

**CITY OF ENGLEWOOD
BOND ORDINANCE NUMBER 23-12**

BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, APPROPRIATING \$12,593,888 THEREFOR (INCLUDING VARIOUS GRANTS IN THE AGGREGATE AMOUNT OF \$2,542,510) AND AUTHORIZING THE ISSUANCE OF \$9,572,740 IN BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, 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 City of Englewood, in the County of Bergen, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the principal amount of \$12,593,888, said amount being inclusive of (i) grants received or expected to be received from the following sources: grants from the New Jersey Department of Transportation, in the amount of \$167,870 for the purpose of reconstructing Lafayette Place, and in the amount of \$250,000 for the purpose of ADA improvements; a Community Block Development Grant in the amount of \$207,810 for the purpose of reconstructing West Street; a Department of Environmental Protection Green Acres Program Grant in the amount of \$100,000 for the purpose of improving Mackay Park Pool and Splash Park; a United States Department of Justice Community Oriented Policing Services Grant in the amount of \$1,750,000 for the purpose of upgrading the 911 dispatch system for the City; and a New Jersey Urban Community Forestry Program Grant in the amount of \$66,830 for the tree replacement program (collectively, the "Grants"); and (ii) a down payment in the aggregate amount of \$478,638 now available for a portion of said improvements or purposes

