

ORDINANCE NO.: 04-19

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, AUTHORIZING AND APPROPRIATING \$112,267.00 FOR THE COMMUNITY GARDEN IMPROVEMENTS

WHEREAS, the Mayor and Council for the Borough of Mount Arlington desires to complete the Community Garden project; and

WHEREAS, the cost of said improvements is estimated to be \$112,267.00; and

WHEREAS, in order to finance the expenditures associated with the Community Garden Improvements, including but not limited to, all activities associated with the construction; the design and implementation of all necessary measures; and issuance of Request for Proposals the Borough Engineer has provided the estimated cost for the project. The Borough authorizes the appropriation and expenditure of \$112,267.00 from the Capital Improvement Fund; and

WHEREAS, the Borough Engineer and the Borough Chief Financial Officer recommends the Mayor and Council for the Borough of Mount Arlington authorize the appropriation.

BE IT ORDAINED, by the Mayor and Council of the Borough of Mount Arlington, County of Morris and State of New Jersey as follows:

Section 1: The improvement and purpose described in Section 3 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Mount Arlington, County of Morris, New Jersey (hereinafter referred to as the "Borough"). For the said improvement or purpose stated in Section 3 of this ordinance, there is hereby appropriated \$112,267.00, said sum being inclusive of all appropriations heretofore made therefor.

Section 2: The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is as follows:

The completion of the Community Gardens Project, including but not limited to, all activities associated with the construction; the design and implementation of all necessary measures; and issuance of Request for Proposals. For the said improvement or purpose stated in this Section, there is appropriated \$112,267.00 from the Capital Improvement Fund.

Section 3: The improvement authorized is expenditures associated with the completion of the Community Garden Project, including but not limited to, all activities associated with construction costs; the design and implementation of all necessary measures; and Request for Proposals.

The following additional matters are hereby determined, declared, recited and stated:

- (a) The purpose described in Section 2 of this ordinance is not a current expense and is property or an improvement which the Borough may lawfully acquire or make as a general improvement having a period of usefulness of at least five (5) years and no part of the cost thereof has been or shall be specially assessed on property benefitted thereby.
- (b) Amount not exceeding \$22,454.00 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Law may be included as part of the costs of said improvement and are included in the foregoing estimates thereof.

Section 4: Any grant or other moneys received for the purposes described in Section 3 hereof in addition to the funds expressly appropriated in Section 2 hereof, shall be applied to direct payment of the cost of the improvement.

Section 5: The Capital Budget of the Borough is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 6: The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 7: To the extent that any previous Ordinance or resolutions inconsistent with or contradictory hereto, said Ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 8: This ordinance shall take effect after final adoption and publication in the manner provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Council of the Borough of Mount Arlington, introduced on January 15, 2019; and will be further considered after a public hearing held on February 5, 2019 at the Municipal Building at 7:00 p.m.

Attest:

BOROUGH OF MOUNT ARLINGTON



Linda DeSantis, RMC, Borough Clerk

Michael Stanzilis, Mayor
Borough of Mount Arlington



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MEMORANDUM

TO: Carolyn Rinaldi, Municipal Administrator **PROJ:** 576.033
FROM: Dave Clark, P.E., C.M.E., Senior Project Engineer
 CP Engineers, LLC
DATE: December 21, 2018
SUBJECT: Community Gardens Accessibility Cost Analysis

Currently, the only access to the Community Gardens is from a staircase that connects the existing asphalt parking lot to the Community Gardens. The difference in elevation between the parking lot and the Community Gardens is approximately 11 feet. Due to the difference in elevation and corresponding length and space required to construct an ADA accessible walkway/ramp to address the elevation difference, CP determined that it would be more cost effective to construct a paved access drive to a small ADA parking area at the level of the Community Gardens. Additionally, we have addressed the associated costs for the milling and paving of the existing driveway (off of Sandra Dr.) and parking lot for the Community Gardens. The estimated costs for the accessibility drive, main driveway and parking area restoration work are as follows:

Accessibility Drive Cost:

Soil Erosion and Sediment Control:	\$ 2,000
Final Cleanup:	\$ 5,000
Clearing Site:	\$ 30,000
Dense-Graded Aggregate Base Course*:	\$ 3,920
Asphalt Surface Course*:	\$ 5,100
Asphalt Base Course*:	\$ 10,170
Asphalt Walkway (77 LF total):	\$ 459
Granite Block Curb:	\$ 625
Topsoiling:	\$ 395
Fertilizing, Seeding, and Mulching, Type "1":	<u>\$ 119</u>
Accessibility Drive Cost:	\$ 57,788

* (147 LF of 20' wide access driveway and 1,056 SF parking area)

Main Driveway and Parking Area Cost:

Asphalt Milling:	\$ 7,560
Asphalt Surface Course:	<u>\$ 12,750</u>
Main Driveway and Parking Area Cost:	\$ 20,310

Total Cost:

Accessibility Drive Improvements:	\$ 57,788
Main Driveway and Parking Restoration:	\$ 20,310
15% contingency:	<u>\$ 11,715</u>

TOTAL COST: \$ 89,813



Since the Community Gardens are in an unfunded Green Acres encumbered parcel, CP reviewed the Green Acres Program Regulations to confirm the proposed project is in conformance with the regulations and is not considered a disposal or diversion of parkland. The proposed access drive will be on developed parkland and will be providing required ADA access to an existing recreational use. Pursuant to N.J.A.C. 7:36-25.11 - "A local government unit shall ensure that undeveloped unfunded parkland is open and reasonable public access is afforded to all New Jersey residents. A local government unit that operates or develops a recreation and conservation facility on unfunded parkland without Green Acres funding may adopt fees and schedule the use of that facility at its discretion." Additionally, examples of disposals or diversions provided in the regulations at N.J.A.C. 7:36-25.2(c) do not list ADA accessibility to recreational facilities as a diversion or disposal. The act of providing access to recreational facilities is consistent with the requirement to provide open and reasonable access to the public. However, if the Borough desires, CP can coordinate with Green Acres representatives and provide them a copy of conceptual plans for the ADA access driveway and parking area for their review to confirm our conclusions as to Green Acres Program applicability.

1062

1060

PROPOSED ASPHALT DRIVE

EXISTING STAIRCASE

1058

1056

1054

1052

1050

8'
(TYP.)

20'

24'

PROPOSED ASPHALT WALKWAY (TYP.)

EXISTING SITTING AREA

1048

