

**FAIR HAVEN BOROUGH COUNCIL
FEBRUARY 13, 2019**

The meeting was called to order by Mayor Lucarelli at 7:00 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The Sunshine Law Statement was read.

ROLL CALL

On Roll Call the following were present: Councilmembers Banahan, Koch, Rice, and Sorensen. Absent: Councilmembers Peters and Rodriguez. Others present: Administrator Casagrande and Bruce Padula, Esq., Borough Attorney's Office.

WORKSHOP SESSION

The following street opening requests were received:

- NJ American Water: 6 William Street for New Service
- NJ American Water: 78 Parker Avenue for Service Renewal
- NJ Natural Gas: 14 Charles Court for New Service

Motion to approve moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

With regard to McCarter Pond, the Borough will be utilizing the same company it has used for the last few years, depending on the weather and condition of the pond. The Environmental Commission is on board with this approach and that we have had success for the past few years. Other treatments will be applied, as needed. We are due to renew our NJDEP permit. Administrator Casagrande asked for authorization to execute the agreement with Aquatic Analysts. Councilwoman Sorensen was concerned about them staying on top of the pond's condition. Administrator Casagrande said that Aquatic Analysts rely on the Borough to be called and it depends on the water temperature for them to add the pellets; when it rains and provides oxygen, it is OK. Administrator Casagrande will have the marker checked to see where we are.

As far as 2019 budget timelines, Administrator Casagrande said that NJ State Law requires budget introduction by March 29th and adoption by April 30th. We hope to introduce on March 25th and adopt at our April 29th meeting. She and Melissa Abrahamsen, Assistant CFO, met and reviewed the budget requests submitted; there will be a meeting with Colleen Lapp, CFO on February 14th. Once the budget is put together, it will be submitted to the Finance Committee for their review and discussion. This year is a challenging budget year. Mayor Lucarelli asked about the User-Friendly Budget; he was advised that we have both the budget, in full, and the User-Friendly budget and both are posted on the Borough's website. The annual COLA Ordinance will be introduced at our February 25th meeting.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:04 p.m. There being none, the meeting was closed to the public at 7:04 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Executive Session minutes of January 28, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Peters and Rodriguez

OLD BUSINESS

Tree Removal Appeal for 30 Katherine Street. Mayor Lucarelli thanked Mr. Tsakiris and his staff for providing the additional information requested at the last meeting. Councilwoman Sorensen commented on the tree that came down the following day when Council was promised trees would not be removed; the consensus of Council agreed. The tree coming down was disrespectful to Mayor and Council as well as the neighbors. George Tsakiris, Petcon Builders, said that Frontier Tree has taken responsibility for the removal of the tree due to a miscommunication. Kevin Slavin, owner of Frontier Tree, said that he received a text from Mr. Tsakiris to not remove the trees. He was in Colorado and advised his staff to clean up the site from the prior tree removal and they interpreted the clean up as removing the trees. Councilwoman Sorensen said that this was the second time that trees were removed from the location, without permission. Mr. Slavin apologized. Mr. Tsakiris submitted a copy of the text message he sent to Kevin Slavin. Mayor Lucarelli said that a summons was issued. The summons was sent to John Tsakiris not Petcon Builders; they will be going to court for the summons. Councilwoman Koch asked that Petcon Builders work with the neighbors regarding

the replacement trees. Mr. Tsakiris said that they will work with the neighbors and the Borough's arborist and they are willing to donate an additional tree to Fair Haven Fields (up to 2 ½" caliper). Motion to approve the tree appeal moved by Councilwoman Rice, second by Councilwoman Sorensen with Ayes by all present.

