

**TOWNSHIP OF HILLSIDE
ORDINANCE NUMBER O-22-04**

BOND ORDINANCE AMENDING AND RESTATING BOND ORDINANCE NUMBER O-18-19 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY ON NOVEMBER 27, 2018 TO INCREASE THE TOTAL APPROPRIATION THEREIN FROM \$6,023,000 TO \$10,819,437.50, TO INCREASE THE TOTAL DEBT AUTHORIZED FROM \$5,734,000 TO \$6,534,000, TO APPROPRIATE A NEW JERSEY LIBRARY CONSTRUCTION BOND ACT GRANT EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$3,996,437.50, TO AUTHORIZE THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR THE LIBRARY GRANT, AND TO AMEND AND SUPPLEMENT OTHER PROVISIONS THEREIN

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The entire body of Bond Ordinance Number O-18-19 of the Township of Hillside, in the County of Union, State of New Jersey (the "Township"), heretofore finally adopted by the Township Council on November 27, 2018, entitled, **"BOND ORDINANCE PROVIDING FOR 2018 CAPITAL ACQUISITIONS, IMPROVEMENTS AND EQUIPMENT FOR THE TOWNSHIP OF HILLSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$6,023,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,734,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"** (the "Original Ordinance"), is hereby amended and restated to the extent and with the effect as set forth below:

“SECTION 1. The improvements or purposes described in Section 3(a) of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Hillside, in the County of Union, State of New Jersey (the “Township”). For the said improvements or purposes stated in Section 3(a), there is hereby appropriated the aggregate sum of \$10,819,437.50, which sum includes a grant expected to be received from the State of New Jersey pursuant to the New Jersey Library Construction Bond Act, P.L. 2017, c. 149 in the amount of \$3,996,437.50 (the “State Library Grant”), and which includes \$289,000 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). Said down payments are now available therefor by virtue of appropriations in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law, no down payment is required for the improvement or purpose set forth in Section 3(a)(i) hereof, as such project is being funded by the State Library Grant; however, a down payment in the amount of \$191,000 has been made by the Township for such improvement.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$10,819,437.50 appropriation not provided for by application hereunder of the State Library Grant and said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$6,534,000 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not

exceeding \$6,534,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Construction of a new public library to be located on 1435 Liberty Avenue in the Township or on other Township owned property, including, but not limited to, costs associated for site improvements, parking, furniture, and equipment, including an audio visual system; and	\$8,796,437.50 (including the State Library Grant)	\$4,609,000	\$191,000	30 years
(ii) Improvements to the Municipal Building, including, but not limited to, replacement of the flooring throughout the building, as necessary, along with other capital upgrades and improvements; and	\$70,000	\$66,500	\$3,500	10 years
(iii) Reconstruction of Fire Station No. 1 located at 395 Hollywood Avenue, including, but not limited to, the demolition of the existing front structure, roofing, concrete driveway aprons, roll up doors and ceiling and flooring to extend the length of the existing building to accommodate a larger fire truck and the installation of new bay doors; and	\$220,000	\$209,000	\$11,000	15 years
(iv) Improvements and repairs, as applicable, to Fire Station No. 2 located at 371 Hillside Avenue, including, but not limited to, exterior façade repairs consisting of removal and replacement of existing windows and brick façade, replacement and installation of a new roof, interior repairs to the	\$418,000	\$398,000	\$20,000	15 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
ceiling and, walls and the installation of new flooring; and				
(v) Purchase of communication and technology equipment for the Police Department to be used in police vehicles and in police headquarters; and	\$510,000	\$485,000	\$25,000	7 years
(vi) Purchase of sport utility vehicles for the Police Department; and	\$250,000	\$238,000	\$12,000	5 years
(vii) Purchase of a generator for the Community Center; and	\$325,000	\$309,500	\$15,500	15 years
(viii) Purchase of a street sweeper for the Department of Public Works.	\$230,000	\$219,000	\$11,000	5 years
TOTALS	<u>\$10,819,437.50</u> <u>10,819,437.50</u>	<u>\$6,534,000.00</u> <u>6,534,000</u>	<u>\$289,000.0</u> <u>0289,000</u>	

(b) Such improvements or purposes set forth in Section 3(a) shall also include, but are not limited to, as applicable, demolition and excavation, paving, resurfacing and reconstruction of the roadways, replacing the castings on catch basins and manholes, the repairing and/or removal and installation of sidewalks, driveway aprons, curbing, retaining walls and curb ramps, guardrails, and concrete improvements, and all other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$6,534,000.

(d) The aggregate estimated cost of said improvements or purposes is

\$10,819,437.50, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the State Library Grant in the amount of \$3,996,437.50 and the aggregate down payments for said purposes in the amount of \$289,000.

SECTION 4. Except for the State Library Grant, in the event the United States of America, the State of New Jersey, and/or the County of Union make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Union. Except for the State Library Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Union shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall

determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may

lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 24.23 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$6,534,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,000,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2.

SECTION 10. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township, which are authorized herein, and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this ordinance.

SECTION 12. The Township hereby accepts the award of the State Library Grant in the amount of \$3,996,437.50. The Township is hereby authorized to enter into a grant agreement by and among, as applicable, the State of New Jersey (the "State"), the New Jersey Educational Facilities Authority, the New Jersey State Library (an affiliated of Thomas Edison State University) and any other department, authority or entity of the State (the "Grant Agreement"). The Mayor, Business Administrator, Chief Financial Officer and any other authorized officer of the Township are each hereby authorized to execute and deliver the Grant Agreement and any other certificate, document, agreement or instrument related thereto, or contemplated thereby, on behalf of the Township. The Clerk or Deputy Clerk of the Township are each hereby authorized to affix, imprint or reproduce the seal of the Township on the Grant Agreement and such related instruments and attest to the signatures of the Township officials thereto.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the mayor, as provided by the Local Bond Law.

Section 2. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: January 18, 2022**

Shaun Walker

**Shaun Walker,
Deputy Township Clerk of the Township of Hillside**

**ADOPTED ON SECOND READING
DATED: February 8, 2022**

Shaun Walker

**Shaun Walker,
Deputy Township Clerk of the Township of Hillside**

First Reading and Introduction: January 4, 2022

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
	X	Bonanno	X				
		DeAugustine	X				
		Freedman		X			
X		Hyatt	X				
		Rios	X				
		Mobley - CVP	X				
		Epps - CP	X				

Public Hearing: February 8, 2022

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno	X				
	X	DeAugustine	X				
		Freedman	X				
X		Hyatt	X				
		Rios	X				
		Mobley - CVP	X				
		Epps - CP	X				

Final Adoption: February 8, 2022

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Bonanno	X				
	X	DeAugustine	X				
		Freedman		X			
X		Hyatt	X				
		Rios	X				
		Mobley - CVP	X				
		Epps - CP	X				

Craig Epps
Craig Epps, Council President

ATTEST:

Shauyn Walker
Shauyn Walker, Deputy Township Clerk

Approved: ✓

Dahlia O. Vertreese
Dahlia O. Vertreese, Mayor

2-18-2022
Date

Vetoed: _____

Returned to the Township Clerk with the following statement of objections:

