# BOROUGH OF NORTH PLAINFIELD BOND ORDINANCE NUMBER 21-13

BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROPRIATING \$3,561,000 THEREFOR (INCLUDING STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANTS IN THE AGGREGATE AMOUNT OF \$660,000) AND AUTHORIZING THE ISSUANCE OF \$2,771,400 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of North Plainfield, in the County of Somerset, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$3,561,000, which sum includes grants in the aggregate amount of \$660,000 expected to be received from the State of New Jersey Department of Transportation (the "DOT Grants"), and \$129,600 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-

11(c), as amended and supplemented, no down payment is required for the improvement or purpose set forth in Section 3(a)(vii) hereof, as such projects are being funded by the State Grants.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,561,000 appropriation not provided for by application hereunder of the DOT Grants and said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,771,400 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 improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,771,400 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 are including, but not limited to, as follows:

<u>Description</u>	<b>Appropriation</b>	Authorization	Down <u>Payment</u>	Useful Life
(i) <u>Police Department</u> : purchase of body worn cameras for the Police Department;	\$72,000	\$68,500	\$3,500	7 years
(ii) <u>Technology/Office Equipment:</u> purchase of computer hardware consisting of desktops, laptops, fiber optic cable, printers and copiers;	\$10,000	\$9,500	\$500	7 years
(iii) Fire Department: purchase of a rescue ambulance for the Fire Department;	\$257,000	\$244,700	\$12,300	10 years
(iv) Office of Emergency Management: purchase of portable generators, light tower and a non- passenger vehicle to facilitate storage/transport of supplies during an emergency;	\$70,000	\$66,600	\$3,400	6.42 years

**Buildings** and Grounds: (v) improvements to Public Works Yards including, but not limited to, the installation of stucco siding on one of the Public Works garage buildings located on Steiner Place; removal of abandoned boiler, piping and controls paving, masonry, and heating, air-conditioning ventilation and system improvements at the Veterans Memorial Library; purchase and installation of a variable message sign, upgrades to security cameras, panic alarms and telephone system, installation of electric vehicle charging stations, replacement of existing bathroom/kitchen fixtures (flushers, faucets and soap dispensers) with touchless fixtures and paving, masonry, heating, ventilation and airconditioning system improvements at the Municipal Complex; demolition of Vermeule Caretakers House, kitchen improvements, including new refrigerator stove/oven, and dishwasher, bathroom improvements including new shower and changing facilities and a new handicap accessible patio at the Community Center and paving, masonry, heating, air-conditioning ventilation and system improvements at the Vermeule Complex; and replacement of all guiderails, and upgrades to bathroom fixtures, including toilets, sinks and urinals to the bathroom facilities, at Green Acres Park on Rockview Terrace:

(vi) Roads/Safety Improvements: replacement of street signs throughout the Borough as needed, replacement of welcome signs at the major thoroughfares within the Borough, including, but not limited to, US Route 22, Watchung Avenue, Somerset Street,

\$39,900

\$796,100

\$836,000

\$487,000

\$463,800

\$23,200

15 years

10 years

Greenbrook Road, Mountain Avenue, Clinton Avenue and West End Avenue, sidewalk repairs/leveling to various sidewalks within the Borough, as needed, and improvements to the entire lengths or portions of various roads located in the Borough, including, but not limited to, Berry Hill Court, Holly Drive, Jeffrey Place/Farragut Road, Gavin Place, Glen Court, Glenside Place, Howard Street, Louise Avenue, Mercer Avenue, Mountainview Drive, Stahls Way, Steiner Place (from Linden Avenue to Gavin Place), Steiner Place (from Howard Street to Dupont Street), and Taft Avenue;

**Road/Safety Improvements** (vii) (cont).: Improvements to the entire lengths or portions of various roads located in the Borough, including, but not limited to: Brook Avenue (from Sandford Avenue to Farragut Road) and Jackson Avenue (from Somerset Street to Sandford Avenue). Such roadway improvements shall include, but are not limited to, as applicable, milling, construction, reconstruction, repairing, restriping and resurfacing of roadways. said streetscape improvements, drainage improvements to said roadways, and the repair, restoration or construction of or improvements to curbs. sidewalks. driveway aprons handicapped accessible curb ramps along various roadways in the Borough;

