

COUNCIL OF THE BOROUGH OF PROSPECT PARK
PASSAIC COUNTY, NEW JERSEY

ORDINANCE NO. 2023-20

**BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$2,124,000 FOR HOFSTRA PARK PLAYGROUND
IMPROVEMENTS FOR AND BY THE BOROUGH OF
PROSPECT PARK, IN THE COUNTY OF PASSAIC, NEW
JERSEY AND AUTHORIZING THE ISSUANCE OF
\$970,750 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF PROSPECT PARK, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Prospect Park, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$2,124,000, such sum includes the sum of (a) \$754,250 expected to be received as a Green Acres Grant from the New Jersey Department of Environmental Protection and the Garden State Preservation Trust; (b) \$50,000 expected to be received as a grant from the New Jersey Department of Community Affairs; (c) \$99,00 expected to be received as a grant from the Passaic County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and (d) \$250,000 expected to be received as a grant from the Passaic County Open Space, Recreation, Farmland and Historic Preservation Trust Fund (collectively, the Grants"). No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") in connection with the Improvement as the purpose authorized herein involves an Improvement funded by a grant in the amount of \$754,250 from Green Acres as permitted under N.J.S.A. 40A:2-11c.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Grants, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$970,750 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvements, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$970,750 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvement hereto authorized and the purpose for which such obligations are to be issued is for the Hofstra Park playground improvements, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with plans and specifications on file in the office of the Borough Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$970,750.

(c) The estimated cost of the Improvements is \$2,124,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. 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 Notes issued pursuant to this 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 subject to the provisions of Section 8(a) 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 purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form 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, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire 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 the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$970,750 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$614,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

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

SECTION 9:

The Chief Financial Officer of the Borough 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 Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough 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 Borough 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 Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$970,750.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Re: BOROUGH OF PROSPECT PARK

\$2,124,000 FOR HOFSTRA PARK PLAYGROUND IMPROVEMENTS

- Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the ordinance. This should show filing in the Borough Clerk's office as well as in Trenton.
- N/A Down Payment Certificate.
- Certified copy of the minutes of the meeting of the Borough Council held November 20, 2022 showing introduction of the ordinance.
- Affidavit of Publication in local newspaper following introduction of the ordinance.
- Certified copy of the minutes of the meeting of the Borough Council held December 18, 20 showing public hearing and final adoption of the ordinance.
- Affidavit of Publication in local newspaper following final adoption of the ordinance.
- Borough Clerk's Certificate executed no sooner than 21 days following final publication of the ordinance.

**BOROUGH OF PROSPECT PARK
PASSAIC COUNTY, NEW JERSEY**

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE

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 Borough of Prospect Park, in the County of Passaic, State of New Jersey, on November 20, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Council, Municipal Building, 106 Brown Avenue, Prospect Park, New Jersey, in said Borough, on December 18, 2023 at 6:30 o'clock PM. 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 Borough 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 Providing An Appropriation Of \$2,124,000 For Hofstra Park Playground Improvements For And By The Borough Of Prospect Park, In The County Of Passaic, New Jersey And Authorizing The Issuance Of \$970,750 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation.

Purpose(s): For the Hofstra Park playground improvements, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with plans and specifications on file in the office of the Borough Clerk.

Appropriation: \$2,124,000

Bonds/Notes Authorized: \$970,750

Grants (if any) Appropriated: (a) \$754,250 expected to be received as a Green Acres Grant from the New Jersey Department of Environmental Protection and the Garden State Preservation Trust; (b) \$50,000 expected to be received as a grant from the New Jersey Department of Community Affairs; (c) \$99,00 expected to be received as a grant from the Passaic County Open Space, Recreation, Farmland and Historic Preservation Trust Fund and (d) \$250,000 expected to be received as a grant from the Passaic County Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

Section 20 Costs: \$614,000

Useful Life: 15 years

Fahim Abedrabbo, Borough Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

**BOROUGH OF PROSPECT PARK
PASSAIC COUNTY, NEW JERSEY**

PUBLIC NOTICE

BOND ORDINANCE STATEMENTS AND SUMMARIES

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough of Prospect Park, in the County of Passaic, State of New Jersey on December 18, 2023 and the 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 Borough 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 An Appropriation Of \$2,124,000 For Hofstra Park Playground Improvements For And By The Borough Of Prospect Park, In The County Of Passaic, New Jersey And Authorizing The Issuance Of \$970,750 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation.

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Section 20 Costs: \$614,000

Useful Life: 15 years

Fahim Abedrabbo, Borough Clerk

DEBT STATEMENT CERTIFICATE

I, FAHIM ABEDRABBO, Borough Clerk of the Borough of Prospect Park, in the County of Passaic, New Jersey (herein called the "Local Unit"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Local Unit that was prepared as of November 20, 2023 by Stephan P. Sanzari, who was then Chief Financial Officer of the Local Unit and filed in my office on November 20, 2023, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on November 20, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Local Unit this 21st day of November, 2023.



FAHIM ABEDRABBO, Borough Clerk

(SEAL)

CERTIFICATE

I, FAHIM ABEDRABBO, Borough Clerk of the Borough of Prospect Park, in the County of Passaic, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Borough duly called and held on November 20, 2023 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 corporate seal of the

Borough this 21st day of November, 2023.



FAHIM ABEDRABBO, Borough Clerk

(SEAL)

EXTRACT from the minutes of a Regular Council meeting of the Borough Council of the Borough of Prospect Park, in the County of Passaic, New Jersey held at the Municipal Building in the Council Chambers on November 20, 2023 at 6:30 o'clock p.m.

PRESENT:

Mayor Khairullah, Council President Hussain,
Councilman Artis, Councilman Daghstani, Councilman Shah

ABSENT:

Councilwoman Ortiz, Councilwoman Perez

[Attach appropriate minutes hereto]

**Introduction and First Reading:
November 20, 2023**

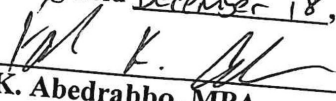
COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Hussain			✓			
Artis			✓			
Daghstani		✓	✓			
Ortiz						
Perez						✓
Shah	✓		✓			✓

**Second and Final Reading of Ordinance Adoption:
December 18, 2023**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Hussain			✓			
Artis						
Daghstani		✓	✓			✓
Ortiz			✓			
Perez			✓			
Shah	✓		✓			


Mohamed Khairullah, Mayor

This Ordinance was duly passed on second and final reading
by the Council of the Borough of Prospect Park
at a meeting held December 18, 2023.


Fahim K. Abedrabbo, MPA
Acting Municipal Clerk