

**Borough of Emerson  
County of Bergen  
Notice of Adoption**

**Ordinance No. 1422-10**

**CALENDAR YEAR 2011  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**Introduced: March 1, 2011**

**Adopted: March 15, 2011**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Borough of Emerson in the County of Bergen finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$118,198 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Emerson, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Borough of Emerson shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.5 %, amounting to \$118,198, and that the CY 2011 municipal budget for the Borough of Emerson be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**ATTEST:**

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**Carol Dray, RMC, CMC, CMR, Borough Clerk**

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**Carlos Colina, Mayor**

COUNCIL	MOVED	SECONDED	AYES	NAYES	ABSENT	ABSTAIN
Browne			X			
Rivers		X	X			
DiPaola			X			
Shaw	X		X			
Garis			X			
Lazar			X			

*I hereby certify that the above Resolution was duly adopted by the Borough of Emerson at a meeting held on March 15<sup>th</sup>, 2011.*

*Attest:* \_\_\_\_\_  
*Municipal Clerk*