\$850,000 \$190,000 \$0 10 years (including the DOT Grants)

(viii) Road/Safety Improvements
(cont).: Paving, curbing, masonry and meter improvements to various municipal parking lots located at the corners of Somerset Street and Race Street, Somerset Street and Pearl Street and on Craig Place;

\$100,000 \$95,200 \$4,800 10 years

(ix) <u>Public Works:</u> purchase of a garbage truck for the Department of Public Works;	\$140,000	\$133,300	\$6,700	10 years
(ix) Stormwater Maintenance and Compliance: improvements to the stormwater system at various locations throughout the Borough in order to be in compliance with the Borough's MS4 permit, consisting of replacement or repair, as applicable, of inlets, manholes, pipes and outfall structures;	\$120,000	\$114,200	\$5,800	20 years
(x) <u>Miscellaneous:</u> demolition of hazardous properties located throughout the Borough; and	\$25,000	\$23,800	\$1,200	5 years
(xi) Section 20 Expenses:	\$594,000	\$565,700	\$28,300	
TOTALS	\$3,561,000	\$2,771,400	\$129,600	

(b) The above improvements and purposes set forth in Section 3(a) shall also include, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

- (c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,771,400.
- (d) The aggregate estimated cost of said improvements or purposes is \$3,561,000, the excess amount thereof over the DOT Grants and the estimated maximum amount of bonds or

notes to be issued therefor, is the aggregate down payments for said purposes in the amount of \$129,600.

America, the State of New Jersey and/or the County of Somerset make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough 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 Somerset. Except for the DOT Grants, 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 Somerset shall be received by the Borough 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 Borough 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 times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), 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 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 N.J.S.A. 40A:2-8.1. 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 and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Borough. The capital or temporary capital budget of the Borough 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 Borough, a revised capital or temporary capital budget for the Borough 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 or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, 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 said bonds authorized by this bond ordinance, is 8.99 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 Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$2,771,400 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 \$594,000 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 improvements or purposes herein before described.

**SECTION 8.** The full faith and credit of the Borough 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 Borough, and, unless paid from other sources, 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 as to rate or amount.

**SECTION 9.** The Borough 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 Borough, or any member of the same "Controlled Group" as the Borough, 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 Borough'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 Borough 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 tax-exempt bonds and notes issued under this ordinance.

SECTION 11. 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, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into an 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, which are authorized herein, 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 12.** 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: September 27, 2021	
RICHARD K. PHOENIX, RMC, Clerk of the Borough of North Plainfield	
ADOPTED ON SECOND READING DATED: October 12, 2021	
RICHARD K. PHOENIX, RMC, Clerk of the Borough of North Plainfield	
APPROVAL BY THE MAYOR ON THIS 12	th DAY OF OCTOBER, 2021
	LAWRENCE LA RONDE, Mayor

### **BOROUGH OF NORTH PLAINFIELD**

## **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 special meeting of the governing body of the Borough of North Plainfield, in the County of Somerset, State of New Jersey, on September 27, 2021. It will be further considered for final passage, after public hearing thereon, at a virtual meeting of the governing body held on October 12, 2021 at 7:30 p.m. Information regarding remote access to the meeting may be found on the Boroughs website at www.northplainfield.org. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE NO. 21-13 PROVIDING FOR VARIOUS 2021

CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROPRIATING \$3,561,000 THEREFOR (INCLUDING STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANTS IN THE AGGREGATE AMOUNT OF \$660,000) AND AUTHORIZING THE ISSUANCE OF \$2,771,400 IN BONDS OR NOTES OF THE BOROUGH TO

FINANCE PART OF THE COST THEREOF

**Purpose(s):** Various 2021 Capital Improvements consisting of, among other things, (i)

purchase of equipment and vehicles, as applicable, for the Police, Technology, Fire, Office of Emergency Management and Public Works Departments; improvements to Public Works Yards; improvements to the Library, Municipal Complex, Community Center and Green Acres Parks and Recreation; replacement of street signs and welcome signs as applicable, throughout the Borough; various roadway improvements; stormwater system improvements; and the demolition of hazardous properties in the Borough. Please refer to the

full text of the bond ordinance for a full description of the improvements.

