

**BOROUGH OF MOUNT ARLINGTON**

**ORDINANCE NO. 03 - 17**

**AN ORDINANCE OF BOROUGH OF MOUNT ARLINGTON**

**ESTABLISHING**

**AN ELECTRIC AND/OR NATURAL GAS AGGREGATION PROGRAM**

**WHEREAS**, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and/or natural gas market; and

**WHEREAS**, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and/or natural gas pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power and/or natural gas to residential and non-residential users, thereby increasing the likelihood of lower electric rates and/or natural gas rates for these users without causing any interruption in service; and

**WHEREAS**, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric and/or gas bills; and

**WHEREAS**, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of the Borough of Mount Arlington (“Borough”); and

**WHEREAS**, the Borough of Mount Arlington hereby finds that it is in the best interests of residential and non-residential ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric and/or natural gas rates; and

**NOW, THEREFORE BE IT ORDAINED**, by the Borough Council of Mount Arlington in the County of Morris and the State of New Jersey, duly assembled in public session, as follows:

1. The Borough of Mount Arlington publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
2. The Borough will utilize approved vendors, Concord Engineering’s dba Concord Energy Services and Commercial Utility Consultants, Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed,

individual residential consumers would retain the option not to participate and to choose any alternatives they desire.

3. The Mayor and Borough Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
6. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

### NOTICE

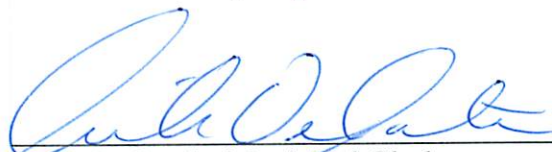
**NOTICE IS HEREBY GIVEN** that the above Ordinance was introduced and passed on first reading at the Regular Meeting of the Borough Council of Mount Arlington in the County of Morris, State of New Jersey held in the Borough's Municipal Building on February 7, 2017, and the same came up for final passage at the Regular Meeting of the Borough Council held on March 7, 2017, at which time, after persons interested were given an opportunity to be heard concerning said Ordinance, the same was passed and will be in full force in the Borough of Mount Arlington according to law.

Dated: 3/8/17



\_\_\_\_\_  
Michael Stanzilis, Mayor

Dated: 3/8/17




\_\_\_\_\_  
Linda DeSantis, Municipal Clerk

*BOROUGH OF MOUNT ARLINGTON  
MOUNT ARLINGTON, NEW JERSEY*

**PROOF OF PUBLICATION AFFIDAVIT**

Date: 2/16/17

As the duly appointed Borough Clerk for the Borough of Mount Arlington, in the County of Morris, State of New Jersey, I, **Linda DeSantis**, hereby certify that a Public Notice, of which a copy is attached hereto, was published in the **Roxbury Register** newspaper, in the 2/16/17 issue of said newspaper.

  
Linda DeSantis, R.M.C.  
Borough Clerk

**Mount Arlington Borough**  
**LEGAL NOTICE**  
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WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric and/or gas bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of the Borough of Mount Arlington ("Borough"); and

WHEREAS, the Borough of Mount Arlington hereby finds that it is in the best interests of residential and non-residential ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric and/or natural gas rates; and

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Dated: \_\_\_\_\_ Michael Stanzilis, Mayor

Dated: \_\_\_\_\_ Linda DeSantis, Municipal Clerk  
02/16/17

P.F.\$7.94

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 86, EXCAVATIONS, TO ADD A NEW SECTION § 86-7. PAVEMENT CUTS; AND AMEND THE NUMBERING THEREAFTER OF SUBSEQUENT SECTIONS.**

**WHEREAS**, the Borough Engineer advised the Borough Code Committee that the Borough of Mount Arlington has had continued issues with utility companies performing street, road and/or path openings on newly paved streets, roads or paths after a moratorium issued; and recommends that the Borough Code be updated; and

**WHEREAS**, these openings adversely affect the viability of these streets, roads and paths, which can shorten their useful life; and

**WHEREAS**, the Borough desires to have the streets, roads and paths restored after these street, road and path openings; and

**WHEREAS**, the Mayor and Council for the Borough of Mount Arlington reviewed and desires to amend and supplement Borough Code Chapter 86, Excavations, to add a new Section § 86-7. Pavement Cuts; and amend the numbering thereafter of subsequent sections; and

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 86, Excavations, is hereby amended and supplemented to add a new Section § 86-7. Pavement Cuts. to read in its entirety as follows; and the numbering thereafter of subsequent sections be amended accordingly:

§ 86-6. Restoring surface. [Amended 3-27-2006 by Ord. No. 08-06]

A. Any person making any excavation, opening or tunnel in, on or under any R.O.W. in the borough shall restore the surface to its original condition if there is no pavement there. Backfilling shall be properly tamped down, and any bracing in such tunnel or excavation shall be removed prior to backfilling.

B. Any excavation or opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant in compliance with the ordinances of the borough and under the supervision of the Borough Engineer.

Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 86-7. Pavement cuts.

A. Except as otherwise provided in subsections B and C applicable to emergency circumstances and waiver provisions, if it is necessary to open a street, road or path that has been paved within the last five (5) years, final pavement restoration for the full width of the street, road or path to a distance of a minimum of one hundred (100) feet around the area of the openings must be completed.

B. Any person maintaining pipes, lines or other underground facilities in or under the surface of any street, road or path may proceed with an opening in the street, road or path without first obtaining a