

**TOWNSHIP OF HILLSIDE
COUNTY OF UNION, STATE OF NEW JERSEY
ORDINANCE NUMBER O-22-27**

BOND ORDINANCE FUNDING AN EMERGENCY APPROPRIATION PROVIDING FOR THE LOCAL UNIT'S ALLOCABLE SHARE OF THE UNFUNDED PORTION OF PHASE I OF THE FLOOD MITIGATION FACILITIES PROJECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND IN THE TOWNSHIP OF HILLSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "LOCAL UNIT"); APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY 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 "Local Unit") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the amount of \$1,500,000. 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 \$1,500,000 appropriation, negotiable bonds of the Local Unit are hereby authorized to be issued in the principal amount of \$1,500,000 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 Local Unit in a principal amount not exceeding \$1,500,000 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 to fund an emergency appropriation previously adopted by Local Unit to fund the Local Unit's allocable share of the unfunded portion of Phase I of the Joint Meeting of Essex and Union Counties' 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.

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 therefore or incidental thereto.

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,500,000.

c. The aggregate estimated cost of said improvements or purposes is \$1,500,000.

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 Local Unit for the improvements authorized hereby and the same shall be received by the Local Unit 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 Local Unit 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 Local Unit 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 Local Unit, 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 Local Unit 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 Local Unit hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Local Unit 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 Local Unit 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. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Local Unit 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 Local Unit, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,500,000 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 \$54,207.09 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 Local Unit 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 Local Unit.

SECTION 8. The full faith and credit of the Local Unit 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 Local Unit, and the Local Unit shall be obligated to levy *ad valorem* taxes upon all the taxable property located within the Local Unit for the payment of the principal of and the interest thereon without limitation as to rate or amount.

SECTION 9. The Local Unit 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 Local Unit'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. The Local Unit 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 11. Upon adoption hereof, the Clerk of the Local Unit shall forward certified copies of this bond ordinance to Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Local Unit and Joint Meeting, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

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.

ADOPTED ON FIRST READING

DATED: October 12, 2022

SHAUYN WALKER, Acting Clerk

ADOPTED ON SECOND READING

DATED: _____, 2022

SHAUYN WALKER, Acting Clerk



Craig Epps, Council President

ATTEST:

I, Shauyn Walker, Deputy Township Clerk of the Township of Hillside, County of Union, State of New Jersey, do hereby certify that this is a true copy of a resolution adopted by the Township Council at a meeting held on October 12, 2022.



Shauyn Walker, Deputy Township Clerk

First Reading and Introduction: October 12, 2022

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

Public Hearing: November 22, 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: November 22, 2022

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

Craig Epps, Council President

ATTEST:

Shaun Walker

Shaun Walker, Acting Township Clerk

Approved:
Dahlia O. Vertreese

Dahlia O. Vertreese, Mayor

12-6-2022
Date

Vetoed: _____

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

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE
IN THE COUNTY OF UNION, NEW JERSEY**

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Hillside, in the County of Union, State of New Jersey, on October 12, 2022. It will be further considered for final passage, after public hearing thereon, at a virtual meeting of the governing body to be held on November 22, 2022 at 6:30 p.m. Information regarding remote access to the meeting may be found on the Township's website at www.hillsidenj.us. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE FUNDING AN EMERGENCY APPROPRIATION PROVIDING FOR THE LOCAL UNIT'S ALLOCABLE SHARE OF THE UNFUNDED PORTION OF PHASE I OF THE FLOOD MITIGATION FACILITIES PROJECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND IN THE TOWNSHIP OF HILLSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "LOCAL UNIT"); APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

Purpose(s): The bond ordinance provides for the funding of an emergency appropriation previously adopted by Local Unit to fund the Local Unit's allocable share of the unfunded portion of Phase I of the Joint Meeting of Essex and Union Counties' 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.

