

CITY COUNCIL

THE CITY OF ORANGE TOWNSHIP, NEW JERSEY

DATE: APRIL 20, 2021

ORD. No.: ____-2021

TITLE: BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 51-2019 HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP ON NOVEMBER 18, 2019 ENTITLED, "BOND ORDINANCE PROVIDING FOR PHASE I OF THE REHABILITATION AND/OR REDEVELOPMENT OF WATER TRANSMISSION MAINS, WATER DISTRIBUTION MAINS AND WELLS, BY AND IN THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OR NOTES TO FINANCE THE COST THEREOF", TO INCREASE THE APPROPRIATION THEREIN TO \$7,300,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$7,300,000, AND TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS AUTHORIZED THEREIN

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

SECTION 1. The bond ordinance of the City of Orange Township, in the County of Essex, State of New Jersey (the "City"), heretofore finally adopted by the City Council thereof on November 18, 2019, numbered 51-2019, entitled, "BOND ORDINANCE PROVIDING FOR PHASE I OF THE REHABILITATION AND/OR REDEVELOPMENT OF WATER TRANSMISSION MAINS, WATER DISTRIBUTION MAINS AND WELLS, BY AND IN THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OR NOTES TO FINANCE

THE COST THEREOF" (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as set forth herein.

SECTION 2. For the improvements or purposes described in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$2,300,000, making the total appropriation available for the improvements or purposes stated in Section 3 of the Original Ordinance, as amended and supplemented hereby, equal to \$7,300,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure projects which are funded by a loan from the New Jersey Infrastructure Bank (the "I-Bank") and the State of New Jersey, acting by and through the Department of Environmental Protection.

SECTION 3. (a) In order to finance the cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, additional negotiable bonds or notes of the City in the amount of \$2,300,000 are hereby authorized to be issued pursuant to, and within all limitations prescribed by, the Local Bond Law and the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 ("NJIT Act"), such that the total authorization of negotiable bonds or notes to be issued by the City for the improvements or purposes stated in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$7,300,000.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes stated in the Original Ordinance, as amended and supplemented hereby, is equal to \$7,300,000.

(c) The estimated cost of the improvements or purposes stated in the Original Ordinance, as amended and supplemented hereby, is equal to \$7,300,000.

SECTION 4. The improvements hereby authorized and purposes for the financing of which said debt obligations are to be issued are for Phase I improvements consisting of (i) the relocation of the existing transmission main under the Glen Avenue Bridge for the stabilization of the pipe located in the stream, (ii) replacement of approximately 3,000 linear feet of water distribution mains to establish fire protection measures and improvements to the system's pressure, (iii) replacement of 120 fire hydrants and valves, (iv) structural and security upgrades, electrical remediation, installation of standby emergency generator for, as applicable, Well 2 and Well 5, (v) implementation of SCADA system upgrades at all wells, (vi) rehabilitation and improvements to Well 5 and Well 8 which shall include, but not be limited to, all work necessary to ensure compliance with Department of Environmental Protection regulations and requirements, (viii) improvements to the Walker Road storage tank, (ix) installation of security measures and fencing for the Walker Road holding tank, Orange Reservoir, Campbell's Pond, and Pump House 1A, and (x) preservation of the Walker Road retaining wall. All improvements shall include, as applicable, all field work, materials, equipment, engineering, design, architectural, environmental remediation consulting work, preparation of plans and specifications, permits, bid documents, conducting and preparation of reports and studies, equipment rental, labor and appurtenances necessary therefore or incidental thereto.

SECTION 5. The City hereby certifies that it has adopted a capital budget or temporary capital budget, as applicable. The capital budget or temporary capital budget of

the City is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget and capital programs as approved by the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

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

(a) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$2,300,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.

(b) For the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$500,000 is hereby included for the items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$2,000,000, such total amount being included in the estimated cost indicated herein for the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby.

SECTION 7. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 8. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: April 20, 2021**

**JOYCE LANIER,
Clerk of the City of Orange Township**

**ADOPTED ON SECOND READING
DATED: May 18, 2021**

**JOYCE LANIER,
Clerk of the City of Orange Township**

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

**DWAYNE D. WARREN, Esq.,
Mayor of the City of Orange Township**

CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP

PUBLIC NOTICE

NOTICE OF PENDING ORDINANCE

The bond ordinance published herewith was introduced and adopted upon first reading at a meeting of the City Council of the City of Orange Township, in the County of Essex, State of New Jersey, held on April 20, 2021. It will be further considered for final passage, after public hearing thereon, at a virtual meeting of the governing body to be held on May 18, 2021 at 7:00 p.m. Information regarding remote access to the meeting may be found on the City's website at www.ci.orange.nj.us. 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 or on the City's website 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 AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 51-2019 HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP ON NOVEMBER 18, 2019 ENTITLED, "BOND ORDINANCE PROVIDING FOR PHASE I OF THE REHABILITATION AND/OR REDEVELOPMENT OF WATER TRANSMISSION MAINS, WATER DISTRIBUTION MAINS AND WELLS, BY AND IN THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OR NOTES TO FINANCE THE COST THEREOF", TO INCREASE THE APPROPRIATION THEREIN TO \$7,300,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$7,300,000, AND TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS AUTHORIZED THEREIN

Purpose(s): The bond ordinance amends Bond Ordinance Number 51-2019 finally adopted on November 18, 2019 to (i) increase the appropriation therein from \$5,000,000 to \$7,300,000, (ii) increase the amount of bonds/notes authorized therein from \$5,000,000 to \$7,300,000, (iii) to amend the description of the improvements authorized therein, and (iv) increase the Section 20 costs from \$1,500,000 to \$2,000,000.

