

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #2/21

AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS FOR THE TOWN OF WEST NEW YORK AND APPROPRIATING \$10,450,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$8,349,138 IN BONDS OR NOTES OF THE TOWN OF WEST NEW YORK TO FINANCE THE SAME

THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, DO ORDAIN (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Town of West New York, in the County of Hudson, New Jersey (the "Town"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement of purpose, such sums amounting in the aggregate to \$10,450,000, including the \$537,964 Green Acres grant expected to be received from the New Jersey Department of Environmental Protection for the purpose set forth in Section 3(b) of this ordinance, the \$678,591 grant from the New Jersey Department of Transportation's Fiscal Year 2021 Municipal Aid Program for the purpose set forth in Section 3(f) of this ordinance and the \$686,807 grant from the New Jersey Department of Transportation's Fiscal Year 2022 Municipal Aid Program for the purpose set forth in Section 3(g) of this ordinance, and the aggregate sum of \$197,500 as the several down payments for the improvements or purposes required by the Local Bond Law. A \$500,000 fiscal year 2020 Open Space grant expected to be received from the Hudson

County Open Space Trust Fund was appropriated for the purpose set forth in Section 3(a) of this ordinance by the Town's 2021 budget. The down payments have been made available by virtue of the provision for down payment or for capital improvement purposes in the capital improvement fund 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 or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$8,349,138 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 maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: Miller Park Phase II Improvements, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$2,000,000
<u>Maximum Amount of Bonds or Notes:</u>	\$1,900,000
<u>Period of Usefulness:</u>	15 years
<u>Down Payment from Capital Improvement</u>	\$100,000
<u>Fund:</u>	

- (b) Purpose: Washington Park Improvement Project, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$4,350,000
<u>Grant Appropriated:</u>	\$537,964
<u>Maximum Amount of Bonds or Notes:</u>	\$3,812,036
<u>Period of Usefulness:</u>	15 years
<u>Down Payment from Capital Improvement</u>	\$0
<u>Fund:</u>	

- (c) Purpose: Lockers for the Police Department, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$950,000
Maximum Amount of Bonds or Notes: \$902,500
Period of Usefulness: 15 years
Down Payment from Capital Improvement \$47,500
Fund:

- (d) Purpose: Phase III improvements to municipal pool and swim club, including, but not limited to, façade improvements and structural improvements, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$600,000
Maximum Amount of Bonds or Notes: \$570,000
Period of Usefulness: 15 years
Down Payment from Capital Improvement \$30,000
Fund:

- (e) Purpose: Improvements to various municipal buildings, including, but not limited to, the Municipal Court and including furnishings therefor, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$400,000
Maximum Amount of Bonds or Notes: \$380,000
Period of Usefulness: 5 years
Down Payment from Capital Improvement \$20,000
Fund:

- (f) Purpose: Reconstruction of various roads in the Town, as included in the Town's 2021 Road/Street Program and as shown on a list on file with the Town Clerk from time to time, to a "Class B" standard as provided in the Local Bond Law, and including all other work and materials necessary therefor and incidental thereto.

Appropriation and Estimated Cost: \$1,075,000
Grant Appropriated: \$678,591
Maximum Amount of Bonds or Notes: \$396,409
Period of Usefulness: 10 years
Down Payment from Capital Improvement \$0

Fund:

- (g) Purpose: Reconstruction of various roads in the Town, including Dewey Avenue, Adams Street, 52nd Street, 59th Street and 66th Street, to a “Class B” standard as provided in the Local Bond Law, and including all other work and materials necessary therefor and incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$1,075,000
<u>Grant Appropriated:</u>	\$686,807
<u>Maximum Amount of Bonds or Notes:</u>	\$388,193
<u>Period of Usefulness:</u>	10 years
<u>Down Payment from Capital Improvement</u>	\$0
<u>Fund:</u>	

(h) The maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(i) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

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 notes shall be executed by the Chief Financial Officer and the Mayor of the Town, and shall be under the seal of the Town and attested by the Clerk of the Town. 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 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 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 Town 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 Town 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 Town 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 several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 14.07499 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 Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$8,349,138, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,100,000 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 several improvements or purposes.

(e) The Town reasonably expects to commence acquisition of the projects 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 Town further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Except for the grants described in Section 8, 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 but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. As a portion of the total appropriation of \$10,450,000 made in Section 1 hereof, there is appropriated herein for the improvements or purposes a \$537,964 Green Acres grant

expected to be received from the New Jersey Department of Environmental Protection for the purpose set forth in Section 3(b) of this ordinance, a \$678,591 grant from the New Jersey Department of Transportation's Fiscal Year 2021 Municipal Aid Program for the purpose set forth in Section 3(f) of this ordinance and a \$686,807 grant from the New Jersey Department of Transportation's Fiscal Year 2022 Municipal Aid Program for the purpose set forth in Section 3(g) of this ordinance.

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

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

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, provided that the approval of the Local Finance Board to the passage of this ordinance has been obtained.

Introduced: January 12, 2022

Adopted: February 9, 2022

Statement

The foregoing ordinance having been previously adopted for first reading and published was further considered by the Mayor and Board of Commissioners of the Town of West New York on **February 9, 2022** and at said date was duly and finally adopted after public hearing thereon.

Adelinny Plaza, RMC
Town Clerk

Commissioner Victor M. Barrera

Commissioner Cosmo A. Cirillo, PhD.

Commissioner Margarita A. Guzman

Commissioner Yoleisy Yanez

Mayor Gabriel Rodriguez
BOARD OF COMMISSIONERS

Attest: _____
Adelinny Plaza, RMC
Town Clerk