required by the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$12,593,888 appropriation not provided for by said Grants or down payments referred to in Sections 1 and 3 hereof, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount of \$9,572,740 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 City in an aggregate principal amount not exceeding \$9,572,740 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Repaving and/or milling of various roadways within the City, including, but not limited to, Brookway Avenue, Dana Place, Durie Court, Marshall Avenue, Orange Street (Englewood to Hirliman), Shanon Court and Speer Avenue (Next Day Hill to Highview), together with the acquisition of all materials, equipment and appurtenances and completion of all work necessary therefor or related thereto, as further described in information on file and available during normal business hours in the offices of the City Engineer;	\$ 452,878	\$ 431,312	\$ 21,566	10 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(ii) Reconstruction and/or improvements, as applicable, of various roads within the City, including, but not limited to, survey of Broad Avenue improvements, Chestnut Street (Lydecker to Brayton), Lafayette Place (Forest to Tietjen), Laurel Place (with residents' consent), Morris Avenue (curb and sidewalk), West Street (Tallman to Demarest) and Westview Avenue (with curb); upgrades and improvements to various curbs and sidewalks within the City, as part of the City's ADA (Americans With Disabilities Act) Improvement Program), walkability improvements to various roadways within the City to provide high density neighborhoods in the City the ability to access essential services and amenities by foot, bicycle, etc., and reduce the need for car travel; improvements to Jones Road Bridge pathway (Walton to Bus Stop), and other miscellaneous improvements and upgrades to various curbs and sidewalks within the City, together with the acquisition of all materials, equipment and appurtenances and completion of all work necessary therefor or related thereto, as further described in information on file and available during normal business hours in the offices of the City Engineer;	<p>\$ 2,390,680</p> <p>-----</p> <p>includes:</p> <p>\$167,870 NJDOT Grant for Lafayette Place road reconstruction</p> <p>\$207,810 CDBG Grant for West Street road reconstruction</p> <p>\$250,000 NJDOT Grant for ADA Improvement Program</p> <p>Total Grants = \$625,680</p>	\$ 1,680,952	\$ 84,048	10 years
(iii) Various improvements and miscellaneous emergency repairs to the City's sanitary sewer and storm drainage system, including, but not limited to, Phase II of an investigation and sanitary sewer evaluation study; the acquisition of two (2) trash racks for Overpeck Creek to prevent trash and other large objects from entering and clogging culvert or stormwater and waste water systems; miscellaneous channel wall, pond and culvert improvements, as applicable, to various locations throughout the City, including, but not limited to, culvert improvements throughout the City mandated by the County, Hudson Avenue Bridge and Glenwood Road Bridge culvert improvements or replacement, and miscellaneous channel, drainage and infrastructure repairs, together with the acquisition of all materials, equipment and appurtenances and completion of all work necessary therefor or related thereto, as further described in information on file and available during normal business hours in the offices of the City Engineer;	\$ 2,185,000	\$ 2,080,952	\$ 104,048	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(iv) Various improvements and upgrades to the City's parks, including, but not limited to, Garrity Field drainage improvements; the design phase of the John T. Wright Arena sliding wall enclosure and the John T. Wright Arena-Mackay Ice Rink locker room; the acquisition and installation of outdoor fitness equipment for Mackay Park; improvements and upgrades to the Mackay Park Pool and Splash Park; the design phase of Mackay Park pool enclosure; the acquisition and installation of rubber flooring for play equipment at various parks; the construction of two (2) pickleball courts; improvements and repairs to the Tryon Avenue pool deck; upgrades to or the acquisition of playground equipment at various parks throughout the City; and other miscellaneous park and playground improvements and field maintenance of various parks throughout the City, together with the acquisition of all materials, equipment and appurtenances and completion of all work necessary therefor or related thereto; as further described in information on file and available during normal business hours in the offices of the City Engineer;	\$1,495,000 ----- includes: \$100,000 Green Acres Grant for Mackay Park Pool and Splash Park improvements	\$ 1,328,571	\$ 66,429	15 years
(v) Various improvements and upgrades to the City's public buildings and facilities, including, but not limited to: <u>City Hall</u> – improvements and repairs to the City Hall building; <u>Finance Department</u> – modifications to various office layouts in the Finance Department; <u>Fire Department</u> – various improvements, repairs and upgrades to the kitchen in the Fire Department; <u>Health Department</u> – acquisition and installation of new tile flooring; <u>Human Resources Department</u> – acquisition and installation of office furniture; <u>Library</u> – improvements and upgrades to the Chiller Heat Exchanger and Pressure Switch; <u>Municipal Court</u> – acquisition and installation of new flooring and furniture in the court room; <u>Department of Public Works (DPW)</u> – evaluation and design recommendations for the HVAC system; repairs or replacement of the Liberty School roof; the design phase of	\$1,307,830 ----- includes: \$66,830 New Jersey Urban Community Forestry Program Grant for Tree Replacement Program	\$ 1,181,905	\$ 59,095	15 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
improvements and upgrades to the first floor bathroom at City Hall; City Hall basement upgrades and maintenance; exterior painting of the Tibbs Center; design phase of drainage and paving of DPW yard; improvements and upgrades to and the reopening of the Transfer Station; construction of a Leaf Composite Facility; improvements to the municipal garage elevator and a study of the municipal garage structure; and the replacement of various trees throughout the City, as part of the City's tree replacement program, together with the acquisition of all materials, equipment and appurtenances and completion of all work necessary therefor or related thereto, as further described in information on file and available during normal business hours in the offices of the City Engineer;				
(vi) Improvements and upgrades to various City traffic signals, including, but not limited to, the replacement of, as applicable, various controllers and signals, and the design phase of traffic signals at Dean Street and Englewood Avenue, together with the acquisition of all materials, equipment and appurtenances and completion of all work necessary therefor or related thereto, as further described in information on file and available during normal business hours in the offices of the City Engineer;	\$ 100,000	\$ 95,238	\$ 4,762	10 years
(vii) Improvements, upgrades and/or the acquisition of, as applicable, various miscellaneous equipment, passenger vehicles and non-passenger vehicles for various City departments, including, but not limited to: <u>Building and Code Enforcement Department</u> – the acquisition and installation of an SDL digital document storage system; and the acquisition of two (2) all-wheel drive (AWD) vehicles or electric vehicles; <u>Fire Department</u> – the acquisition or replacement of personal protective equipment (PPE); improvements and upgrades to the rescue truck; the acquisition of a high water rescue vehicle, fire prevention vehicles, miscellaneous fire apparatus and turnout gear; and the acquisition of other miscellaneous fire department equipment and vehicles, together with the acquisition of all materials, equipment and appurtenances and	\$ 4,662,500 ----- includes: \$1,750,000 COPS Program Grant for upgrades to the 911 dispatch system for Police Dept.	\$ 2,773,810	\$ 138,690	10 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
<p>completion of all work necessary therefor or related thereto, as further described in information on file and available during normal business hours in the offices of the City Engineer;</p> <p><u>Police Department</u> – the acquisition of three (3) SUV patrol vehicles; improvements and upgrades to the computer data storage equipment and software system; computer and infrastructure upgrades; acquisition and installation of traffic cameras at Palisade Avenue; the acquisition of various signage and equipment for the Traffic Safety Project; the acquisition of service weapons; the acquisition and installation of a public safety fence and vehicle video recorders; upgrades to the 911 dispatch system; and the acquisition of various other miscellaneous police equipment;</p> <p><u>Recreation Department</u> – the acquisition of a van for recreational purposes;</p> <p><u>Department of Public Works (DPW)</u> – the acquisition of miscellaneous non-passenger vehicles for the DPW Department, including, but not limited to, two (2) Ford F-350 pick-up trucks, a Western Star Tractor and related equipment and accessories, a Sewer and Storm Drain Jet & Vacuum Truck, two (2) single axle dump trucks, three (3) Toro Ground Master mowers, four (4) electric garbage trucks and accompanying charging stations; and the acquisition of various other miscellaneous DPW equipment,</p>				
TOTALS	<u>\$12,593,888</u> ----- (includes Grants in the aggregate amount of \$2,542,510)	<u>\$ 9,572,740</u>	<u>\$ 478,638</u>	

