

# **AGENDA**

**February 1, 2023 ~ 7:00 PM**

**Borough of Hawthorne, Passaic County, NJ**

**Watch Live:** Altice (Cablevision) Ch. 77, Verizon Fios Ch. 28

**Facebook:** Borough Hawthorne NJ Group <https://www.facebook.com/groups/1135979460070290>



## **ROLL CALL**

## **FLAG SALUTE**

## **STATEMENT**

Adequate notice of this meeting has been provided by the Annual Schedule of Regular Meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to The Herald News, The Record, The Gazette and all persons who have requested the mailing of such since December 7, 2022.

**APPROVAL OF MINUTES:** Minutes for the Regular Meeting of January 18, 2023.

**PUBLIC COMMENT:** (Agenda Items Only – 5 minute limit)

## **OLD BUSINESS**

## **NEW BUSINESS**

## **ADMINISTRATIVE AGENDA PRESENTED BY MAYOR LANE**

## **REPORTS**

Borough Attorney Michael J. Pasquale  
Borough Engineer Dr. Stephen T. Boswell  
Borough Administrator Eric Maurer

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## **INTRODUCTION OF ORDINANCES**

### **BOND ORDINANCE 2307-23**

**BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, INCLUDING MILLING, PAVING AND RESURFACING, AS WELL AS CURBING, HANDICAPPED RAMPS AND RELATED IMPROVEMENTS ON VARIOUS STREETS AND PROPERTIES DESCRIBED HEREIN OR HEREAFTER IDENTIFIED, ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SEVEN HUNDRED TEN THOUSAND (\$710,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH IN THE SUM OF SIX HUNDRED TWENTY SEVEN THOUSAND (\$627,000) DOLLARS FOR FINANCING THE SAME.**

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### **BOND ORDINANCE 2308-23**

**BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, RESURFACING, DRAINAGE, CURB, SIDEWALK AND HANDICAPPED RAMP IMPROVEMENTS ON FIFTH AVENUE AND CENTRAL AVENUE AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SIX HUNDRED SIXTY TWO THOUSAND THREE HUNDRED FORTY (\$662,340) DOLLARS THEREFOR, AND AUTHORIZING THE ISSUANCE OF BONDS OR**

**NOTES IN THE AMOUNT OF ONE HUNDRED NINETY THOUSAND (\$190,000) DOLLARS OF THE BOROUGH FOR FINANCING THE SAME.**

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**BOND ORDINANCE 2309-23**

**BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON VARIOUS STREETS AS IDENTIFIED ON THE SCHEDULE MADE A PART HEREOF AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING ONE HUNDRED (\$180,000) THOUSAND DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES IN THE AMOUNT OF ONE HUNDRED SEVENTY ONE THOUSAND (\$171,000) DOLLARS FOR FINANCING PART OF THE COST THEREOF AND DIRECTING SPECIAL ASSESSMENT OF THE COST THEREOF.**

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**WATER UTILITY BOND ORDINANCE 2310-23**

**WATER UTILITY BOND ORDINANCE PROVIDING FOR WATER SYSTEM INFRASTRUCTURE IMPROVEMENTS INCLUDING REPLACEMENT OF WATER SERVICE LINES AT VARIOUS LOCATIONS AS MAY BE IDENTIFIED ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING TWO MILLION NINE HUNDRED THOUSAND (\$2,900,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.**

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**RESOLUTIONS:**

**CONSENT AGENDA R 32-23**

**R 32-23 Redeem Tax Sale Certificate**

**REPORTS OF SPECIAL COUNCIL COMMITTEES**

**CORRESPONDENCE**

**C-1 Receipt of Zoning Board of Adjustments 2022 Annual Report**

**BILLS**

**PUBLIC COMMENT**

**ADJOURNMENT**

**THE NEXT COUNCIL MEETING IS  
WEDNESDAY, FEBRUARY 15, 2023 AT 7 PM**

**BOND ORDINANCE NO. 2307-23**

**BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, INCLUDING MILLING, PAVING AND RESURFACING, AS WELL AS CURBING, HANDICAPPED RAMPS AND RELATED IMPROVEMENTS ON VARIOUS STREETS AND PROPERTIES DESCRIBED HEREIN OR HEREAFTER IDENTIFIED, ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SEVEN HUNDRED TEN THOUSAND (\$710,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH IN THE SUM OF SIX HUNDRED TWENTY SEVEN THOUSAND (\$627,000) DOLLARS FOR FINANCING THE SAME.**

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 general 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 \$710,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$33,000 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. A portion of the funding, in total sum of \$50,000, is to be provided through a Community Development Block Grant (CDBG Grant).

Section 2. For the financing of said improvement or purpose and to meet the part of said \$710,000 appropriation not provided for by application hereunder of said down payment, and subject to receipt of the CDBG Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$627,000 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 \$627,000 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 the resurfacing or reconstruction of parts or portions of roads, curbing, handicapped ramps and the construction or reconstruction of related facilities, on various streets or properties located in the Borough of Hawthorne, together with all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with plans therefor prepared by Boswell Engineering, P.E., now on file in the office of the Borough Clerk, and hereby approved. The following locations are identified as being subject to the terms of this Ordinance: Genevieve Avenue (First to Ethel), Surrey Place, Legion Place, Grand Avenue (Legion to Warburton), North 10<sup>th</sup> Street, Taylor Avenue, Loretto Avenue, Chopin Place and such other locations as may be later identified in the place of or in addition to the foregoing, as well as handicapped accessible ramps at various locations. The CDBG Grant pertains to handicapped ramps and work on North 10<sup>th</sup> Street.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$627,000.

