

ORDINANCE NO. 2024- 49

AMENDMENT TO ORDINANCE NO. 2021-75 PROVIDING FOR THE SANITARY SEWER EXTENSION PROJECT FOR CAVALLO DRIVE IN AND BY THE CITY OF VINELAND, IN THE COUNTY OF CUMBERLAND, NEW JERSEY, APPROPRIATING \$210,000.00 THEREFOR, AUTHORIZING THE ISSUANCE OF \$200,000.00 BONDS OR NOTES OF THE CITY FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.

WHEREAS, the City of Vineland adopted Ordinance No. 2021-75 passed on final reading on December 14, 2021, appropriating \$210,000.00 for the construction of a sanitary sewer extension on Cavallo Drive and authorizing the issuance of \$200,000.00 Bonds or Notes to finance part of the construction; and

WHEREAS, Ordinance No. 2021-75 served as notice to all owners of lots and parcels of real estate benefited by the improvements authorized by the Ordinance that the City intended to make special assessments against said properties in an aggregate amount not exceeding \$210,000.00, with said special assessment to be made and levied in the manner provided by law; and

WHEREAS, all improvements associated with the extension of the sewer system on Cavallo Drive have been completed; and

WHEREAS, by letter dated March 24, 2024, the City Clerk notified all affected residents of Cavallo Drive of the proposed special assessment against each property and their right to participate in a public hearing on April 16, 2024, if they desired to challenge the amount of the special assessment; and

WHEREAS, several residents attended the public hearing and stated that they never received the initial correspondence from the City with a Vote Form they could use to vote in favor of or against the sanitary sewer extension project; and

WHEREAS, subsequent to the hearing, the City checked its records and could not locate return receipts confirming that all residents received a copy of the correspondence and Vote Form; and

WHEREAS, the City has determined to send Vote Forms to all affected property owners on Cavallo Drive so that they can vote in favor of or against the project, and that property owners will be assessed as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VINELAND, IN THE COUNTY OF CUMBERLAND, NEW JERSEY, AS FOLLOWS:

Section 1. Section 6 of Ordinance no. 2021-75 is amended to read as follows:

Notice is hereby given to the owners of all lots and parcels of real estate benefited by the improvement described in Section 3 hereof and affected by the improvement described therein that the City intends to make and levy special assessments against all such lots and parcel of real estate in an aggregate amount of \$162,755.41. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the City will contribute \$0 to the cost of the improvement; but if the amount of the benefit conferred upon the properties referenced herein and paid by the special assessments as finally confirmed is less than \$210,000.00, then the City will also contribute the difference to the cost of the improvement and be reimbursed by the Authority pursuant to the Shared Services Agreement.

The City shall follow the procedure below to determine whether a majority of affected property owners who vote support the sewer extension project:

- 1) The City shall deliver to each affected property owner a Vote Form to use to express his/her/their support for the sewer extension project. Only completed Vote Forms will be considered in determining whether the project is approved by a majority. For example, if only 5 Vote Forms are returned, then 3 or more votes either in favor or opposed will determine the outcome. Each property, regardless of the number of owners of that property, will have one vote.
- 2) If a majority of property owners who return the Vote Forms votes in favor of the project then all residents of Cavallo Drive will be assessed

CITY OF VINELAND, NJ

his/her/their share of the cost of the project as set forth in the attachment to the City Clerk's March 19, 2024, letter to the residents. A copy of that attachment is included with this letter.