NEW BUSINESS -CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2019-25, Appoint Council Representative to the Rumson-Fair Haven Municipal Alliance – Councilwoman Rice

WHEREAS, Ordinance No. 2012-08 established the Rumson Fair Haven Municipal Alliance to Prevent Alcohol and Drug Abuse was adopted by Mayor and Council on May 29, 2012; and

WHEREAS, the voting membership to the Alliance shall consist of five (5) Executive Committee members, one of which shall be a representative from the Fair Haven Governing Body, who will formally meet on a regular basis.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Councilwoman Rice be appointed as an Executive Committee member of the Rumson Fair Haven Municipal Alliance Executive Board through December 31, 2019

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Peters and Rodriguez

2. Resolution No. 2019-51, Executive Session – Property Acquisition and Contract Negotiations

WHEREAS, the Open Public Meetings, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body may wish to discuss the following matters:

Acquisition of Property

1. River Road

Contract Negotiations

1. PBA Contract
2. Trash and Recycling Contract

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Peters and Rodriguez

3. Resolution No. 2019-52, Payment of Bills

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the February 13, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 9,496.47
2019 CURRENT ACCOUNT	\$ 39,895.29
GENERAL CAPITAL	\$ 53,912.15

PAYROLL AGENCY	\$ 13,075.46
OTHER TRUST	\$ 24,022.57
DOG TRUST	\$ 265.20
TOTAL	\$ 140,667.14

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Peters and Rodriguez

4. Resolution No. 2019-53, Amend Temporary Budget

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2019 temporary budget for the aforesaid purposes; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total temporary emergency resolutions adopted in the year 2019 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$1,902,543.69 for the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

Account Number	Description	Amount	Reason
Current Account			
9-01-25-275-101	Prosecutor Salary and Wage	-\$ 3,500.00	Correct Temp Budget
9-01-25-275-201	Prosecutor Contractual	\$ 3,500.00	Correct Temp Budget
9-01-41-700-202	Recycling Tonnage Grant	\$ 8,860.71	Add Grant to Budget
9-01-41-700-204	Dept. of Justice – Body Armor Fund	\$ 1,682.98	Add Grant to Budget
TOTAL		\$ 10,543.69	

2. That said emergency temporary appropriations will be provided for in the 2019 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Peters and Rodriguez

Reports of Departments

2018 Year End

-Library

January 2019

-Municipal Clerk

-Dog License

-Planning Board and Zoning Board

-Tax Collector

Motion to accept the reports as submitted moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:10 p.m. Bea Sena, Lake Avenue, provided the governing body with a press release published a few months ago with regard to Red Bank’s water supply. She reviewed the issue and Red Bank

changing over to NJ American Water for a period of time. Administrator Casagrande said she is looking into the matter and working with NJ American Water for information about water testing. Mrs. Sena asked the Council for some answers and an explanation. It is hoped that the poor water test was a rumor or a one-time occurrence. Mayor Lucarelli said that he is taking steps that he cannot currently comment on at this time. If the article was truly valid, the DEP and Department of Health would have been involved. The public was advised that NJ American Water is currently working on River Road in anticipation of the County paving River Road soon. Administrator Casagrande said that she has a series of e-mails with Red Bank Water Utility and Red Bank's Administrator and she will forward the report that she received to Mrs. Sena.

Carol Dooling, Katherine Street, spoke about the tree removal on Katherine Street and said that she feels she is in a "Catch 22" situation. The Borough is losing good trees and she felt that the construction plan could have been altered to save some trees, but they did not want to go before the Zoning Board. On another matter, she said that a few months ago her husband required emergency services and they had a great experience with the police and first aid.

Jennifer Spitz, William Street, thanked the Borough for the new bulk pick up service, it has been very helpful. Administrator Casagrande said the first month had hiccups, but this month was a success and we have received great feedback.

Ruth Blaser, River Road, asked why the Borough is amending two bond ordinances. She was advised that they were both approved last year; we need to amend the totals to be used for capital and various purchases. The ordinances authorize the money, but we will have purchase authorizations for the specific expenditure(s). Mrs. Blaser asked if the totals were being increased; yes.

There being no further comments or questions, the meeting was closed to the public at 7:17 p.m.

Council went into executive session at 7:23 p.m. and this meeting was reconvened at 7:49 p.m.