Appropriation: \$1,500,000

**Bonds/Notes
Authorized:** \$1,500,000

**Section 20
Costs:** \$54,207.09

Useful Life: 30 years

**SHAUYN WALKER,
Acting Clerk**

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE
IN THE COUNTY OF UNION, NEW JERSEY**

PUBLIC NOTICE

NOTICE OF BOND ORDINANCE ADOPTION 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 (the "Township") on _____, 2022 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such bond 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 bond 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 FUNDING AN EMERGENCY APPROPRIATION PROVIDING FOR THE LOCAL UNIT'S ALLOCABLE SHARE OF THE UNFUNDED PORTION OF PHASE I OF THE FLOOD MITIGATION FACILITIES PROJECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND IN THE TOWNSHIP OF HILLSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "LOCAL UNIT"); APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

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**Bonds/Notes
Authorized:** \$1,500,000

**Section 20
Costs:** \$54,207.09

Useful Life: 30 years

**SHAUYN WALKER,
Acting Clerk**

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE
IN THE COUNTY OF UNION, NEW JERSEY**

CERTIFICATE OF INTRODUCTION OF BOND ORDINANCE

I, the undersigned Acting Clerk of the Township of Hillside, in the County of Union, State of New Jersey (the "Township"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a regular meeting of the Township Council of the Township duly called and held on October 12, 2022 at 6:30 p.m. at the Township Municipal Building or via a virtual meeting, and that the following was the roll call:

Present:

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 of the Township 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 as of this ____ day of _____, 2022.

(SEAL)

SHAUYN WALKER,
Acting Clerk

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE
IN THE COUNTY OF UNION, NEW JERSEY**

CERTIFICATE OF FINAL ADOPTION OF BOND ORDINANCE

I, the undersigned Acting Clerk of the Township of Hillside, in the County of Union, State of New Jersey (the "Township"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a regular meeting of the Township Council of the Township duly called and held on _____, 2022 at 6:30 p.m. at the Township Municipal Building or via a virtual meeting, and that the following was the roll call:

Present:

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 as of this ____ day of _____, 2022.

(SEAL)

SHAUYN WALKER,
Acting Clerk

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE
IN THE COUNTY OF UNION, NEW JERSEY**

ACTING CLERK'S CERTIFICATE AS TO ADOPTION OF BOND ORDINANCE

I, SHAUYN WALKER, DO HEREBY CERTIFY that I am the Acting 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 12, 2022 and finally adopted on _____, 2022 by the Township Council of the Township and approved by the Mayor on _____, 2022.

(2) After introduction, the bond ordinance was published as required by law on _____, 2022 in _____(insert name of newspaper).

(3) Following the passage of the bond 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 bond ordinance or a summary thereof and a notice that copies of the bond 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 bond ordinance by the governing body of the Township. Copies of the bond ordinance were made available to all who requested same.

(4) After final passage, the bond ordinance was duly approved by the Mayor

on _____, 2022 and was duly published as required by law on _____
_____, 2022 in _____(insert name of newspaper). 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 bond
ordinance has been presented to the governing body of the Township 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 bond ordinance has not been amended, added to, altered or repealed
and said bond ordinance is now in full force and effect.

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

(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 as of this _____ day of _____, 2022.

(SEAL)

SHAUYN WALKER,
Acting Clerk

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE
IN THE COUNTY OF UNION, NEW JERSEY**

**CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT
FOR BOND ORDINANCE**

I, the undersigned Acting Clerk of the Township of Hillside, in the County of Union, State of New Jersey (the "Township"), 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 October 12, 2022, that such Supplemental Debt Statement was filed in my office on October 12, 2022 and with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs on _____, 2022.

**SHAUYN WALKER,
Acting Clerk**



TOWNSHIP OF HILLSIDE
UNION COUNTY, NEW JERSEY
OFFICE OF THE TOWNSHIP CLERK


MUNICIPAL BUILDING
JOHN F. KENNEDY PLAZA
1409 LIBERTY AVENUE
HILLSIDE, NEW JERSEY 07205
PHONE: (973) 681-7155; FAX (973) 351-5935
www.HillsideNJ.us

MEMORANDUM

DATE: Wednesday, November 23, 2022

TO: Honorable Dahlia O. Vertreese, Mayor

CC: Hope M. Smith, Business Administrator

FROM: Shauyn M. Walker, Acting Township Clerk 

RE: ORDINANCE FOR CONSIDERATION - O-22-27 & O-22-28,

Attached please find Ordinance O-22-27, and O-22-28 for your consideration. After your review and consideration, please return the signed approved, or vetoed Ordinance to the Office of the Township Clerk. Please contact me with any questions or concerns.

Thank you in advance for your cooperation.