

**TOWNSHIP OF HILLSIDE
ORDINANCE NUMBER O-18-19**

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 COSTS THEREOF

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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken by the Township of Hillside, in the County of Union, State of New Jersey (the "Township"). For said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the aggregate sum of \$6,023,000, including down payments in the aggregate amount of \$289,000 now available for said improvements or purposes as required by the Local Bond Law, N.J.S.A. § 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$6,023,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$5,734,000 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 an aggregate principal amount not exceeding \$5,734,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

<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, including, but not limited to, costs associated for site improvements, parking, furniture and an audio visual system; and	\$4,000,000	\$3,809,000	\$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	\$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>
new roof, interior repairs to the 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>\$6,023,000</u>	<u>\$5,734,000</u>	<u>\$289,000</u>	

(a) The improvements and purposes set forth above in this Section 3 shall also include, as applicable, all work, materials, equipment, engineering, design, consulting work, preparation of plans and specifications, permits, bid documents, conducting and preparation of reports and studies, environmental remediation, contract administration, equipment rental, labor and appurtenances necessary therefore or incidental thereto.

(b) The estimated aggregate amount of bonds or notes to be issued for said improvements or purposes is \$5,734,000.

(c) The estimated aggregate cost of said improvements or purposes is \$6,023,000, the excess amount thereof over the estimated aggregate maximum amount of

bonds or notes to be issued therefor, is the aggregate amount of down payments available for such improvements or purposes in the amount of \$289,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Union makes a contribution or grant in aid to the Township for the improvements or 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. 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.

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. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Township. The Chief Financial Officer of the Township shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer of the Township upon the notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. § 40A:2-8.1. The Chief Financial Officer of the Township is hereby

authorized to sell part or all of the bond anticipation 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 of the Township is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation 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 bond anticipation 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 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 costs thereof have 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 said Local Bond Law, according to the reasonable life thereof

computed from the date of the said bonds authorized by this bond ordinance, is 23.43 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, within the 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 bond anticipation notes provided for in this bond ordinance by \$5,734,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$600,000 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements described in Section 3 hereof.

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 obligations authorized by this bond ordinance. The obligations 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 principal of the obligations 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. No funds from sources other than the bonds or notes

authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. 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 Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended and supplemented (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d) of the Code, (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures

toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$5,734,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(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 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 bonds and bond anticipation notes issued under this bond ordinance.

Title: BOND ORDINANCE PROVIDING FOR VARIOUS 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 COSTS THEREOF

Purpose(s): Providing for 2018 capital acquisitions, improvements and equipment, as applicable, within the Township including, but not limited to, construction of a new public library, improvements to the Municipal Building, reconstruction of Fire Station No. 1, improvements and repairs to Fire Station No. 2, purchase of various equipment for the Police Department, purchase of sport utility vehicles for the Police Department, purchase of a generator for the Community Center, and the purchase of a street sweeper for the Department of Public Works. Please refer to the full bond ordinance for a more complete description of the purposes.


Appropriation: \$6,023,000

**Bonds/Notes
Authorized:** \$5,734,000

Down Payment: \$289,000

**Section 20
Costs:** \$600,000

Useful Life: 23.43 years



Terence Wall,
Township Clerk

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE
PUBLIC NOTICE**

BOND ORDINANCE STATEMENTS AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township Council of the Township of Hillside, in the County of Union, State of New Jersey on November 27, 2018 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS 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 COSTS THEREOF

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Appropriation: \$6,023,000

**Bonds/Notes
Authorized:** \$5,734,000

Down Payment: \$289,000

**Section 20
Costs:** \$600,000

Useful Life: 23.43 years



**Terence Wall
Township Clerk**

DOWN PAYMENT CERTIFICATE

I, the undersigned Chief Financial Officer of the Township of Hillside (the "Township"), in the County of Union, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

"BOND ORDINANCE PROVIDING FOR VARIOUS 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 COSTS THEREOF"

there was available as a down payment for the improvements or purposes authorized by said ordinance, the amount of \$289,000, which amount was made available by virtue of a provision or provisions in a previously adopted capital budget or temporary capital budget or budgets of the Township for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of November, 2018.



GLYNN JONES,
Chief Financial Officer

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Township of Hillside, in the County of Union, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a regular meeting of the governing body of the Township duly called and held on September 25, 2018 at 6:30 p.m. at the Township Municipal Building, and that the following was the roll call:

Present: Cook, DeAugustine, Mobley, Freedman

Absent: Epps, Mondella, Hyatt

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this 3rd day of October, 2018.

(SEAL)



TERENCE WALL,
Township Clerk

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Township of Hillside, in the County of Union, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a regular meeting of the governing body of the Township duly called and held on October 23, 2018 at 6:30 p.m. at the Township Municipal Building and that the following was the roll call:

Present: Cook, DeAugustine, Epps, Mobley, Mondella, Freedman, Hyatt

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this 27th day of November, 2018.

(SEAL)



TERENCE WALL,
Township Clerk

CLERK'S CERTIFICATE

I, TERENCE WALL, DO HEREBY CERTIFY that I am the Clerk of the Township of Hillside, in the County of Union (the "Township"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Township. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all resolutions and ordinances of the Township. The representations made herein are based upon the records of the Township. I DO HEREBY FURTHER CERTIFY THAT:

(1) Attached hereto is the bond ordinance introduced on October 3, 2018 and finally adopted on November 27, 2018.

(2) After introduction, the bond ordinance was published as required by law on October 17th, 2018 in The Star Ledger.

(3) Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Township at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

(4) After final passage, the ordinance was duly published as required by law on December 4, 2018 in The Star Ledger. No protest signed by any person against

making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

(5) The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

(6) A certified copy of this ordinance and, as applicable, a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, within the New Jersey Department of Community Affairs.

(7) An impression of the official seal of the Township is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this 27th day of November, 2018.


(SEAL)



**Terence Wall,
Township Clerk**

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Township of Hillside, in the County of Union, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Glynn Jones, the Chief Financial Officer of the Township, as of September 25, 2018, that such Supplemental Debt Statement was filed in my office on September 25, 2018 and with the Director of the Division of Local Government Services on September 25, 2018.



**TERENCE WALL,
Township Clerk**

First Reading and Introduction: October 3, 2018

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
	X	Cook	X				
X		DeAugustine	X				
		Epps	X				
		Mobley	X				
		Mondella					X
		Freedman, CVP		X			
		Hyatt, CP				X	

Public Hearing: November 27, 2018

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
	X	Cook	X				
X		DeAugustine	X				
		Epps	X				
		Mobley	X				
		Mondella	X				
		Freedman, CVP	X				
		Hyatt, CP	X				

Final Adoption: November 27, 2018

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
X		Cook	X				
		DeAugustine	X				
		Epps	X				
		Mobley	X				
	X	Mondella	X				
		Freedman, CVP		X			
		Hyatt, CP		X			



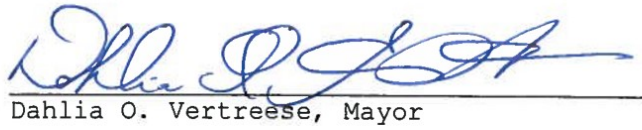
Andrea Hyatt, Council President

ATTEST:



Terence Wall, Township Clerk

Approved:



Dahlia O. Vertreese, Mayor

12-12-2018
Date

Vetoed: _____

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