

**TOWNSHIP OF WEST ORANGE
BOND ORDINANCE NUMBER 2700-22**

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 \$285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$271,400 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 entire body of Bond Ordinance Number 2669-21 of the Township of West Orange, in the County of Essex, State of New Jersey (the "Township"), 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**", is hereby amended and restated to the extent and with the effect as set forth below:

“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 \$285,000, including the amount of \$13,600 as the down payment (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 or provisions 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 improvements and to meet the \$285,000 appropriation not provided for by the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$271,400 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 \$271,400 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes 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 \$271,400.

(c) The estimated cost of said improvement or purpose is \$285,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$271,400, is the down payment for said improvement or purpose in the amount of \$13,600.

(d) The estimated total cost of the improvement or purpose to be assessed against the Assessed Properties is \$171,000.

(e) The estimated total cost of the improvement or purpose to be contributed and borne by the Township is \$114,000.

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 improvements described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes which the Township may lawfully undertake as local improvements, 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 \$114,000 to the cost of the improvement or purpose described in Section 3 hereof, and the Assessed Properties will contribute \$171,000 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 \$171,000.

(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 improvements 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 \$271,400 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 \$25,000 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 or purposes described herein.

(i) If the amount of the assessments on the Assessed Properties is greater than \$171,000, then the Township will contribute the difference of such increased assessment and the increased cost of the improvement or purpose, such difference to be financed by the issuance of general improvement bonds or notes of the Township. If the amount of the assessments on the Assessed Properties are less than \$171,000, then the

Township shall pay its proportionate share of the costs of the improvements in amount which shall be 2/5 of the total cost of the improvements or purposes.

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. 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 tax-exempt bonds and notes issued under this ordinance."

Section 2. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: November 22, 2022

KAREN J. CARNEVALE,
Municipal Clerk

ADOPTED ON SECOND READING
DATED: December 6, 2022

KAREN J. CARNEVALE,
Municipal Clerk

TOWNSHIP OF WEST ORANGE

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE 2700-22 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 Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, on November 22, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township's Municipal Building, 66 Main St, West Orange, NJ 07052 on December 6, 2022 at 7:00 p.m. 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 \$285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$271,400 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):	Installation of a sanitary sewerage system and associated laterals located on Mellon Avenue between Cleveland Terrace and Kitchener Avenue on 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 as identified and described in <u>Schedule A</u> attached hereto.
Appropriation:	\$285,000
Bonds/Notes Authorized:	\$271,400
Down Payment:	\$13,600
Section 20 Costs:	\$25,000
Useful Life:	40 years

ATTACH SCHEDULE A LIST OF PROPERTIES TO BE ASSESSED

This Notice contains a description of the properties affected by the bond ordinance (See Schedule A attached hereto), a description of the improvement to be undertaken along such properties (See Number 1 below), and a statement of the percentage of the cost to be borne by the owner or owners of such properties (See Number 2 below). The cost of the improvement is being borne, in full, by the owners of the real properties set forth in Schedule A attached hereto. Such owners may undertake the improvement at their own expense; provided that such improvement shall be completed by the property owner within thirty (30) days after service of this notice. However, unless the owner or owners complete the improvement within thirty (30) days after service of this notice, the Township will make the improvement at the expense of the owner or owners. This Notice of Pending Ordinance is being served, in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-6, upon every person whose lands may be affected by this bond ordinance or any assessments which may be made in pursuance thereof. The proof of such service shall

be filed with the officer of the Township in charge of the records of tax liens of the Township within ten (10) days after service thereof.