A motion was made by Councilwoman Sorensen authorizing Administrator Casagrande to execute an agreement with Aquatic Analysis, second by Councilwoman Koch with Ayes by all present.

Motion authorizing the advertisement of the Solid Waste and Recycling Bid for receipt of bids on April 25, 2019 was moved by Councilwoman Rice, second by Councilwoman Sorensen with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2019-01, Amend Bond Ordinance No. 2018-12

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND
ORDINANCE NUMBER 2017-07 (WHICH PROVIDES FOR
VARIOUS 2017 CAPITAL IMPROVEMENTS) HERETOFORE
FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, ON JULY 10, 2017, AS PREVIOUSLY
AMENDED AND SUPPLEMENTED HERETOFORE, TO AMEND
THE DESCRIPTION, TO INCREASE THE APPROPRIATION BY
\$4,000,000 AND TO INCREASE THE AUTHORIZATION OF
BONDS OR NOTES BY \$3,809,523**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY, AS FOLLOWS:**

SECTION 1. The bond ordinance of the Borough of Fair Haven, in the County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council thereof on July 10, 2017, numbered 2017-07 and entitled, "BOND ORDINANCE PROVIDING VARIOUS 2017 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,297,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,182,672 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF", as previously amended and supplemented heretofore by a bond ordinance finally adopted by the Borough Council on April 23, 2018, (collectively, the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

SECTION 2. Section 3(a) of the Original Ordinance is hereby amended to read as follows, “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>
(iii) <u>Buildings and Grounds</u> – Various Reconstruction And/Or Improvements To And Preliminary Expenses Associated With The Department Of Public Works Building, The Police Department, Community Center And Borough Hall Buildings And Any Other Borough Building Or Facility And Any Property Acquisition Associated Therewith, Including, But Not Limited To, Façade, Wall And Roof Improvements, Door And Window Improvements, Restroom Improvements, Heating, Ventilation And Air Conditioning System Improvements, And The Acquisition And Installation, As Applicable, Of Various Equipment And Furnishings Including, But Not Limited To Computer Hardware And Software, Flooring And Furniture; and	\$5,756,800	\$5,478,482	\$278,318	30 years

SECTION 3. For the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$4,000,000, said sum being inclusive of \$190,477 as the amount of an additional down payment required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), now available therefor 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. Therefore, the total appropriation of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto, shall be increased by \$4,000,000 from \$2,297,550 and shall equal the amount of \$6,297,550, said sum being inclusive of all appropriations heretofore made in the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby, including the total down payment, increased by \$190,477 from \$114,878, to equal the amount of \$305,355 (the “Down Payment”).

SECTION 4. (a) In order to finance the additional cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto, not covered by the Down Payment, additional negotiable bonds or notes of the Borough in the amount of \$3,809,523 are hereby authorized to be issued by the Borough, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvements or purposes set forth in Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto, shall be increased by \$3,809,523 from \$2,182,672 and shall equal the amount of \$5,992,195.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes set forth in Section 3 the Original Ordinance, as previously amended and supplemented, and as amended hereto, is equal to \$5,992,195.

(c) The estimated cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$6,297,550, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Down Payment available therefor.

SECTION 5. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental 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 and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. 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,

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 and notes provided for in this amendatory and supplemental bond ordinance by \$5,992,195 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 7. (a) Section 7(b) of the Original Ordinance is hereby amended to read as follows: “(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance is 28.36 years”.

