Introduced: May 27, 2020

Adopted: June 22, 2020

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

ORDINANCE #2020-16

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF SOUTH ORANGE VILLAGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING $2,665,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $2,556,750 BONDS OR NOTES OF THE VILLAGE TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of South Orange Village, in the County of Essex, New Jersey (the "Village") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to $2,665,000, including a $500,000 New Jersey Historic Trust Grant expected to be received for the purpose described in Section 3(f) (the "State Grant") and further including the aggregate sum of $108,250 as the several down payments for the improvements or purposes required by the Local Bond Law. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) for the improvement or purpose described in Section 3(f) since the improvement or purpose is being funded by the State Grant. The down payment is at least 5% of the improvements or purposes not covered by the State Grant (in the amount of $2,165,000). The down payments have been made available by virtue of. The down payments

have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of $2,556,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation & Estimated Cost	Estimated Maximum Amount of Bonds & Notes	Period of Usefulness
a) Engineering Department: 1) Replace, repair and improve the sanitary sewer system, including, but not limited to, pipes within the roads being repaved and further including all work and materials necessary therefor and incidental thereto.	$50,000	$47,500	40 years
2) Replace and repair the stormwater system, including, but not limited to, recasting culverts and lines to current DEP standards and further including all work and materials necessary therefor and incidental thereto.	$25,000	$23,750	20 years
3) Street and road improvements, consisting of the reconstruction, repair and repaving of streets,			

curbs and sidewalks including, but not limited to, Park Place, Cameron Road, Varsity Road, Warwick Avenue, Kingman Road South and Twin Oak Road and further including all work and materials necessary therefor and incidental thereto.	$1,250,000	$1,187,500	10 years
b) <u>Recreation Department</u>: 1) Decking at pools, including all work and materials necessary therefor and incidental thereto.	$450,000	$427,500	15 years
2) Repairs to field lights (New Waterlands-Relamp), including all work and materials necessary therefor and incidental thereto.	$30,000	$28,500	10 years
c) **<u>Information Technology Department</u>:** The replacement of workstations/monitors and the acquisition and installation of repository/website software, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	$35,000	$33,250	5 years
d) <u>Public Works Department:</u> The replacement of pick-up trucks with equipment, including all related costs and expenditures incidental thereto.	$100,000	$95,000	5 years
e) <u>Fire Department</u>: The replacement of nozzles, a fire hose, a fire alarm system, turn out gear sets and self-contained breathing apparatus cylinders, including all related costs and expenditures incidental thereto.	$50,000	$47,500	5 years
f) <u>Library:</u> Repairs to the outside of the Connett Library Building, including all work and materials necessary therefor and incidental thereto.	$500,000 (includes a	$500,000	10 years

	$500,000 New Jersey Historic Trust Grant)		
g) <u>Village Wide</u>: Improvements to sidewalks, buildings and grounds maintenance and the acquisition of police cameras, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	$<u>175,000</u>	$<u>166,250</u>	10 years
Total:	$<u>2,665,000</u>	$<u>2,556,750</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature 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 subject to the provisions of the Local Bond Law or other applicable law. 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 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 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 amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Village hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Village 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 6. 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. They are all improvements or purposes that the Village may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.14 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Village as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $2,556,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $530,000 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.

Section 7. The Village hereby declares the intent of the Village to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Village 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 Village and to execute such disclosure document on behalf of the Village. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Village 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 Village 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 Village fails to comply with its undertaking, the Village shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Village 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 Village, and the Village shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Village for the payment of the obligations and the interest thereon without limitation of rate or amount.

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.

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Introduction – First Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke		X	X			
Coallier					X	
Hartshorn Hilton	X		X			
Jones			X			
Schnall			X			
Zuckerman			X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their regular meeting held on Wednesday, May 27, 2020.

Kevin D. Harris
Village Clerk

Adoption – Second Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke		X	X			
Coallier					X	
Hartshorn Hilton	X		X			
Jones			X			
Schnall			X			
Zuckerman			X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their regular meeting held on Monday June 22, 2020.

Kevin D. Harris
Village Clerk

Adopted:

Sheena C. Collum, Village President

Attest:

Kevin D. Harris, Village Clerk

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