

**TOWNSHIP OF WEST ORANGE
COUNTY OF ESSEX, NEW JERSEY**

ORDINANCE NUMBER 2669-21

BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF A SANITARY SEWERAGE SYSTEM AND ASSOCIATED LATERALS LOCATED ON MELLON AVENUE BETWEEN CLEVELAND TERRACE AND KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING A PORTION OF THE SPECIAL ASSESSMENT OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a local improvement to be undertaken by the Township of West Orange, in the County of Essex, State of New Jersey (the "Township") pursuant to N.J.S.A. 40:56-1 et seq. and the cost of said improvement or purpose shall be assessed on the properties benefitted thereby. For the improvement or purpose stated in Section 3, there is hereby appropriated the amount of \$160,000, including the amount of \$8,000 as the down payment for the improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision 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 improvement or purpose and to meet the \$160,000 appropriation not provided for by the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$152,000 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 improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$152,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is for the installation of a sanitary sewerage system and associated laterals to properties located on Mellon Avenue between Cleveland Terrace and Kitchener Avenue, known as Block 175.08, Lots 8, 9 and 12 and Block 175.14, Lots 1, 2 and 3, as referenced on the official tax map of the Township (the "Assessed Properties"), all as shown on and in accordance with plans on file in the Office of the Township Clerk, which plans are hereby approved. Such improvements shall also include, as applicable, the acquisition of rights-of-way, excavation, installation of sanitary sewer mains, associated laterals, sewer pipes and all piping and valves associated therewith, site restoration, repaving and landscaping, engineering and design work and also including all work, materials, labor and appurtenances necessary therefor or incidental thereto. The Assessed Properties are also on file in the office of the Township Clerk and are hereby incorporated in this bond ordinance as if more fully set forth herein.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$152,000.

(c) The estimated cost of said improvement or purpose is \$160,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$152,000, is the down payment for said improvement or purpose in the amount of \$8,000.

(d) The estimated total cost of the improvement or purpose to be assessed against the Assessed Properties is \$96,000.

(e) The estimated total cost of the improvement or purpose to be contributed and borne by the Township is \$64,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Essex make a contribution or grant in aid to the Township for the improvements and 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 Essex. 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 Essex 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 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 time 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 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 notes issued pursuant to this bond 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 in accordance with the provisions 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 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the 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, for the Township. 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 of the Township, a revised capital or temporary capital budget for the Township 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 improvement and purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Township may lawfully undertake as a local improvement, the cost of which has been or shall be specially assessed on the Assessed Properties, which Assessed Properties shall be specially benefited thereby.

(b) The Township will contribute \$64,000 to the cost of the improvement or purpose described in Section 3 hereof, and the Assessed Properties will contribute \$96,000 to the cost of the improvement or purpose described in Section 3 hereof.

(c) The number of annual installments in which the special assessments may be paid is twenty (20) years.

(d) The estimated maximum amount of special assessments shall be \$96,000.

(e) At least seven (7) days prior to such time fixed for further consideration for final passage of this bond ordinance, a copy of this bond ordinance, together with a notice of the introduction hereof, and the time and place, when and where this bond ordinance will be further considered for final passage shall be mailed to the person whose land may be affected by this bond ordinance or any assessments which may be made in pursuance thereof, so far as the same may be ascertained, to his/her last known post office address.

(f) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(g) 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 in 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 notes provided for in this bond ordinance by \$152,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(h) An aggregate amount not exceeding \$4,350 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 improvement or purpose described herein.

(i) If the amount of the assessments on the Assessed Properties is less than \$96,000, then the Township will contribute the difference between such reduced assessment and the cost of the improvement or purpose, such difference to be financed by the issuance of general improvement bonds or notes of 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 obligations authorized by this bond ordinance. Unless paid from other sources, 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 properties located within the Township for the payment 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.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: November 23, 2021**

**KAREN J. CARNEVALE, Clerk
Township of West Orange**

**CINDY MATUTE-BROWN,
Council President
Township of West Orange**

**ADOPTED ON SECOND READING
DATED: December _____, 2021**

**KAREN J. CARNEVALE, Clerk
Township of West Orange**

**CINDY MATUTE-BROWN,
Council President
Township of West Orange**

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2021.

**ROBERT D. PARISI, Mayor
Township of West Orange**

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by John Gross, the Chief Financial Officer of the Township as of November 23, 2021, that such Supplemental Debt Statement was filed in my office on November 23, 2021 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on November 23, 2021.