- 3) If a majority of property owners who return the Vote Forms votes against the project, or an equal number vote in favor and against the project, then the project will be considered to have been disapproved. In that case, the following procedures shall be followed:
- a) any property owner who has already connected to the sewer system will be required to pay their share of the construction costs as set forth in the City Clerk's March 19 letter and may select either of the payment options presented in that letter.
  - b) any property owner who has not already connected to the sewer system, and presently does not intend to connect to the sewer system, shall not be required to pay his/her/their share of the cost until they elect to connect to the system. However, if a property owner who elects not to connect to the system at this time decides to connect to the system in the future, that property owner will be required to pay his/her/their share of the cost as set forth in the City Clerk's March 19 letter. This condition shall apply to any future purchaser(s) of the property.
  - c) The City shall file a notice with the Cumberland County Clerk's Office identifying all properties on Cavallo Drive that have not connected to the sewer system. This filing shall serve as notice to any purchaser(s) of a Cavallo Drive property that the purchaser(s) will be responsible to pay his/her/their share of the cost of the sewer improvements as set forth in the City Clerk's March 19 letter, at such time as the purchaser(s) connects to the sewer system.
  - d) Each property owner shall have the option to pay his/her/their share of the cost of the sewer improvements in a lump sum or over time as set forth in the City Clerk's March 19 letter.
  - e) Each property owner's share of the cost of construction of the sewer extension shall be a lien on that owner's property once they connect to the sewer system until such time as the full amount of construction has been paid by that property owner or any purchaser of that property.

Passed first reading: August 13, 2024

Passed final reading: August 27, 2024

Approved by the Mayor:

\_\_\_\_\_  
President of Council eaa

\_\_\_\_\_  
Acting Mayor red,jr

ATTEST:

\_\_\_\_\_  
Deputy City Clerk rgf



CITY OF  
**VINELAND**  
WHERE IT'S ALWAYS GROWING SEASON

**Keith Petrosky, RMC**  
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March 19, 2024

Vineland, NJ 08361

**COPY**

RE: Cavallo Drive Sewer Project

Dear Cavallo Drive Property Owner:

In 2021, residents of Cavallo Drive approved a public sewer extension project for Cavallo Drive. The project has been completed and the property owners, such as you, who benefited from the improvements are being assessed for the proportionate share of the project costs.

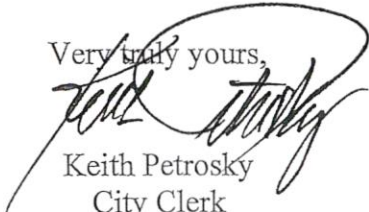
The initial estimate was that the cost per lot would be \$17,591.00. Fortunately, the actual cost ended up being less than the estimated amount. The final cost for the project was \$162,755.41. There are 10 property owners who benefited from this sewer extension so the amount to be paid by each homeowner is \$16,275.54.

*From the Tax Assessor:* Attached is a certification which lays out the specific amounts attributed to this project. You have the option to pay this amount in full or you can pay it over 10 years, in equal quarterly installments, with interest to accrue on the unpaid balance at the rate of six (6%) percent per year. If you choose to pay in installments, the assessment shall remain a lien upon your land until the balance of the installments, plus accrued interest thereon, is paid in full. If any assessment remains unpaid for 30 days, the entire assessment, plus any accrued interest, shall become due and payable immediately. You can also pay the whole of any assessment, or any balance of installments, with accrued interest thereon, at one time.

A hearing has been scheduled, as required by law, to confirm the amount to be assessed. You have the right to participate at a hearing and challenge the amount at the proposed assessment amount. The hearing is scheduled for **Tuesday, April 16, 2024, at 6:00 P.M.** and will be held in City Council Chambers, second floor of Vineland City Hall, 640 E. Wood Street, Vineland, NJ.

If you agree with the amount proposed to be assessed, there is no need for you to attend the hearing.

Very truly yours,

  
Keith Petrosky  
City Clerk

Enclosure





BRIAN F. CONOVER, CTA  
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CAVALLO DRIVE SEWER PROJECT

South State	\$143,075.00
Landmark Development	\$ 9,000.00
Down Payment (Bond)	\$ 10,000.00
Advertising Costs – Daily Journal	
First Publication	\$ 37.41
Final Publication	\$ 43.00
McManimon Scotland & Baumann	\$ 600.00
 Total	 \$162,755.41

Divided By Ten (10) Property Owners - \$16,275.54 each  
(Original Estimate - \$17,591.00 per Property Owner)

Each property owner is also responsible for the cost of the lateral connecting their home to the sewer line and for any connection fees. The City is not paying any portion of the cost for the improvements.

I certify that the above calculations accurately state the cost for the completion of the Cavallo Drive Sewer Extension Project.

  
Brian F. Conover, CTA

