

§ 46-1 REIMBURS. TO QUALIFIED COMMUNITIES § 46-1

Chapter 46

REIMBURSEMENTS TO QUALIFIED
PRIVATE COMMUNITIES

- § 46-1. Definitions.
- § 46-2. Reimbursement regulations.
- § 46-3. Procedure for reimbursement.
- § 46-4. Application for reimbursement.
- § 46-5. Option of borough to provide services.

[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 2-24-1993 by Ord. No. 3-1993. Amendments noted where applicable.]

§ 46-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONDOMINIUM — The form of real property ownership provided for under the Condominium Act, P.L. 1969, c. 257 (N.J.S.A. 46:8B-1 et seq.).

COOPERATIVE — A housing corporation or association wherein the holder of a share or membership interest in the corporation or association is entitled to possess and occupy, for dwelling purposes, a house, apartment or other unit of housing owned by the corporation or association or to purchase a unit of housing constructed or erected by the corporation or association.

FEE SIMPLE COMMUNITY — A private community which consists of individually owned lots or units and provides for common or shared elements or interests in real property.

HORIZONTAL PROPERTY REGIME — The form of real property ownership provided for under the Horizontal Property Act, P.L. 1963, c. 168 (N.J.S.A. 46:8A-1 et seq.).

QUALIFIED PRIVATE COMMUNITY — Any residential condominium, cooperative, fee simple community or horizontal property regime, the residents of which do not receive any tax abatement or tax exemption related to its construction, comprised of a community trust or other trust device, condominium association, homeowners' association or council of co-owners, wherein the cost of maintaining roads and streets and providing essential services is paid for by a not-for-profit entity consisting exclusively of unit owners within the community.

§ 46-2. Reimbursement regulations.

Qualified private communities, as defined in § 46-1 hereof and hereinafter known as "associations," located within the Borough of Helmetta which are responsible for providing the services enumerated hereinabove shall be reimbursed for such services according to the following procedure and on the following conditions unless the governing body shall elect to provide such services directly through the use of municipal vehicles and labor in accordance with § 46-4 hereof.

- A. The Borough of Helmetta shall not be required to operate any municipally owned or leased vehicles or other equipment or to provide any of the services enumerated in this chapter upon, along or in relation to any road or street in an association which either is not accepted for dedication to public use or does not meet the borough's standards and specifications for such dedication, except for width.
- B. An association shall be required to pay the cost of any insurance riders required by the borough to enable

§ 46-2 REIMBURS. TO QUALIFIED COMMUNITIES § 46-3

municipal vehicles to operate on private roads and streets within the association.

- C. The Borough of Helmetta shall enter into a written agreement to annually reimburse the association in an amount not to exceed the cost that would be incurred by the borough in providing those services directly.
- D. The amount to be reimbursed to the association shall be used by the association to pay for the service which Helmetta chooses not to provide, and that amount shall be the actual cost to the association of providing that service but not exceeding the amount Helmetta would have expended on that service if it were provided directly by the borough to the association.
- E. An agreement entered into pursuant to this section shall provide for an accounting by the association of the use of the money paid over to it by the borough and for the refunding to Helmetta of any payments in excess of the amounts actually expended or contractually committed by the association during the accounting period in order to provide for the services covered by the agreement.
- F. The Borough of Helmetta shall only be required to accept for dedication for public use, by an association, any road or street within the borough that conforms to the borough's specifications for public roads and streets.

§ 46-3. Procedure for reimbursement.

Any association may request that the borough reimburse it for the costs of removal of snow, ice and other obstructions; electricity for streetlights; and collection of leaves and recyclable materials as well as collection or disposal of solid waste, pursuant to the procedures established herein. All reimbursements which may be requested shall occur according to the following schedule:

- A. For the year 1993, twenty percent (20%) of the cost of a qualified private community's annual cost.

- B. For the year 1994, forty percent (40%) of the cost of a qualified private community's annual cost.
- C. For the year 1995, sixty percent (60%) of the cost of a qualified private community's annual cost.
- D. For the year 1996, eighty percent (80%) of the cost of a qualified private community's annual cost.
- E. For the year 1997, one hundred percent (100%) of the cost of a qualified private community's annual costs.

§ 46-4. Application for reimbursement.

The governing body hereby establishes the following additional conditions which shall apply for reimbursement or direct provision of services by the Borough of Helmetta:

- A. The request for reimbursement by an association must be in writing, on a form provided for said purpose by the Borough of Helmetta.
- B. Upon receipt of said request, copies of the same shall be reviewed by the Borough Clerk, Borough Attorney, Chief Financial Officer and Chairman of the Sanitation Department, who shall issue reports to the governing body within thirty (30) days, setting forth whether there are any objections from an administrative or financial viewpoint to granting such request.
- C. The requests herein referred to shall be made by January 31 of any given year unless a time extension is granted by the governing body. Requests shall be accompanied by copies of invoices for the last calendar year, indicating proof of payment to private vendors providing services as herein enumerated which may be the subject of reimbursement.
- D. The governing body shall provide funding for any reimbursement or furnishing of services in the annual budget in accordance with the provisions of this chapter

§ 46-4 REIMBURS. TO QUALIFIED COMMUNITIES § 46-5

and as determined by the chief financial officer of the borough.

- E. After receipt of reports from the aforementioned administrative staff recommending or disapproving a request for reimbursement, the governing body shall adopt a resolution either approving the requests for reimbursement or denying the requests, setting forth reason(s) for such denial and/or indicating if such request will be met either fully or in part by direct provision of services through use of municipal vehicles and labor.
- F. All payments for annual reimbursement for eligible services to an association shall be made directly by the Borough of Helmetta to such association no sooner than December 1 nor later than December 31 of each year unless, in the discretion of the borough, and by agreement with such an association, it is agreed that such payments shall be made on some other basis. **[Amended 8-13-1997 by Ord. No. 11-1997]**

§ 46-5. Option of borough to provide services.

Notwithstanding the provisions set forth in the preceding sections of this chapter, the Borough of Helmetta may, at its option, provide some or all of the services enumerated herein directly through the use of municipal vehicles and labor where such services are provided directly to other residents of the community.