

**ORDINANCE NO. 15-2018**

**BOROUGH OF ROSELAND  
COUNTY OF ESSEX, STATE OF NEW JERSEY**

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$1,000,000 FOR VARIOUS IMPROVEMENTS TO THE WATER/SEWER UTILITY, IN AND BY THE BOROUGH OF ROSELAND, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$1,000,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

**WHEREAS**, the Borough of Roseland owns and operates a water and sewer utility which is self-liquidating pursuant to N.J.S.A. 40A:2A-45; and

**WHEREAS**, this ordinance approves a project which qualifies as a “environmental infrastructure project (or project component)” with an estimated price in excess of \$1,000,000; and

**WHEREAS**, in accordance with the provisions of P.L. 2017, c. 71, the Borough has submitted, or caused to be submitted, an informational filing with the New Jersey Infrastructure Bank and received a cost estimate of the benefits available from financing the project via the NJIB financing programs;

**NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL, OF THE BOROUGH OF ROSELAND, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

**Section 1.** The improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Roseland, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$1,000,000; such sum being in addition to the \$1,129,400 appropriated therefore by ordinance 11-2011 of the Borough finally adopted September 20, 2011 (the “Prior Ordinance”). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is required because the purpose is self-liquidating.

**Section 2.** In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be

issued in the principal amount of \$1,000,000 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.** (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the Water/Sewer Utility, including but not limited to the installation of manholes and check valves, the relining and replacement of water mains, improvements to Fire Booster Pump Station, Booster Pump Station and Grinder Unit Main Pump Station, the Sewer Flow Meter Replacement Project, a new water meter reading system and improvements to the Borough's water tower, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$2,025,550, including the \$1,025,550 appropriated by the Prior Ordinance and the \$1,000,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$2,129,400, including the \$1,129,400 appropriated by the Prior Ordinance and the \$1,000,000 appropriated herein.

**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 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 bond ordinance, and the chief financial officer's signature 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 N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 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 notes sold, the price obtained and the name of the purchaser.

**Section 5.** The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 6.** The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may lawfully undertake 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 or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 40.00 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 Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,000,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$247,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20, consisting of \$147,000 appropriated for such purposes in the Prior Ordinance and the \$100,000 appropriated herein, are included in the estimated cost indicated herein for the improvements or purposes.

(e) The Borough reasonably expects to commence the acquisition of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

**Section 7.** Any grant moneys received for the purposes 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 hereunder shall be reduced to the extent that such funds are so used.

**Section 8.** The full faith and credit of the Borough is 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 the Borough shall be obligated to levy ad valorem taxes upon all the taxable real 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 Council hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

**Section 10.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

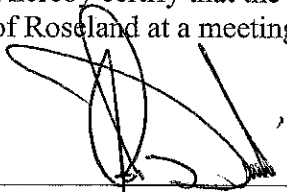
DATE OF INTRODUCTION: October 16, 2018

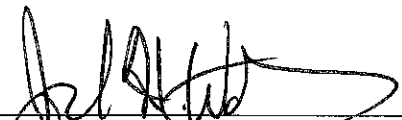
Motion to Introduce by: Councilman Leonard  
 Motion Seconded by: Councilman Bardi  
 Introduction Approved: 5-0 voice vote (Smith absent)

DATE OF ADOPTION: November 13, 2018

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi		X	X				
Councilman Jacobs			X				
Councilman Leonard	X		X				
Councilman Smith							X
Council President Tolti			X				
Councilman Tsilonis			X				
Mayor Duthie (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 13<sup>th</sup> day of November, 2018.

  
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 John Duthie, Mayor

  
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 Jock H. Watkins, Borough Clerk

Date of Publication: November 19, 2018, the Star Ledger