(b) The improvements and purposes set forth in Section 3(a) shall also include, as applicable, all engineering and design work, surveying, construction planning, 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 and purposes is \$9,572,740.

(d) The aggregate estimated cost of said improvements and purposes is \$12,593,888, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$3,021,148, which amount is comprised of the down payments available for said improvements or purposes in the amount of \$478,638 and the Grants in the amount of \$2,542,510.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Bergen make a contribution or grant in aid to the City for the improvements and purposes authorized in Section 3 hereof, which is in addition to the Grants, and the same shall be received by the City 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 Bergen. 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 Bergen shall be received by the City 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 City 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 City (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 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 a 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 City hereby certifies that it has adopted a capital budget or a temporary capital budget of the City, as applicable. The capital budget or temporary capital budget, as applicable, of the City 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 City, a revised capital budget or temporary capital budget 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 City 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 said improvements or purposes, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof in accordance with the limitations set forth in the Local Bond Law, is 13.49 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 City 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, 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 or notes provided for in this bond ordinance by \$9,572,740. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$2,010,276 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law 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 City 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 City, and, unless paid from other sources, the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City 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. This Section 9 is intended to be and hereby is a declaration of the City'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. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three years after the expenditure is paid.

SECTION 10. The Chief Financial Officer 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 the obligations of the City authorized herein and to execute such disclosure document on behalf of the City. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of the obligations of the City, 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 City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City 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 bonds and notes issued on a tax-exempt basis under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication of this bond ordinance after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: April 18, 2023

**YANCY WAZIRMAS,
Clerk of the City of Englewood**

ADOPTED ON SECOND READING

DATED: May 2, 2023

**YANCY WAZIRMAS,
Clerk of the City of Englewood**

ORDINANCE #23-12

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BY AND IN THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, STATE
OF NEW JERSEY, APPROPRIATING \$12,593,888 THEREFOR (INCLUDING
VARIOUS GRANTS IN THE AGGREGATE AMOUNT OF \$2,542,510) AND
AUTHORIZING THE ISSUANCE OF \$9,572,740 IN BONDS OR NOTES OF THE CITY
TO FINANCE PART OF THE COST THEREOF**

RECORD OF VOTE

FIRST READING DATE: April 18, 2023

COUNCIL	MOTION	VOTE
Cobb		
Maron		
Rosenzweig		
Wilson		
Wisotsky		

DATE PUBLISHED IN THE RECORD: April 23, 2023

DATES PUBLIC HEARINGS HELD: May 2, 2023

DATE SECOND READING HELD: May 2, 2023

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb						
Maron						
Rosenzweig						
Wilson						
Wisotsky						

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

DATE SIGNED: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk