

**Township of Berkeley Heights
Union County, New Jersey
July 22, 2014**

XX

Adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News, Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting was contained on a list of meetings set by resolution dated January 1, 2014. This meeting will not substantially go past 10:30 p.m.

COUNCIL MEMBERS:

- Edward Delia
- Kevin Hall
- Thomas Pirone
- Robert Woodruff
- Craig Pastore, Council Vice President
- Jeanne Kingsley, Council President
- Joseph G. Bruno, Mayor

AGENDA FOR PUBLIC MEETING

- I. CALL TO ORDER - 7:00 PM**

- II. ROLL CALL**

- III. EXECUTIVE SESSION –**
Attorney/Client Privilege-Litigation- Mathis v. Berkeley Heights

- OPEN SESSION**

- V. FLAG SALUTE**

- VI. CONFERENCE SESSION – LOSAP Discussion**

- VII. REGULAR AGENDA**

- VIII. APPROVAL OF MINUTES – Public Meeting – July 8, 2014**

- IX. TOWNSHIP COUNCIL REPORTS**

- A. Edward Delia
- B. Kevin Hall
- C. Thomas Pirone
- D. Robert Woodruff
- E. Craig Pastore
- F. Jeanne Kingsley

X. ADMINISTRATION REPORTS

Mayor Bruno
Township Administrator – Linda Cavanaugh

XI. HEARING ON AGENDA ITEMS ONLY – 3 minutes per resident

Comments are welcome during the public comment period during this meeting on any agenda item. However, if an ordinance is listed for its own public hearing on the agenda, please hold your comments for that particular public hearing. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The (Mayor/Council President) will keep time. Please promptly yield on the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

XII .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

1. Resolution approving Bill List dated July 22, 2014 in the amount of \$196,676.07.
2. Resolution authorizing the Township of Berkeley Heights to sell surplus property to a State-approved online auction website (www.GovDeals.com).
3. Resolution rejecting all bids received on July 1, 2014 in connection with the Roadway Improvements to the Glenside Road Project.
4. Resolution authorizing an agreement with Applied Service Corporation to authorize the discharge of pre-treated groundwater into the Township's sanitary sewerage system for properties identified as Block 801, Lots 29 & 30 located at 96 Snyder Avenue and 324 Springfield Avenue.

5. CONSENT AGENDA – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Resolution removing Matt Allegra, 3 Maywood Lane, Greenbrook, NJ from the active roster of the Berkeley Heights Fire Department.
- b. Resolution removing Kyle Ulen, 483 Mountain Avenue, Gillette, NJ from the active roster of the Berkeley Heights Fire Department.

- c. Resolution authorizing a block party on Ridge Drive on Saturday, September 6, 2014 from 12:00 p.m. – 10:00 p.m.

XIII. ORDINANCES

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for

- (1) **“BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”**

- (2) **“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$783,550 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$743,000 BOND OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”**

XV. CITIZENS HEARING - 3 minutes per resident

Comments are welcome during the public comment period during this meeting on any matter over which the Township has jurisdiction. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The Mayor and/or Council will keep time. Please promptly yield the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

XVI. ADJOURNMENT

Ana Minkoff, Township Clerk

TOWNSHIP COUNCIL MAIL RECEIVED
JULY - 2014

1. Copy of letter received on June 27, 2014 from the State of NJDEP - re: Unrestricted use – no further action letter and covenant not to sue regarding 23 La Secla Place.

Agenda Item

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**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 7/22/14, in the amount of \$196,676.07 such vouchers having been received by the Township Council, having been satisfied that appropriate procedure has been followed in the processing of said vouchers.

APPROVED this 22nd day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

Agenda Item No.: 2

RESOLUTION

**AUTHORIZING THE SALE OF SURPLUS PERSONAL
PROPERTY NO LONGER NEEDED FOR PUBLIC USE
ON AN ONLINE AUCTION WEBSITE**

WHEREAS, the Township of Berkeley Heights has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the *Township* intends to utilize the online auction services of GovDeals located at www.GovDeals.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9; and

WHEREAS, Township Council finds it to be in the best interests of the Township to authorize the sale of the surplus property identified on Schedule A by online public auction.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Township is hereby authorized to sell the surplus personal property as indicated on Schedule A on the State-approved online auction website of GovDeals (www.GovDeals.com).

