

**TOWNSHIP OF WYCKOFF
340 FRANKLIN AVENUE
WYCKOFF, NEW JERSEY**

ORDINANCE #2007

**AN ORDINANCE OF THE TOWNSHIP OF WYCKOFF, IN
THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING
FOR THE SPECIAL ASSESSMENT OF ALL OR A
PORTION OF THE COST RELATING TO LEAD SERVICE
LINE REPLACEMENT**

WHEREAS, Ridgewood Water ("**RW**") is a public regional water supply utility, operated by the Village of Ridgewood (the "**Village**"), that services the Village and three neighboring municipalities: the Borough of Glen Rock, the Borough of Midland Park and the Township of Wyckoff (each, a "**Water System Municipality**" and, collectively, the "**Water System Municipalities**"); and

WHEREAS, pursuant to N.J.S.A. 58:12A-40 et seq. (the "**Lead Service Line Replacement Law**"), all community water systems must replace their lead service lines, including those that are privately owned by various property owners, within 10 years of the effective date of such Lead Service Line Replacement Law (July 22, 2031), subject to any extensions permitted by the State of New Jersey; and

WHEREAS, RW has confirmed the existence of lead service lines in the RW water system (the "**RW System**"), including the lateral lines that run from the distribution main onto privately-owned real properties and into the privately-owned structures located thereon, a portion of each such lateral line being owned by RW (collectively, the "**RW Lead Service Lines**") and a portion of each such lateral line being owned by the property owner (collectively, the "**Property Owner Lead Service Lines**"); and

WHEREAS, pursuant to the Lead Service Line Replacement Law, RW is undertaking the replacement of the Property Owner Lead Service Lines for those property owners who voluntarily elect to have RW undertake and complete such work (the "**Project**"); and

WHEREAS, pursuant to the Lead Service Line Replacement Law, RW is also undertaking the replacement of certain RW Lead Service Lines, the cost of which is being borne by RW as a general expense of the RW System; and

WHEREAS, the Local and Other Improvement Law, N.J.S.A. 40:56-1 et seq. (the "**Local Improvements Law**") provides that "[a] local improvement is one, the cost of which, or a portion thereof, may be assessed upon the lands in the vicinity thereof benefited thereby"; and

WHEREAS, N.J.S.A. 40:56-1(j)(1) includes, as a local improvement:

"The installation of service connections to a system of water ... owned by a municipality or otherwise including all such work as may be necessary for supplying water ... to real estate for whose benefits such services are provided. This authorization includes, but shall not be limited to, the installation of service connections to a publicly-owned water system, from the distribution main onto privately-owned real property and into the privately-owned structure, for the purpose of replacing residential, commercial, and institutional lead services lines, regardless of possible private service connection ownership"; and

WHEREAS, Section 13 of the Local Improvements Law authorizes a municipality to appropriate money for a local improvement and issue bond anticipation notes or bonds to fund such appropriation; and

WHEREAS, the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "**Local Bond Law**"), further authorizes a municipality to issue bond anticipation notes and bonds to fund a local improvement; and

WHEREAS, the Uniform Shared Service and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the "**Shared Services Act**"), authorizes local units of the State of New Jersey, including municipalities, to enter into agreements with any other local unit or units for the joint provisions within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, (i) pursuant to the Lead Service Line Replacement Law, RW is undertaking and completing the Project, (ii) pursuant to the Local Improvements Law and the Local Bond Law, the Village will issue bonds and/or bond anticipation notes in an amount necessary to fund the undertaking and completion of the Project, (iii) pursuant to the Local Improvements Law, the Village and each Water System Municipality will specially assess all of the costs of the Project against participating properties specially benefited thereby located in the respective municipalities, and (iv) pursuant to the Shared Services Act, each Water System Municipality will pay its respective share of the cost of the Project, inclusive of debt service on bonds and/or bond anticipation notes issued by the Village to fund the Project, to the Village; and

WHEREAS, the governing body of the Village has adopted or will adopt one or more bond ordinances providing for the Project and authorizing the issuance by the Village of general obligation bonds and/or bond anticipation notes in an amount sufficient to finance the cost of the Project on behalf of the Village and the Water System Municipalities (collectively, the "**Bonds**"); and

WHEREAS, the Village and the Township of Wyckoff (the "**Municipality**") have determined that it will be cost-effective and in the best interest of the Village and the Municipality to enter into a Shared Service Agreement pursuant to the Shared Services Act (in the form on file in the office of the Clerk, the "**Shared Service Agreement**"), to have RW undertake and complete the Project on behalf of the Municipality, to have the Village issue the Bonds, to have the Municipality pay its share of the cost of the Project, inclusive of debt service on such Bonds and to have the Municipality specially assess the Benefited Properties (as defined herein); and

WHEREAS, the Municipality now desires to specially assess all of the Municipality's share of the cost of the Project against properties specially benefited thereby in the Municipality, more particularly described in **Exhibit A** hereto, whose property owners subsequently elect to have RW undertake and complete the Project on their respective properties (the "**Benefited Properties**" and each, a "**Benefited Property**").

