

**TOWNSHIP OF HILLSIDE  
UNION COUNTY, NEW JERSEY**

**BOND ORDINANCE NUMBER  
ORDINANCE O-20-13**

**BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S  
ALLOCABLE SHARE OF THE FLOOD MITIGATION  
FACILITIES PROJECT (PHASES I AND II) OF THE  
JOINT MEETING OF ESSEX AND UNION COUNTIES,  
BY AND FOR THE TOWNSHIP OF HILLSIDE, IN THE  
COUNTY OF UNION, STATE OF NEW JERSEY,  
APPROPRIATING \$1,815,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$1,815,000 BONDS  
OR NOTES TO FINANCE THE COST 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 the members thereof  
affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of  
this bond ordinance are hereby authorized to be undertaken by  
the Joint Meeting of Essex and Union Counties (the "Joint  
Meeting") on behalf of the Township of Hillside, in the County  
of Union, State of New Jersey (the "Township"), which is a  
member of the Joint Meeting, as general improvements. For the  
said improvements stated in Section 3, there is hereby  
appropriated the aggregate sum of \$1,815,000. Pursuant to the  
provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law,  
N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the  
"Local Bond Law"), no down payment is required as this bond  
ordinance authorizes obligations for environmental  
infrastructure projects which are funded by loans from the New

Jersey Infrastructure Bank (the "I-Bank") and the State of New Jersey, acting by or through the Department of Environmental Protection.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$1,815,000 appropriation, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,815,000 pursuant to, and within all 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 \$1,815,000 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 debt obligations are to be issued are for the Township's allocable share of capital improvement projects being undertaken by the Joint Meeting, including, as applicable, but not limited to, (a) Phase I of the Flood Mitigation Facilities Project consisting of the construction of an Effluent Pumping Station, which will be connected to the existing twin outfall channels to the Arthur Kill, and (b) Phase II of the Flood Mitigation Facilities Project consisting of upgrades to the Co-Generation Facility, which upgrades include, but are not limited to, as applicable,

the installation of two (2) additional co-generation engines in the existing Co-Generation Facility, the installation of electrical and instrumentation equipment for the new generator engines, integration of the new engines into the existing Co-Generation Facility, connection of the Biosolids Facilities to the Co-Generation electrical transmission lines, and upgrades to the substations at the Biosolids Facilities.

a. All improvements shall include, as applicable, all work, materials, equipment, engineering services and design, architectural services and designs, surveying, environmental consulting work, environmental remediation, preparation of plans and specifications, governmental permits, bid documents, conducting and preparation of reports, plans, analysis, and studies, equipment rental, labor and appurtenances necessary therefor or incidental thereto.

b. The aggregate estimated maximum amount of bonds or notes to be issued by the Township for said improvements or purposes is \$1,815,000.

c. The aggregate estimated cost of said improvements or purposes is \$1,815,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Union make a loan, contribution or grant-in-aid to the Township for the improvements 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 loaned, 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 such 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 bond anticipation note shall mature later than one (1) year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 ("NJIT Act"). 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. 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 upon the bond anticipation 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 Section 8.1 of the Local Bond Law and, as applicable, the provisions of the NJIT Act. The Chief Financial Officer 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 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 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 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 said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 30 years.

c. Notwithstanding N.J.S.A. 40:63-134, the supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township 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 Department of Community Affairs of the State of New Jersey, 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 and notes provided for in this bond ordinance by \$1,815,000 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 \$529,156 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 improvements hereinbefore described.

e. In accordance with N.J.S.A. 40:63-134, bonds authorized and issued by the Township to finance improvements or works for the Joint Meeting shall not be taken to be included within or governed by any limitation fixed by law to the amount of bonds authorized to be issued by the Township.

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 debt obligations authorized by this bond ordinance. The debt 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 located within the Township for the payment of the principal of 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 expenditure 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 Section 150-2.

SECTION 10. Upon adoption hereof, the Clerk of the Township shall forward certified copies of this bond ordinance to Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Joint Meeting of Essex and Union Counties, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

SECTION 11. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.



Introduction and First Reading: July 28, 2020

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

Public Hearing and Final Reading: August 25, 2020

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

Final Adoption: August 25, 2020

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



Gerald Pateesh Freedman, Council President

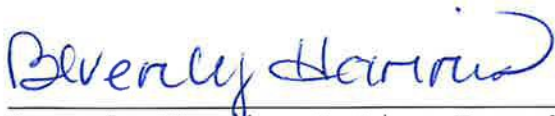
ATTEST:



Beverly Harris, Acting Township Clerk

ADOPTED ON FIRST READING

DATED: July 28, 2020



Beverly Harris, Acting Township Clerk

ADOPTED ON SECOND READING

DATED: August 25<sup>th</sup>, 2020

Beverly Harris  
Beverly Harris, Acting Township Clerk

APPROVAL BY THE MAYOR ON THIS 26 DAY OF August, 2020

Dahlia O. Vertreese  
Dahlia O. Vertreese, Mayor

**TOWNSHIP OF HILLSIDE  
COUNTY OF UNION, NEW JERSEY**

**PUBLIC NOTICE**

**NOTICE OF FINAL ADOPTION OF BOND ORDINANCE 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 August 25, 2020 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 THE TOWNSHIP'S ALLOCABLE SHARE OF THE FLOOD MITIGATION FACILITIES PROJECT (PHASES I AND II) OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND FOR THE TOWNSHIP OF HILLSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, APPROPRIATING \$1,815,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,815,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

**Purpose(s):** To Provide for the Township's allocable share of capital improvement projects being undertaken by the Joint Meeting of Essex and Union Counties, including, as applicable, but not limited to, (a) Phase I of the Flood Mitigation Facilities Project consisting of the construction of an Effluent Pumping Station, which will be connected to the existing twin outfall channels to the Arthur Kill, and (b) Phase II of the Flood Mitigation Facilities Project consisting of upgrades to the Co-Generation Facility, which upgrades include, but are not limited to, as applicable, the installation of two (2) additional co-generation engines in the existing Co-Generation Facility, the installation of electrical and instrumentation equipment for the new generator engines, integration of the new engines into the existing Co-Generation Facility, connection of the Biosolids Facilities to the Co-Generation electrical transmission lines, and upgrades to the substations at the Biosolids Facilities.

**Appropriation:** \$1,815,000

**Bonds/Notes  
Authorized:** \$1,815,000

**Grants  
Appropriated** None

**Down Payment:** None

**Section 20 Costs:** \$529,156

**Useful Life:** 30 years



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**BEVERLY HARRIS,  
Acting Clerk**

## CERTIFICATE OF INTRODUCTION

I, the undersigned Acting Township 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 July 28, 2020 at 6:30 p.m. at the Township Municipal Building, and that the following was the roll call:

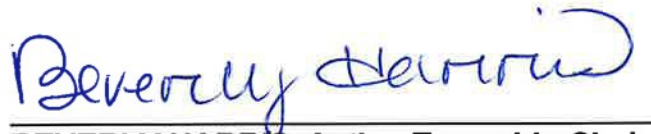
Present: **DeAugustine, Epps, Hyatt, Mobley, Mondella, Cook, Freedman**

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 28<sup>th</sup> day of July, 2020.

(SEAL)



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**BEVERLY HARRIS, Acting Township Clerk**