agreement, which was appropriate via ordinance 2014:22; and

**WHEREAS**, the County has since rebid and newly awarded the contract via resolution 1381-14, dated December 3, 2014; and

**WHEREAS**, the Borough anticipates an additional reimbursement of \$81,000.00 as a result of the award made in resolution 1381-14.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough of New Milford, County of Bergen, as follows:

**SECTION 1.** The Borough of New Milford, in the County of Bergen shall proceed with the improvement of the eighty-two ADA Cooperative Curb Ramps on Henley Avenue, River Edge Avenue, and Milford Avenue in anticipation of an additional \$81,000.00 reimbursement grant.

**SECTION 2.** The cost of implementing said improvements set forth in Section 1 shall be paid by the Borough out of funds to be received specifically for said purpose through the County of Bergen ADA Cooperative Engineering Design Grant Program and the ADA Cooperative Curb Ramp Construction Grant Program.

**SECTION 3.** It is hereby determined and stated:

- a. Said purpose is not a current expense. The same is an improvement which the Borough of New Milford may lawfully make or acquire and no part of the cost of said improvement has been or shall be paid for by or recouped through a “benefit” or “assessment” to a specific property.
- b. It is not necessary to finance this authorization by the issuance of obligations by the Borough of New Milford pursuant to the Local Bond Law of the State of New Jersey.
- c. The total authorized appropriation in this ordinance is \$81,000.00 for a total appropriation for the two ordinances of \$261,650.00.

**SECTION 4.** The monies which the Borough of New Milford are authorized to receive pursuant to the terms of the County of Bergen ADA Cooperative Engineering Design Grant Program and the ADA Cooperative Curb Ramp Construction Grant Program shall, when received, be placed in a capital improvement fund of the Borough of New Milford for the purpose set forth in Section 1 of this ordinance

**SECTION 5.** It is hereby determined and state that no supplemental debt statement is required to be made and signed in connection with said purpose, since the gross debt of the Borough of New Milford as defined under the Local Bond Law is not increased by this ordinance, and no obligations in the matter of notes or bonds are authorized by this ordinance.

**SECTION 6.** This ordinance shall take effect after publication thereof and final passage as required by law.