BE IT FURTHER RESOLVED that the terms and conditions of the agreement entered into between GovDeals and the Township of Berkeley Heights are available at www.GovDeals.com and in the Township Clerk's office.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded by the Township Clerk to the New Jersey Division of Local Government Services and GovDeals.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

APPROVED this 22nd day of July, 2014.

ATTEST:

**Ana Minkoff
Township Clerk**

TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
SCHEDULE A

<u>Item Number</u>	<u>Asset</u>	<u>Description</u>	<u>Mileage (if applicable)</u>
1	1998 Ford Explorer XLT	VIN #1FMZU35P3WUB57425	98,066

Agenda Item No.: 3

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

WHEREAS, on July 1, 2014, the Township of Berkeley Heights received and opened bids in connection with the Berkeley Heights Township Roadway Improvements to Glenside Road Project; and

WHEREAS, due to lack of funds for this project it is necessary to delay the project until the Spring of 2015 and be re-bid at that time; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, specifically N.J.S.A. 40A:11-13.2(a), provides that the Township may reject all bids if it is in the interest of the Township; and

WHEREAS, in addition, the Township's bid specifications for this program provides that the Township reserves the right to reject any and all bids, if in the interest of the Township, it is deemed advisable to do so under the circumstances recognized in the Local Public Contracts Law; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, in Union County, New Jersey, that all of the bids received in connection with the Roadway Improvements to Glenside Road Project are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(a), and

BE IT FURTHER RESOLVED that the Township Clerk shall forward a certified copy of this Resolution to all bidders.

BE IT FURTHER RESOLVED that the Township Administrator, Clerk and Engineer are hereby authorized to take the necessary steps to republish and rebid the Roadway Improvements to Glenside Road Project.

BE IT FURTHER RESOLVED that all bid securities submitted to the Township in connection with the bids received shall be returned to the appropriate bidder.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

APPROVED this 22nd day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No. : 4

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

WHEREAS, the Township of Berkeley Heights owns and operated a sanitary sewerage system throughout the Township; and

WHEREAS, Applied Service Corporation ("Applied Service") has approached the Township requesting the ability to discharge pre-treated groundwater into the Township's sanitary sewerage system as part of its remediation of the properties identified as Block 801, Lots 29 and 30, located at 96 Snyder Avenue and 324 Springfield Avenue in the Township of Berkeley Heights, also known as the Chase Bank site (the "Property"); and

WHEREAS, the Township Administrator and Superintendent of the Township's Sanitary Sewer Plant have negotiated the terms and conditions of Applied Service's potential discharge of pre-treated groundwater into the Township's sanitary sewerage system, including the compensation to the Township for same; and

WHEREAS, the Agreement, in substantially the form attached hereto, has been reviewed and approved by the Township Administrator and Superintendent of the Township's Sanitary Sewer Plant, as well as representatives of Applied Service; and

WHEREAS, the Township Council finds it to be in the best interests of the Township to authorize an agreement with Applied Service to authorize the discharge of pre-treated groundwater into the Township's sanitary sewerage system from the Property.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby authorizes the Agreement, in substantially the form attached hereto, with Applied Service Corporation, to authorize the discharge of pre-treated groundwater into the Township's sanitary sewerage system from the Property, including compensation to be paid to the Township in connection with same.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the Agreement with Applied Service.

BE IT FURTHER RESOLVED that the appropriate Township officials are hereby authorized to take all actions required to comply with the terms and conditions of the Agreement.

BE IT FURTHER RESOLVED that the Township Clerk shall advertise the award of this contract as required by law.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

APPROVED this 22nd day of July, 2014.

ATTEST:

Ana Minkoff

Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

Agenda Item

5a

RESOLUTION

BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

Matt Allegra, 3 Maywood Lane, Greenbrook, NJ 08812

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Matt Allegra and the Fire Chief.

APPROVED this 22nd day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

Agenda Item
5b

RESOLUTION

BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

Kyle Ulen, 483 Mountain Avenue, Gillette, NJ 07933

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Kyle Ulen and the Fire Chief.

