

BOROUGH OF HILLSDALE
ORDINANCE NO. 23-12
(Adoption)

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, AND NEW AUTOMOTIVE VEHICLES AND A NEW FIRE TRUCK, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF HILLSDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,154,500 TO PAY THE COST THEREOF, TO APPROPRIATE FEDERAL FUNDS RECEIVED BY THE BOROUGH UNDER THE AMERICAN RESCUE PLAN ACT OF 2021, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Hillsdale, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Hillsdale, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, and new automotive vehicles and a new fire truck, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the Federal funds

received by the Borough under the American Rescue Plan Act of 2021 (the "Federal Rescue Plan Funding"), the down payment and the various grants appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the Federal Rescue Plan Funding hereinafter appropriated, and (3) the amount of each sum which is to be provided by the various grants hereinafter appropriated, and (4) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (5) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (6) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of various improvements to the Municipal Building.

Appropriation and Estimated Cost	\$ 103,000
Down Payment Appropriated	\$ 5,150

Bonds and Notes Authorized

	\$ 97,850
Period of Usefulness	10 years

B. Undertaking of the 2023 Road, Curb, Sidewalk, Culvert, Sewer and Drainage Improvement Program at various locations. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 500,000
Federal Rescue Plan Funding Appropriated	\$ 500,000
Period of Usefulness	10 years

C. Undertaking of the improvement of the Beechwood Park Trail.

Appropriation and Estimated Cost	\$ 180,000
County Grant Appropriated	\$ 90,000
Down Payment Appropriated	\$ 4,500
Bonds and Notes Authorized	\$ 85,500
Period of Usefulness	15 years

D. Resurfacing of Magnolia Avenue. It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 512,500
State Grant Appropriated	\$ 270,810
Down Payment Appropriated	\$ 25,625
Bonds and Notes Authorized	\$ 216,065
Period of Usefulness	10 years

E. Undertaking of various improvements to Memorial Park.

Appropriation and Estimated Cost	\$ 45,000
Down Payment Appropriated	\$ 2,250
Bonds and Notes Authorized	\$ 42,750
Period of Usefulness	15 years

F. Acquisition of new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, for the use the Department of Public Works ("DPW") consisting of (i) equipment for a backhoe and an auger, (ii) hook trucks with packer and container attachments, (iii) equipment for a mechanic's truck and (iv) a plow.

Appropriation and Estimated Cost	\$ 697,000
Down Payment Appropriated	\$ 34,850
Bonds and Notes Authorized	\$ 662,150
Period of Usefulness	5 years

G. Acquisition of new additional or replacement equipment and machinery consisting of an asphalt hot box dump trailer for the use of the DPW.

Appropriation and Estimated Cost	\$ 40,000
Down Payment Appropriated	\$ 2,000
Bonds and Notes Authorized	\$ 38,000
Period of Usefulness	15 years

H. Undertaking of the following improvements to public property: (i) replacement of a retaining wall, construction of a pathway and installation of picnic tables at Memorial Field; (ii) reconstruction of the front concrete apron at the Fire House; (iii) installation of an electric sign at Veterans Park; (iv) renovation of the restrooms at Beechwood Park; (v) improvements to the Watershed Trail; and (vi) undertaking of environmental testing and monitoring (including acquisition and installation of related equipment) at Centennial Field.

Appropriation and Estimated Cost	\$ 260,000
Down Payment Appropriated	\$ 13,000
Bonds and Notes Authorized	\$ 247,000
Period of Usefulness	15 years

I. Acquisition of new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, for the use of the Fire Department consisting of (i) self-contained breathing apparatus equipment, (ii) turnout gear and (iii) a chief's vehicle.

Appropriation and Estimated Cost	\$ 92,000
Down Payment Appropriated	\$ 4,600
Bonds and Notes Authorized	\$ 87,400
Period of Usefulness	5 years

J. Acquisition of a new ladder fire truck, including original apparatus and equipment.

Appropriation and Estimated Cost	\$1,600,000
Down Payment Appropriated	\$ 80,000
Bonds and Notes Authorized	\$1,520,000
Period of Usefulness	10 years

K. Replacement of the carpet at the Public Library.

Appropriation and Estimated Cost	\$ 40,000
Down Payment Appropriated	\$ 2,000
Bonds and Notes Authorized	\$ 38,000
Period of Usefulness	5 years

L. Replacement of the roof at the Public Library. It is hereby determined and stated that said public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 85,000
Down Payment Appropriated	\$ 4,250
Bonds and Notes Authorized	\$ 80,750
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$4,154,500
Federal Rescue Plan Funding Appropriated	\$ 500,000
Aggregate Grants Appropriated	360,810
Aggregate Down Payment Appropriated	\$ 178,225
Aggregate Amount of Bonds and Notes Authorized	\$3,115,465

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$237,500 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The sum of \$500,000 received or to be received from Federal Rescue Plan Funding is hereby appropriated to the payment of the cost of the road and other improvements authorized in Section 4.B hereof.

Section 7. The sum of \$90,000 received or to be received as a grant from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund is hereby appropriated to the payment of the cost of the Beechwood Park Trail improvement authorized in Section 4.C hereof.

Section 8. The sum of \$270,810 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of the improvement of Magnolia Avenue authorized in Section 4.D hereof.

Section 9. It is hereby determined and stated that moneys exceeding \$178,225, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$178,225 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 10. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$3,115,465 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this

ordinance shall be determined by resolutions to be hereafter adopted.

Section 11. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$3,115,465 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 12. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said

notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 13. It is hereby determined and declared that the average period of usefulness of the purposes to be financed with bonds or notes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 9.52 years computed from the date of said bonds.

Section 14. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$3,115,465 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 15. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the Federal Rescue Plan Funding and the various grants hereinbefore appropriated which shall be applied to the cost of such purposes,

but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 16. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 17. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 4 of this bond ordinance (except for Section 4.B). If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 18. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of

the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 19. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Escobar, John			X				
Fox, Justin			X				
Horvath, Zoltan			X				
Lundy, Abby	X		X				
Trochimiuk, Janetta		X	X				
Ruocco, John			X				

Adoption: July 11, 2023

Attest: *Denise Kohan*
 Denise Kohan
 Municipal Clerk

John J. Ruocco
 John J. Ruocco
 Mayor