Appropriation: Increase by \$2,300,000 from \$5,000,000 to \$7,300,000

Bonds/Notes Authorized: Increase by \$2,300,000 from \$5,000,000 to \$7,300,000

Grants Appropriated: None

Section 20 Costs: Increase by \$500,000 from \$1,500,000 to \$2,000,000

Useful Life: No Change

JOYCE LANIER,
City Clerk

**CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP
COUNTY OF ESSEX, NEW JERSEY**

PUBLIC NOTICE
NOTICE OF FINAL ADOPTION OF BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Orange Township, in the County of Essex, State of New Jersey on May 18, 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 AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 51-2019 HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP ON NOVEMBER 18, 2019 ENTITLED, "BOND ORDINANCE PROVIDING FOR PHASE I OF THE REHABILITATION AND/OR REDEVELOPMENT OF WATER TRANSMISSION MAINS, WATER DISTRIBUTION MAINS AND WELLS, BY AND IN THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OR NOTES TO FINANCE THE COST THEREOF", TO INCREASE THE APPROPRIATION THEREIN TO \$7,300,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$7,300,000, AND TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS AUTHORIZED THEREIN
- Purpose(s):** The bond ordinance amends Bond Ordinance Number 51-2019 finally adopted on November 18, 2019 to (i) increase the appropriation from \$5,000,000 to \$7,300,000, (ii) increase the amount of bonds/notes authorized from \$5,000,000 to \$7,300,000, (iii) to amend the description of the improvements authorized therein and (iv) increase the Section 20 costs from \$1,500,000 to \$2,000,000.
- Appropriation:** Increase by \$2,300,000 from \$5,000,000 to \$7,300,000
- Bonds/Notes Authorized:** Increase by \$2,300,000 from \$5,000,000 to \$7,300,000
- Grants Appropriated:** None
- Section 20 Costs:** Increase by \$500,000 from \$1,500,000 to \$2,000,000
- Useful Life:** No Change

JOYCE LANIER,
City Clerk

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

CERTIFICATE OF INTRODUCTION OF BOND ORDINANCE

I, the undersigned Clerk of the City of Orange Township (the "City"), in the County of Essex (the "County"), State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a virtual meeting of the governing body of the City duly called and held on April 20, 2021 at 7:00 p.m., in said County, 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 City as of this __ day of _____, 2021.

(SEAL)

JOYCE LANIER,
Clerk of the City of Orange Township

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

CERTIFICATE OF FINAL ADOPTION OF BOND ORDINANCE

I, the undersigned Clerk of the City of Orange Township (the "City"), in the County of Essex (the "County"), State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a virtual meeting of the governing body of the City duly called and held on May 18, 2021 at 7:00 p.m., in said County, 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 City as of this __ day of _____, 2021.

(SEAL)

JOYCE LANIER,
Clerk of the City of Orange Township

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

CLERK'S CERTIFICATE REGARDING BOND ORDINANCE ADOPTION PROCESS

I, JOYCE LANIER, DO HEREBY CERTIFY that I am the Clerk of the City of Orange Township, in the County of Essex (the "City"), 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 City. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all resolutions and ordinances of the City. The representations made herein are based upon the records of the City. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on April 20, 2021 and finally adopted on May 18, 2021 and approved by the Mayor on _____, 2021.

2. After introduction, the bond ordinance was published as required by law on _____, 2021 in _____ (name of the newspaper).

3. 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 City at the place where public notices are customarily posted, a copy of said bond ordinance or a summary thereof and a notice that copies of the bond ordinance would be made available to the members of the general public of the City who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body of the City. Copies of the bond ordinance were made available to all who requested same.

4. After final passage, the bond ordinance was duly approved by the Mayor of the City and was duly published as required by law on _____, 2021 in _____ (name of the newspaper). No protest signed by any person against making any improvements or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond 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 bond ordinance is now in full force and effect.

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

7. The official seal of the City 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 City this ____ day of _____, 2021.

(SEAL)

JOYCE LANIER,
Clerk of the City of Orange Township

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the City of Orange Township, 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 Nile Clements, the Chief Financial Officer of the City as of April 20, 2021, that such Supplemental Debt Statement was filed in my office on or by April 20, 2021, and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on _____, 2021.

JOYCE LANIER,
Clerk of the City of Orange Township