APPROVED this 22nd day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

WHEREAS, by letter dated July 11, 2014 a request was made by Jill Novotny requesting permission from the Township Council to hold a neighborhood block party for Ridge Drive which would involve erecting barricades on a public street; and

WHEREAS, the Township Council wishes to support the request for a neighborhood block party subject, however, to the special requirements of the appropriate local Township Officials.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party for Ridge Drive on Saturday, September 6, 2014 from 12:00 p.m. until 10:00 p.m. with a raindate of Sunday, September 13, 2014.

BE IT FURTHER RESOLVED that said approval is subject and contingent upon the approval of the Berkeley Heights Police Department, Fire Department and other appropriate officials; and

BE IT FURTHER RESOLVED that a copy of this Resolution is to be forwarded to Jill Novotny, Chief of Police, Fire Chief, and the Director of Public Works.

APPROVED this 22nd day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk

XIII
(1)

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$5,000,000, including the sum of \$250,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$4,750,000 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 improvements to various roads, including but not limited to, street signs, crack sealing, micro surfacing, milling, paving, curbing, catch basins, reconstruction and all equipment, work materials, costs, expenditures, and appurtenances necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose 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 bond anticipation note shall mature later than one year from its date. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation 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 bond anticipation 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 bond anticipation 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 bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township 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, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 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 Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$4,750,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$775,000 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 purpose or improvement:

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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 9. The chief financial officer of the Township 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 Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township 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 Township 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 Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township 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 Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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.

INTRODUCED: _____

ADOPTED: _____

Ana Minkoff, Township Clerk
Township of Berkeley Heights

Joseph G. Bruno
Mayor

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Berkeley Heights, in the County of Union, State of New Jersey, on **July 22, 2014**. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at **29 Park Avenue**, in the Township on **August 12, 2014**, at **7:00 p.m.** During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office 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 PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purpose: Improvements to various roads, including but not limited to, street signs, crack sealing, micro surfacing, milling, paving, curbing, catch basins, reconstruction and all equipment, work materials, costs, expenditures, and appurtenances necessary therefor and incidental thereto.

Appropriation: \$5,000,000

Bonds/Notes Authorized: \$4,750,000

Grant Appropriated: N/A

Section 20 Costs: \$775,000

Useful Life: 10 years

Ana Minkoff, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$783,550 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$743,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$783,550 and further including the aggregate sum of \$40,550 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes 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, negotiable bonds are hereby authorized to be issued in the principal amount of \$743,000 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. 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 estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of various police department equipment, including but not limited to, weapons, computers and investigations equipment, including all related costs and expenditures incidental thereto.	\$10,500	\$9,950	5 years
b) The acquisition of various public works equipment, including but not limited to, stand-alone salter legs, a plate tamper, and post driver, including all related costs and expenditures incidental thereto.	\$13,700	\$13,000	15 years
c) The acquisition of various office of emergency management equipment, including but not limited to, portable light towers, and water proof radio microphones, including all related costs and expenditures incidental thereto.	\$9,875	\$9,400	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
d) The acquisition of various fire department equipment, including but not limited to, turnout gear, radiation bail out system, air packs, technical rescue jackets, vehicle air bags, pagers, a positive pressure fan and an ice machine, including all related costs and expenditures incidental thereto.	\$58,650	\$55,675	5 years
e) The acquisition of various rescue squad equipment, including but not limited to, a power stretcher system, including all related costs and expenditures incidental thereto.	\$15,000	\$14,250	5 years
f) The acquisition of various administrative equipment, including but not limited to, IT, records management, recording and communications equipment, including all related costs and expenditures incidental thereto.	\$16,900	\$16,025	10 years
g) Improvements to various municipal facilities, including but not limited to, police department heating and air conditioning, including all related costs and expenditures incidental thereto.	\$5,000	\$4,750	15 years
h) Improvements to the sewer plant systems and facilities, including but not limited to, pump station and sewer plant rehabilitation, pump replacements, sanitary sewer pipe rehabilitation and sanitary sewer manhole rehabilitation, including all related costs and expenditures incidental thereto.	\$90,000	\$85,500	40 years