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, 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 regular meeting of the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, on November 23, 2021. It will be further considered for final passage, after public hearing thereon, at a virtual meeting of the Township Council of the Township to be held on December 14, 2021 at 7:00 p.m. Information regarding remote access to the meeting may be found on the Township's website at www.westorange.org. 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 PROVIDING FOR THE INSTALLATION OF A SANITARY SEWERAGE SYSTEM AND ASSOCIATED LATERALS LOCATED ON MELLON AVENUE BETWEEN CLEVELAND TERRACE AND KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING A PORTION OF THE SPECIAL ASSESSMENT OF THE COST THEREOF
Purpose(s):	Providing for the installation of a sanitary sewerage system and associated laterals to properties located on Mellon Avenue between Cleveland Terrace and Kitcheners Avenue, known as Block 175.08, Lots 8, 9 and 12 and Block 175.14, Lots 1, 2 and 3, as referenced on the official tax map of the Township (the "Assessed Properties"), all as shown on and in accordance with plans on file in the Office of the Township Clerk.
Appropriation:	\$160,000
Bonds/Notes Authorized:	\$152,000
Down Payment:	\$8,000
Section 20 Costs:	\$4,350
Useful Life:	40 Years

**KAREN J. CARNEVALE,
Clerk of the Township of West Orange**

**TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, 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 Township Council of the Township of West Orange, in the County of Essex, State of New Jersey on December 14, 2021 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 INSTALLATION OF A SANITARY SEWERAGE SYSTEM AND ASSOCIATED LATERALS LOCATED ON MELLON AVENUE BETWEEN CLEVELAND TERRACE AND KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING A PORTION OF THE SPECIAL ASSESSMENT OF THE COST THEREOF

Purpose(s): Providing for the installation of a sanitary sewerage system and associated laterals to properties located on Mellon Avenue between Cleveland Terrace and Kitchenner Avenue, known as Block 175.08, Lots 8, 9 and 12 and Block 175.14, Lots 1, 2 and 3, as referenced on the official tax map of the Township (the "Assessed Properties"), all as shown on and in accordance with plans on file in the Office of the Township Clerk.

Appropriation: \$160,000

**Bonds/Notes
Authorized:** \$152,000

Down Payment: \$8,000

**Section 20
Costs:** \$4,350

Useful Life: 40 Years

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

CERTIFICATE OF INTRODUCTION OF BOND ORDINANCE

I, the undersigned Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Township Council of the Township duly called and held on November 23, 2021 at 7:00 p.m. at the Township's Municipal Building or via a virtual meeting, as applicable, and that the following was the roll call:

Present:

**Councilwoman Casalino, Councilwoman McCartney, Councilman Rutherford,
Councilwoman Williams, Council President Matute-Brown**

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 Township Council 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 Township as of this __ day of _____, 2021.

(SEAL)

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

CERTIFICATE OF FINAL ADOPTION OF BOND ORDINANCE

I, the undersigned Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Township Council of the Township duly called and held on December 14, 2021 at 7:00 p.m. at the Township's Municipal Building or via a virtual meeting, as applicable, and that the following was the roll call:

Present:

**Councilwoman Casalino, Councilwoman McCartney, Councilman Rutherford,
Councilwoman Williams, Council President Matute-Brown**

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 Township Council 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 _____, 2021.

(SEAL)

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

CLERK'S CERTIFICATE AS TO ADOPTION OF BOND ORDINANCE

I, KAREN J. CARNEVALE, DO HEREBY CERTIFY that I am the Clerk of the Township of West Orange, in the County of Essex, State of New Jersey (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 November 23, 2021 and finally adopted on December 14, 2021.

2. After introduction, the bond ordinance was published as required by law on November 24, 2021 in the West Orange Chronicle (name of newspaper).

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 published as required by law on December 16, 2021 in the West Orange Chronicle (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 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 bond 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 the ordinance and a copy of the amended capital budget form have been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the Township is the seal, an impression of which 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 _____, 2021.

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

(SEAL)

**CERTIFICATE OF CLERK AS TO NOTICE
OF LOCAL IMPROVEMENT**

I, KAREN J. CARNEVALE, Clerk of the Township of West Orange , in the County of Essex, State of New Jersey, DO HEREBY CERTIFY, that at least seven (7) days prior to December 14, 2021, a copy of the ordinance entitled, **“BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF A SANITARY SEWERAGE SYSTEM AND ASSOCIATED LATERALS LOCATED ON MELLON AVENUE BETWEEN CLEVELAND TERRACE AND KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING A PORTION OF THE SPECIAL ASSESSMENT OF THE COST THEREOF”**, together with a notice of the introduction thereof, and the time and place when and where such ordinance was to be further considered for final passage, was mailed to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, so far as the same may be ascertained, directed to his/her last known post-office address.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2021.

(SEAL)

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

DOWN PAYMENT CERTIFICATE

I, the undersigned Chief Financial Officer of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

“BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF A SANITARY SEWERAGE SYSTEM AND ASSOCIATED LATERALS LOCATED ON MELLON AVENUE BETWEEN CLEVELAND TERRACE AND KITCHENER AVENUE, IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING A PORTION OF THE SPECIAL ASSESSMENT OF THE COST THEREOF”,

there was available a down payment for the purpose authorized by said bond ordinance the amount of \$8,000, which sum was made available 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.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2021.

JOHN GROSS,
Chief Financial Officer