(b) Section 7(d) of the Original Ordinance is hereby amended to read as follows“(d) An aggregate amount not exceeding \$800,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes and improvements hereinbefore 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 the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto. 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 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 hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 4 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 2 of this bond ordinance and Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough 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 obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the 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 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 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 12. Except as previously amended and supplemented, and expressly amended and supplemented hereto, the Original Ordinance shall remain in full force and effect.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Offered for introduction by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Peters and Rodriguez

2. Ordinance No. 2019-02, Amend Bond Ordinance No. 2018-21

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND
ORDINANCE NUMBER 2018-21 (WHICH PROVIDES FOR
VARIOUS 2018 CAPITAL IMPROVEMENTS AND THE
ACQUISITION AND THE PAYMENT OF THE PURCHASE
PRICE(S) OF REAL PROPERTIES LOCATED ON RIVER ROAD)
HERETOFORE FINALLY ADOPTED BY THE BOROUGH**

COUNCIL OF THE BOROUGH OF FAIR HAVEN, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON
SEPTEMBER 24, 2018, AS PREVIOUSLY AMENDED AND
SUPPLEMENTED HERETOFORE, TO AMEND THE
DESCRIPTION, TO INCREASE THE APPROPRIATION BY
\$1,700,000 AND TO INCREASE THE AUTHORIZATION OF
BONDS OR NOTES BY \$1,619,047

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY, AS FOLLOWS:

SECTION 1. The bond ordinance of the Borough of Fair Haven, in the County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council thereof on September 24, 2018, numbered 2018-21 and entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS 2018 CAPITAL IMPROVEMENTS AND THE PAYMENT OF THE PURCHASE PRICE(S) OF REAL PROPERTIES LOCATED ON RIVER ROAD, BY AND IN THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$3,218,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,057,812 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF", as previously amended and supplemented by a bond ordinance heretofore finally adopted by the Borough Council on October 22, 2018 (collectively, the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

SECTION 2. Section 3(a) of the Original Ordinance is hereby amended to read as follows, "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>
(ii) <u>Buildings and Grounds – Phase II Of Various Waterfront Improvements Including, But Not Limited To, The Construction Or Improvement, Of A Boat Ramp, The Construction Or Improvement Of A Bulkhead, And The Construction Of Two Pocket Parks; And Acquisition And The Payment of The Purchase Price(s) of Real Properties, Lawful Public Purposes, Such Real Properties Located On River Road In The Borough Including, But Not Limited To, Blocks 25, 29, 30 And 31, On The Official Tax Map of The Borough, And All Improvements Thereon (collectively, the "Properties")</u>	\$4,120,500	\$3,918,522	\$201,978	38.4

SECTION 3. For the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$1,700,000, said sum being inclusive of \$80,953 as the amount of an additional down payment required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), now available therefor 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. Therefore, the total appropriation of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby, shall be increased by \$1,700,000 from \$3,608,750 and shall equal the amount of \$5,308,750, said sum being inclusive of all appropriations

heretofore made in the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby including the total down payment, increased by \$80,953 from \$160,938, to equal the amount of \$241,891 (the “Down Payment”).

SECTION 4. (a) In order to finance the additional cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby, not covered by the Down Payment, additional negotiable bonds or notes of the Borough in the amount of \$1,619,047 are hereby authorized to be issued by the Borough, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvements or purposes set forth in Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby, shall be increased by \$1,619,047 from \$3,447,812 and shall equal the amount of \$5,066,859.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 the Original Ordinance, as previously amended and supplemented, and as amended here to, is equal to \$5,066,854.

(c) The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$5,308,750, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Down Payment available therefor.

SECTION 5. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental 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 and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. 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, 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 and notes provided for in this amendatory and supplemental bond ordinance by \$1,619,047 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 7. (a) Section 7(b) of the Original Ordinance is hereby amended to read as follows, “(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance is 32.92 years”.

(b) Section 7(d) of the Original Ordinance is hereby amended to read as follows: “(d) The aggregate amount not exceeding \$387,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore 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 the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto. 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 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 hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 4 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 2 of this bond ordinance and Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough 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 obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the 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 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 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 12. Except as previously amended and supplemented, and expressly amended and supplemented hereto, the Original Ordinance shall remain in full force and effect.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Offered for introduction by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Peters and Rodriguez

ADJOURNMENT

Motion to adjourn moved by Councilwoman Rice, second by Councilwoman Sorensen with Ayes by all present.

Time of Adjournment: 7:51 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk