

**TOWN OF WEST NEW YORK  
COUNTY OF HUDSON, STATE OF NEW JERSEY  
ORDINANCE #5/23**

**AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS FOR THE TOWN OF WEST NEW YORK AND APPROPRIATING \$3,435,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,271,345 IN BONDS OR NOTES OF THE TOWN OF WEST NEW YORK TO FINANCE THE SAME**

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

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Town of West New York, in the County of Hudson, New Jersey (the "Town"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement of purpose, such sums amounting in the aggregate to \$3,435,000, including the aggregate sum of \$163,655 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 the provision for down payment or for capital improvement purposes in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,271,345 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: Acquisition of vehicles (excluding passenger cars and station wagons but including alternative fuel automotive vehicles) and the original apparatus and equipment in connection therewith, including, without limitation, two (2) ambulances, a garbage truck, a roll off truck, and sports utility and other vehicles and a motorcycle for the Police Department, and including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$1,740,000
<u>Maximum Amount of Bonds or Notes:</u>	\$1,657,130
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$82,870

- (b) Purpose: Public safety communications upgrade, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$395,000
<u>Maximum Amount of Bonds or Notes:</u>	\$376,190
<u>Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$18,810

- (c) Purpose: Acquisition of equipment, including, without limitation, two (2) street sweepers and equipment for

the Department of Public Works including waste vacuum cleaners, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$500,000
<u>Maximum Amount of Bonds or Notes:</u>	\$476,180
<u>Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$23,820

- (d) Purpose: Acquisition of Scott Air Packs, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$20,000
<u>Maximum Amount of Bonds or Notes:</u>	\$19,045
<u>Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$955

- (e) Purpose: Acquisition of 111 60<sup>th</sup> Street and the building thereon, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$780,000
<u>Maximum Amount of Bonds or Notes:</u>	\$742,800
<u>Period of Usefulness:</u>	10 years
<u>Down Payment</u>	\$37,200

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The notes shall be executed by the Chief Financial Officer and the Mayor of the Town and shall be under the seal of the Town and attested by the Clerk of the Town. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or

amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Town Clerk and is available there for public inspection.

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Town may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.22412 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,271,345, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$30,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The Town reasonably expects to commence acquisition of the projects described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Town further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the

opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the approval of the Local Finance Board to the passage of this ordinance has been obtained.

**Introduced: 6/28/2023**

**Adopted: 7/19/2023**

### **Statement**

The foregoing ordinance having been previously adopted for first reading and published was further considered by the Mayor and Board of Commissioners of the Town of West New York on **July 19, 2023** and at said date was duly and finally adopted after public hearing thereon.

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Adelanny Plaza, RMC  
Town Clerk

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Commissioner Marcos A. Arroyo

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Commissioner Victor M. Barrera

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Commissioner Marielka A. Diaz

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Commissioner Adam W. Parkinson

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Mayor Albio Sires

Board of Commissioners

Attest: \_\_\_\_\_  
Adelanny Plaza, RMC  
Town Clerk

### **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 Town of West New York, in the County of Hudson, State of New Jersey, on June 28, 2023. The bond ordinance has been scheduled for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 428 60th Street, West New York, New Jersey on July 19, 2023 at 6:30 PM.. In the event the meeting on July 19, 2023 is a virtual meeting, instructions regarding attendance and participation in the meeting will be posted on the City's website

<http://www.westnewyorknj.org/>). 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:

**ORDINANCE #5/23**

AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS FOR THE TOWN OF WEST NEW YORK AND APPROPRIATING \$3,435,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,271,345 IN BONDS OR NOTES OF THE TOWN OF WEST NEW YORK TO FINANCE THE SAME

Purpose(s):

- (a) Acquisition of vehicles (excluding passenger cars and station wagons but including alternative fuel automotive vehicles) and the original apparatus and equipment in connection therewith, including, without limitation, two (2) ambulances, a garbage truck, a roll off truck, and sports utility and other vehicles and a motorcycle for the Police Department;
- (b) Public safety communications upgrade;
- (c) Acquisition of equipment, including, without limitation, two (2) street sweepers and equipment for the Department of Public Works including waste vacuum cleaners;
- (d) Acquisition of Scott Air Packs;
- (e) Acquisition of 111 60<sup>th</sup> Street and the building thereon; and including all work and materials necessary therefor or incidental thereto.