(c) The estimated cost of said purpose is \$710,000, the excess thereof over the said estimated maximum amount of bonds or notes being the amount of the said \$33,000 down payment and is subject to the \$50,000 CDBG Grant.

Section 4. 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 5. 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.

(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 20 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 \$627,000 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 \$170,000 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.

Section 6. 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 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. This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption as provided for in said local bond law.

**BOND ORDINANCE NO. 2308-23**

**BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION, RESURFACING, DRAINAGE, CURB, SIDEWALK AND HANDICAPPED RAMP IMPROVEMENTS ON FIFTH AVENUE AND CENTRAL AVENUE AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SIX HUNDRED SIXTY TWO THOUSAND THREE HUNDRED FORTY (\$662,340) DOLLARS THEREFOR, AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES IN THE AMOUNT OF ONE HUNDRED NINETY THOUSAND (\$190,000) DOLLARS OF THE BOROUGH FOR FINANCING THE SAME.**

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 general 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 \$662,340, said sum being inclusive of all appropriations heretofore made therefor or purpose required by law and now available therefor, and including the sum of \$10,000 as the down payment for said improvement from the Capital Improvement Fund of the Borough of Hawthorne and through grants applied for and received by the Borough of Hawthorne in excess of the amount required by law for such purpose in total sum of \$462,340. The amount of be financed by way of bond or note of the Borough of Hawthorne is \$190,000.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$662,340 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 \$190,000 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 \$190,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. Said improvement is to be paid for in part by virtue of a grant from the New Jersey Department of Transportation in the amount of \$462,340, which sums beyond the amount utilized as down payment hereunder have been applied against or otherwise deducted from the amount to be financed hereunder.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is the resurfacing or reconstruction of parts or portions of road, the construction or reconstruction of drainage facilities, and the reconstruction and installation of, curbs, sidewalks and handicapped ramps on Fifth Avenue and Central Avenue, together with all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with plans therefor prepared by Boswell Engineering, P.E., now on file in the office of the Borough Clerk, and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$190,000.

(c) The estimated cost of said purpose is \$662,340, the excess thereof over the said estimated maximum amount of bonds or notes being the amount of the down payment provided for by way of Department of Transportation Funds and down payment hereunder, as set forth herein.

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.

(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 20 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 \$190,000 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 \$150,000 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.

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



**BOND ORDINANCE NO. 2309-23**

**BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OR REPLACEMENT OF SIDEWALKS AND DRIVEWAY APRONS ON VARIOUS STREETS AS IDENTIFIED ON THE SCHEDULE MADE A PART HEREOF AS DESCRIBED SPECIFICALLY HEREIN, IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING ONE HUNDRED (\$180,000) THOUSAND DOLLARS THEREFOR, AUTHORIZING THE ISSUANCE OF BONDS OR NOTES IN THE AMOUNT OF ONE HUNDRED SEVENTY ONE THOUSAND (\$171,000) DOLLARS 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 \$180,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$9,000 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 \$180,000 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 \$171,000 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 \$171,000 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 the 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 various streets as identified on the attached lists, as well as intersecting streets adjoining the same, together with all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with plans therefor prepared by Boswell 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 made a part hereof.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$171,000.

(c) The estimated cost of said purpose is \$180,000, the excess thereof over the said estimated maximum amount of bonds or notes being the amount of the said \$9,000 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 \$171,000 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 \$45,000 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 \$180,000.

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.

**WATER UTILITY BOND ORDINANCE NO. 2310-23**

**WATER UTILITY BOND ORDINANCE PROVIDING FOR WATER SYSTEM INFRASTRUCTURE IMPROVEMENTS INCLUDING REPLACEMENT OF WATER SERVICE LINES AT VARIOUS LOCATIONS AS MAY BE IDENTIFIED ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING TWO MILLION NINE HUNDRED THOUSAND (\$2,900,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.**

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 water capital 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 \$2,900,000.00 said sum being inclusive of all appropriations heretofore made therefor without requirement that any sum be set forth as down payment as the purposes are self-liquidating Water Capital Improvements to be paid by the Borough of Hawthorne Water Department through self-liquidating revenues.

Section 2. For the financing of said improvement or purpose and the \$2,900,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,900,000.00 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 \$2,900,000.00 is hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.

Section 3. (a) The improvements hereby authorized and the purpose for the financing of which said obligations are to be issued by the Borough of Hawthorne is for the making of the following specified improvements:

Water system infrastructure improvements including specifically replacement of water service lines in various locations throughout the Borough, Phases II and III.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$2,900,000.00.

(c) The estimated cost of said purpose is \$2,900,000.00, with no sum to be paid by way of down payment as the purpose is self liquidating.

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 water capital improvement.

(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 forty (40) 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 \$2,900,000.00 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 \$300,000.00 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.

Section 5. 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 6. 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 7. The water 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. This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by said Local Bond Law.