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWNSHIP OF WYCKOFF, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

Section 1. The recitals hereof are incorporated by reference as if set forth at length herein.

Section 2. The Municipality hereby makes and levies a special assessment against the Benefited Properties. Such special assessment shall be made by the officer or board charged with the duty of making general assessments of taxes in the Municipality, pursuant to N.J.S.A. 40:56-21, and levied in the manner provided by law. The Municipality hereby determines, in accordance with the Lead Service Line Replacement Law, that the cost of the Project allocable to each Benefited Property is equal to the peculiar benefit, advantage or increase in value that the respective Benefited Property shall be deemed to receive by reason of the Project, such that the total amount of the special assessment shall equal the Municipality's cost of the Project, inclusive of debt service on the Bonds.

Section 3. Notice is hereby given to the owners of each of the parcels identified in **Exhibit A** attached hereto that, at the time the Project has been completed, the Municipality intends to make and levy a special assessment, in the amount set forth in Section 2 hereof, against the Benefited Properties.

Section 4. The assessment shall be payable in installments over thirty (30) years from the date of the payment of the first installment. If paid quarterly, the first of such installments shall be due and payable on the first February 1, May 1, August 1 or November 1 occurring after the confirmation of the assessment by the Municipality, and each subsequent installment and interest, if any, shall be payable on February 1, May 1, August 1, and November 1 of each year thereafter until paid in full. If paid annually, the first of such installments shall be due and payable on the first February 1 occurring after the confirmation of the assessment by the Municipality, and each subsequent installment

and interest, if any, shall be payable on February 1 of each year thereafter until paid in full. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, unless otherwise provided by subsequent resolution of the governing body of the Municipality pursuant to N.J.S.A. 40:56-35, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Municipality 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 from the effective date of this ordinance until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Municipality shall have the right to waive default as may be permitted by law. Any owner of a Benefited Property shall have the right to pay the whole of any assessment or any balance of installments with all interest due thereon, at one time.

Section 5. The Municipality has determined pursuant to the Section 2 that the cost of the Project allocable to each Benefited Property is equal to the peculiar benefit, advantage or increase in value that the Benefited Property shall be deemed to receive by reason of the Project, such that the total amount of the special assessment shall equal the Municipality's cost of the Project, inclusive of debt service on the Bonds. Accordingly, the provisions of N.J.S.A. 40:56-37 requiring the Municipality to provide for the difference between the Municipality's cost of the Project and the amount of the special assessment, if less, shall not apply.

Section 6. If any part of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 7. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.

EXHIBIT A

Benefited Properties

WYCKOFF: CUSTOMER SIDE LEAD SERVICE LINES

#	MAIN TO CURB MATERIAL	CURB TO BLDG MATERIAL	STREET	ADDRESS	CITY
1	lead	lead	326	CEDAR HILL AVE	WYCKOFF
2	lead	lead	333	CEDAR HILL AVE	WYCKOFF
3	galvanized	galvanized	382	DARTMOUTH ST	WYCKOFF
4	galvanized	lead lined	384	DARTMOUTH ST	WYCKOFF
5	galvanized	galvanized	389	DARTMOUTH ST	WYCKOFF
6	copper	galvanized	390	DARTMOUTH ST	WYCKOFF
7	galvanized	galvanized	393	DARTMOUTH ST	WYCKOFF
8	copper	galvanized	372	KINGSTON ST	WYCKOFF
9	copper	galvanized	407	KINGSTON ST	WYCKOFF
10	copper	galvanized	412	KINGSTON ST	WYCKOFF
11	copper	galvanized	414	KINGSTON ST	WYCKOFF
12	copper	galvanized	382	LEHIGH ST	WYCKOFF
13	copper	galvanized	384	LEHIGH ST	WYCKOFF
14	copper	galvanized	386	LEHIGH ST	WYCKOFF
15	copper	galvanized	388	LEHIGH ST	WYCKOFF
16	copper	galvanized	395	LEHIGH ST	WYCKOFF
17	copper	lead lined	17	WYCKOFF AVE	WYCKOFF
18	galvanized	galvanized	22	WYCKOFF AVE	WYCKOFF
19	copper	lead lined	31	WYCKOFF AVE	WYCKOFF
20	lead lined	galvanized	32	WYCKOFF AVE	WYCKOFF