Appropriation:	\$3,435,000
Bonds/Notes Authorized:	\$3,271,345
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$30,000
Useful Life:	8.22412 years

Adelinny Plaza, RMC  
Town Clerk

**BOND ORDINANCE STATEMENT AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the governing body the Town of West New York, in the County of Hudson, State of New Jersey, on July 19, 2023 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk’s office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **ORDINANCE #5/23**  
AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS FOR THE TOWN OF WEST NEW YORK AND APPROPRIATING \$3,435,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,271,345 IN BONDS OR NOTES OF THE TOWN OF WEST NEW YORK TO FINANCE THE SAME

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- (b) Public safety communications upgrade;
- (c) Acquisition of equipment, including, without limitation, two (2) street sweepers and equipment for the Department of Public Works including waste vacuum cleaners;
- (d) Acquisition of Scott Air Packs;
- (e) Acquisition of 111 60<sup>th</sup> Street and the building thereon;

and including all work and materials necessary therefor or incidental thereto.

Appropriation:	\$3,435,000
Bonds/Notes Authorized:	\$3,271,345
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$30,000
Useful Life:	8.22412 years

AYES - Commissioners Arroyo, Barrera, Diaz, and Parkinson  
NAYS - None  
ABSENT - Mayor Sires

Adelinnny Plaza, RMC  
Town Clerk

**CLERK'S CERTIFICATE**

I, Adelinny Plaza, Clerk of the Town of West New York, in the County of Hudson, State of New Jersey, HEREBY CERTIFY as follows that:

1. The attached copy of Ordinance #5/23 of said Town entitled as set forth below and finally adopted on July 19, 2023, has been compared by me with the original thereof officially recorded in the Ordinance Book of the Town and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS FOR THE TOWN OF WEST NEW YORK AND APPROPRIATING \$3,435,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,271,345 IN BONDS OR NOTES OF THE TOWN OF WEST NEW YORK TO FINANCE THE SAME

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the Board of Commissioners of said Town duly called and held on June 28, 2023 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said Board of Commissioners, at a regular meeting thereof duly called and held on July 19, 2023 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. A Notice of Pending Bond Ordinance and Summary, containing the date of introduction, time and place of further consideration of said Ordinance, was published after first reading, on July 5, 2023 (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On June 29, 2023, a Notice of Pending Bond Ordinance and Summary of said ordinance was posted on the bulletin board in the Municipal Building of the Town together with notice of the availability of copies of said Ordinance at the Office of the Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage, a Bond Ordinance Statement and Summary, was duly published on July 26, 2023 in The Jersey Journal, a newspaper published in the County and circulating in the Town, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my office nor has any such action or proceeding questioning the validity of such Ordinance has been commenced within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

6. Said Ordinance when introduced was complete in the form in which it was finally adopted and remained on file in the Office of the Clerk for public inspection from the date of introduction to the date of final adoption.

7. The Ordinance appropriated a down payment of not less than 5% of the obligations thereby authorized to certain of the purpose, or ratably to the purposes, to be financed pursuant to the Ordinance, and such sum was made available by provision in a previously adopted budget or budgets of the Town for down payment or for capital improvement purposes.

8. The attached copy of a Supplemental Debt Statement has been prepared as of June 28, 2023, and sworn to by Jonathan M. DeJoseph, who was then the Chief Financial Officer of said Town, and filed in the office of said Clerk on June 28, 2023, and that the same is a true and complete copy of said original Supplemental Debt Statement.

9. A complete, executed duplicate of the said original Supplemental Debt Statement was duly filed in the Office of the Director of the Division of Local Government Services of the State of New Jersey on June 28, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 16<sup>th</sup> day of August, 2023.

(SEAL)

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Adelinnny Plaza, RMC  
Town Clerk

ATTACHMENTS:

A) Ordinance

B) Extract of minutes of Board of Commissioners meeting at which Ordinance was introduced



- C) Extract of minutes of Board of Commissioners meeting at which Ordinance was finally adopted
- D) Affidavit of Publication of Notice of Pending Bond Ordinance Summary
- E) Affidavit of Publication of Bond Ordinance Statement and Summary
- F) Supplemental Debt Statement, together with a copy of the email transmitting the SDS to the Division of Local Government Services and a copy of the email from the DLGS acknowledging receipt of the SDS