<u>Purpose</u>	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or <u>Notes</u>	<u>Period of Usefulness</u>
i) Improvements to the fire department systems and facilities, including but not limited to, a fire suppression system, air conditioning units, bay heaters and an emergency generator system, including all related costs and expenditures incidental thereto.	\$108,800	\$103,050	15 years
j) Acquisition of various police department vehicles, including but not limited to, SUVs and related equipment, including all related costs and expenditures incidental thereto.	\$169,000	\$160,000	5 years
k) Acquisition of various public works vehicles, including but not limited to, a roller and trailer, a street sweeper and a hot box, including all related costs and expenditures incidental thereto.	\$282,500	\$268,000	5 years
l) Acquisition of various recreation vehicles, including but not limited to, a box trailer, including all related costs and expenditures incidental thereto.	\$3,600	\$3,400	5 years
TOTALS	<u>\$783,550</u>	<u>\$743,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 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 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 Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this 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, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general

improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is **10.76 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 Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$743,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding **\$40,000** for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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 ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

Section 10. The full faith and credit of the Township 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 Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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.

INTRODUCED: _____

ADOPTED: _____

Ana Minkoff, Township Clerk
Township of Berkeley Heights

Joseph G. Bruno
Mayor

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Berkeley Heights, in the County of Union, State of New Jersey, on **July 22, 2014**. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at **29 Park Avenue** in the Township on **August 12, 2014 at 7:00 p.m.** 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 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 Providing for Various Capital Improvements of the Township of Berkeley Heights, in the County of Union, New Jersey, Appropriating the Aggregate Amount of \$783,550 Therefor and Authorizing the Issuance of \$743,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof."

Purposes:

____ Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a) The acquisition of various police department equipment, including but not limited to, weapons, computers and investigations equipment, including all related costs and expenditures incidental thereto.	\$10,500	\$9,950	__ years
b) The acquisition of various public works equipment, including but not limited to, stand-alone salter legs, a plate tamper, and post driver, including all related costs and expenditures incidental thereto.	\$13,700	\$13,000	__ years
c) The acquisition of various office of emergency management equipment, including but not limited to, portable light towers, and water proof radio microphones, including all related costs and expenditures incidental thereto.	\$9,875	\$9,400	__ years

<p>d) The acquisition of various fire department equipment, including but not limited to, turnout gear, radiation bail out system, air packs, technical rescue jackets, vehicle air bags, pagers, a positive pressure fan and an ice machine, including all related costs and expenditures incidental thereto.</p>	<p>\$58,631</p>	<p>\$55,675</p>	<p>__ years</p>
<p>e) The acquisition of various rescue squad equipment, including but not limited to, a power stretcher system, including all related costs and expenditures incidental thereto.</p>	<p>\$15,000</p>	<p>\$14,250</p>	<p>__ years</p>
<p>f) The acquisition of various administrative equipment, including but not limited to, IT, records management, recording and communications equipment, including all related costs and expenditures incidental thereto.</p>	<p>\$16,900</p>	<p>\$16,025</p>	<p>__ years</p>
<p>g) Improvements to various municipal facilities, including but not limited to, police department heating and air conditioning, including all related costs and expenditures incidental thereto.</p>	<p>\$5,000</p>	<p>\$4,750</p>	<p>__ years</p>
<p>h) Improvements to the sewer plant systems and facilities, including but not limited to, pump station and sewer plant rehabilitation, pump replacements, sanitary sewer pipe rehabilitation and sanitary sewer manhole rehabilitation, including all related costs and expenditures incidental thereto.</p>	<p>\$90,000</p>	<p>\$85,500</p>	<p>__ years</p>

i) Improvements to the fire department systems and facilities, including but not limited to, a fire suppression system, air conditioning units, bay heaters and an emergency generator system, including all related costs and expenditures incidental thereto.	\$108,800	\$103,050	__ years
j) Acquisition of various police department vehicles, including but not limited to, SUVs and related equipment, including all related costs and expenditures incidental thereto.	\$169,000	\$160,000	__ years
k) Acquisition of various public works vehicles, including but not limited to, a roller and trailer, a street sweeper and a hot box, including all related costs and expenditures incidental thereto.	\$282,500	\$268,000	__ years
l) Acquisition of various recreation vehicles, including but not limited to, a box trailer, including all related costs and expenditures incidental thereto.	\$3,600	\$3,400	__ years
<u>TOTALS</u>	<u>\$783,550</u>	<u>\$743,000</u>	

Appropriation: \$783,550

Bonds/Notes Authorized: \$743,000

Grant Appropriated: N/A

Section 20 Costs: **\$40,000**

Useful Life: **6.72 years**

Ana Minkoff, Clerk