1. **Description of the Improvement:** Construction of a sanitary sewerage system of the Township of West Orange must be extended into Mellon Avenue between Cleveland Terrace and Kitchener Avenue to service five lots along that street that do not have sanitary sewer service, including two lots with building improvements that currently have subsurface underground individual sewage disposal systems, commonly known as septic systems, as identified and described in **Schedule A** attached hereto and by this reference hereby incorporated herein (the "Project"), which properties are owned by private persons. The improvements and purposes provided in the bond ordinance shall also include, but not be limited to, site excavation and restoration, tree and root removal, grass seeding, tree planting and other landscaping improvements, incidental roadway repaving and patching, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.
2. **Percentage of the Cost To Be Borne By The Property Owners Set Forth in Schedule A:** The costs to be borne by the property owners is approximately 66.67% or 2/3 of the total costs of the Project, as 3 out of the 5 properties affected by the Assessments are privately owned and the remaining two properties are owned by the Township.

KAREN J. CARNEVALE, Municipal Clerk

TOWNSHIP OF WEST ORANGE

PUBLIC NOTICE

BOND ORDINANCE 2700-22 STATEMENT 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 6, 2022 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 \$285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$271,400 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): Installation of a sanitary sewerage system and associated laterals located on Mellon Avenue between Cleveland Terrace and Kitchener Avenue on 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 as identified and described in **Schedule A** attached hereto.

Appropriation: \$285,000

**Bonds/Notes
Authorized:** \$271,400

Down Payment: \$13,600

**Section 20
Costs:** \$25,000

Useful Life: 40 years

ATTACH SCHEDULE A LIST OF PROPERTIES TO BE ASSESSED

KAREN J. CARNEVALE,
Municipal Clerk

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 CONSTRUCTION OF A SYSTEM OF SANITARY SEWERAGE WITHIN 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 \$285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$271,400 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF”,

there was available as a down payment for the improvements authorized by said bond ordinance the amount of \$13,600, 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 _____, 2022.

JOHN GROSS,
Chief Financial Officer

CERTIFICATE OF INTRODUCTION

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 governing body of the Township duly called and held on November 22, 2022 at 7:00 p.m. at the Township's Municipal Building, 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 corporate seal of the Township this ____ day of _____, 2022.

(SEAL)

KAREN J. CARNEVALE,
Municipal Clerk

CERTIFICATE OF FINAL ADOPTION

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 governing body of the Township duly called and held on December 6, 2022, at 7:00 p.m. at the Township's Municipal Building, 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 corporate seal of the Township this ____ day of _____, 2022.

(SEAL)

KAREN J. CARNEVALE,
Municipal Clerk

CLERK'S CERTIFICATE

I, KAREN J. CARNEVALE, DO HEREBY CERTIFY that I am the duly appointed Clerk of the Township of West Orange, in the County of Essex (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 22, 2022 and finally adopted on December 6, 2022.

2. After introduction, the bond ordinance was published as required by law on _____, 2022 in The Star Ledger.

3. Following the passage of the bond ordinance on first reading, and at least ten (10) days prior to a public hearing thereon, and further consideration and final adoption thereof, I caused a summary of the bond ordinance together with Schedule A and a notice of the pendency of this bond ordinance to be given in accordance with N.J.S.A. 40:65-6, and the time and place, when and where the bond ordinance was to be further considered for final adoption, to be: (i) published in its entirety in a newspaper (meeting the qualifications of N.J.S.A. 40:49-1 et seq., N.J.S.A. 40A:2-19 and N.J.S.A. 35:1-2.2) and, **if applicable**, and (ii) served, in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-6, upon every person whose lands may be affected by the bond ordinance or any assessments which may be made in pursuance thereof.

4. 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 ordinance, including Schedule A, 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 and Schedule A were made available to all who requested same.

5. After final passage, the bond ordinance was duly approved by the Mayor on _____, 2022 (if applicable) and was duly published as required by law on _____, 2022 in The Star Ledger. 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.

6. The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

7. A certified copy of this bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey as applicable.

8. 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 corporate seal of the Township this ____ day of _____, 20__.

(SEAL)

KAREN J. CARNEVALE,
Municipal Clerk

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 22, 2022, that such Supplemental Debt Statement was filed in my office on November 22, 2022 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on _____, 2022.

KAREN J. CARNEVALE,
Municipal Clerk