**Appropriation:** \$3,561,000

**Bonds/Notes** 

**Authorized:** \$2,771,400

**Grants:** \$350,000 and \$310,000 totaling \$660,000 from the State of New Jersey

Department of Transportation

**Down Payment:** \$129,600

**Section 20 Costs:** \$594,000

**Average Useful** 8.99 years

Life:	
	RICHARD K. PHOENIX, RMC, Clerk of the Borough of North Plainfield

### **BOROUGH OF NORTH PLAINFIELD**

## **PUBLIC NOTICE**

## **BOND ORDINANCE STATEMENT AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough Council of the Borough of North Plainfield, in the County of Somerset, State of New Jersey on October 12, 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 VARIOUS 2021 CAPITAL

IMPROVEMENTS, BY AND IN THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROPRIATING \$3,561,000 THEREFOR (INCLUDING STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANTS IN THE AGGREGATE AMOUNT OF \$660,000) AND AUTHORIZING THE ISSUANCE OF \$2,771,400 IN BONDS OR NOTES OF THE BOROUGH TO

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full text of the bond ordinance for a full description of the improvements.

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Department of Transportation

**Down Payment:** \$129,600

**Section 20 Costs:** \$594,000

Average Useful Life:	8.99 years	
		RICHARD K. PHOENIX, RMC,
		Clerk of the Borough of North Plainfield

## **DOWN PAYMENT CERTIFICATE**

I, the undersigned Chief Financial Officer of the Borough of North Plainfield, in the County of Somerset, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

"BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROPRIATING \$3,561,000 THEREFOR (INCLUDING STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANTS IN THE AGGREGATE AMOUNT OF \$660,000) AND AUTHORIZING THE ISSUANCE OF \$2,771,400 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF",

there was available as a down payment for the purposes authorized by said bond ordinance \$129,600 by a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

IN	1	WITNESS	WHEREOF,	I	have	hereunto	set	my	hand	this	 day	of
	_, 2	2021.										

PATRICK J. DeBLASIO, Chief Financial Officer CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of North Plainfield, in the County of

Somerset, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the

Minutes of a regular meeting of the governing body of the Borough duly called and held on

September 27, 2021 at 7:30 p.m. via a virtual meeting of the Borough and that the following was the

roll call:

Present: Corzo, Given, McIntyre, Miller, Schaefer, Merrill

Absent: Stabile

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 Borough this 12th day of October, 2021.

(SEAL)

RICHARD K. PHOENIX, RMC,

Clerk of the Borough of North Plainfield

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of North Plainfield, in the County of

Somerset, 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 Borough duly called and held on October 12,

2021, at 7:30 p.m. via a virtual meeting of the Borough and that the following was the roll call:

Present: Corzo, Given, McIntyre, Merrill, Miller, Stabile

Absent: Schaefer

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 Borough this 25th day of October, 2021.

(SEAL)

RICHARD K. PHOENIX, RMC, Clerk of the Borough of North Plainfield

#### **CLERK'S CERTIFICATE**

- I, RICHARD K. PHOENIX, RMC, DO HEREBY CERTIFY that I am the Clerk of the Borough of North Plainfield, in the County of Somerset (the "Borough"), 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 Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:
- 1. Attached hereto is the bond ordinance introduced on September 27, 2021 and finally adopted on October 12, 2021.
- After introduction, the bond ordinance was published as required by law on 30
   September, 2021 in the <u>Courier News</u>.
- 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 Borough 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 Borough 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 duly approved by the Mayor on 12 October, 2021 and was duly published as required by law on 15 October, 2021 in the <u>Courier News</u>. 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 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 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, as applicable.

7. The official seal of the Borough 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 Borough this 1st day of November, 2021.

(SEAL)

RICHARD K. PHOENIX, RMC, Clerk of the Borough of North Plainfield

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of North Plainfield, in the County of

Somerset, State of New Jersey (the "Borough"), DO HEREBY CERTIFY, that the attached

Supplemental Debt Statement was prepared, executed and sworn to by Patrick J. DeBlasio, the

Chief Financial Officer of the Borough, as of September 27, 2021, that such Supplemental Debt

Statement was filed in my office no later than September 27, 2021 and with the Director of the

Division of Local Government Services, New Jersey Department of Community Affairs on 28

September 2021.

RICHARD K. PHOENIX, RMC, Clerk of the Borough of North Plainfield