

# **TENTATIVE AGENDA FOR SPECIAL SESSION MEETING AUGUST 22 2023, 5:00 P.M.**

**1. CALL TO ORDER**

**2. ROLL CALL**

Orndorf\_\_ Hewitt\_\_ Sooy\_\_ Watson\_\_ Romanik\_\_

**3. SALUTE TO THE FLAG**

**4. OPEN PUBLIC MEETINGS STATEMENT BY MAYOR LISA ORNDORF**

"This meeting is being conducted in accordance with the Open Public Meetings Act of 1975, was advertised, posted, and made available to the public as required by Statute. The Municipal Clerk is directed to include a statement in the minutes of this meeting."

**5. CITY CLERK TO REVIEW CHANGES TO THE AGENDA**

**6. PUBLIC COMMENT ON AGENDA ITEMS ONLY**

**7. ORDINANCES 2ND READING**

**7.I. Ordinance 2nd Reading Item (01)**

Ordinance releasing, extinguishing and vacating the rights of the public to a portion of certain paper streets and rights-of-way located in the City of Millville known as Mickle Street.

Motion-

Second-

(Public Hearing)

Hewitt \_\_ Sooy \_\_ Watson \_\_ Romanik\_\_ Orndorf \_\_

Documents:

[ORD NO. -2023 MICKLE STREET.PDF](#)  
[PROOF OF PUB- MICKLE STREET.PDF](#)

**7.II. Ordinance 2nd Reading Item (02)**

Bond Ordinance authorizing various capital improvements and acquisitions, appropriating Five Hundred Thousand (\$500,000.00) to pay the cost thereof, to authorize the issuance of Four Hundred Seventy-Five Thousand Dollars (\$475,000.00) of bonds to finance the appropriation, and to provide for the issuance of Bond Anticipation Notes in anticipation of the issuance of bonds.

Motion-

Second-

(Public Hearing)

Hewitt \_\_ Sooy \_\_ Watson \_\_ Romanik\_\_ Orndorf \_\_

Documents:

[ORD NO. -2023 GEN CAP BOND ORD.PDF](#)  
[PROOF OF PUB- GEN CAP.PDF](#)

**7.III. Ordinance 2nd Reading Item (03)**

Bond Ordinance authorizing improvements to the Municipal Water Utility System and appropriating the sum of Five Million Dollars (\$5,000,000.00) to pay the cost thereof, to authorize the issuance of Five Million Dollars (\$5,000,000.00) of bonds to finance the appropriation, and to provide for the issuance of Bond Anticipation Notes in anticipation of the issuance of bonds.

**Motion-**

**Second-**

(Public Hearing)

Hewitt \_\_\_ Sooy \_\_\_ Watson \_\_\_ Romanik \_\_\_ Orndorf \_\_\_

**Documents:**

[ORD NO. -2023 WATER BOND ORD..PDF](#)  
[PROOF OF PUB- WATER BOND.PDF](#)

**8. ORDINANCES 1ST READING**

**9. PUBLIC COMMENT PORTION**

"We have now reached the public comment portion of our meeting. Anyone who would like to address the Commission, please go to the podium, state your name and address your concerns. Please limit your comments to approximately 5 minutes."

Open Public Portion

Close Public Portion

**10. ADJOURN**

**Motion-**

**Second-**

**ORDINANCE NO. -2023**

**ORDINANCE OF THE CITY OF MILLVILLE, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO A PORTION OF CERTAIN PAPER STREETS AND RIGHTS-OF-WAY LOCATED IN THE CITY OF MILLVILLE KNOWN AS MICKLE STREET**

**WHEREAS**, pursuant to *N.J.S.A. 40:67-1(b)* and *N.J.S.A 40:67-19*, the City of Millville may, by ordinance, vacate any public street or portion thereof, dedicated to public use, but not accepted by the City, whether or not the same, or any part, has been actually opened or improved; and

**WHEREAS**, the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey, is of the opinion that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the City may have in and to a right-of-way and/or papers streets known as Mickle Street as shown on Schedule A attached hereto consisting of a map showing “Portion of Mickle Street to be vacated;” and

**WHEREAS**, the paper streets are bounded on either side by private property which properties and their owners are identified on the attached Schedule B (“Adjoining Property Owners”); and

**WHEREAS**, the Adjoining Property Owners are aware that upon successful adoption of the vacation ordinance, one half of the right-of-way adjacent to their respective property will be transferred to each of the Adjoining Property Owners by operation of law; and

**WHEREAS**, it has been determined by the Board of Commissioners as follows:

(1) That the portion of the right-of-way and/or paper street known as Mickle Street as shown on Schedule A attached hereto for public road purposes; and

(2) Said portion of the right-of-way and/or paper street known as Mickle Street as shown on Schedule A attached hereto lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Millville that the rights and interests in and to same shall as a public right-of-way be vacated, released and extinguished on the terms set forth above; and

**WHEREAS**, pursuant to *N.J.S.A. 40:67-1(b)* the Board of Commissioners must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over or under the property or right-of-way to be vacated; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey, as follows:

**SECTION 1**

All public easements, right and interests to portions of the right-of-way and/or paper street known as Mickle Street as shown on Schedule A attached hereto as described hereinbelow are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in *N.J.S.A. 48:2-13*, and by any Cable Television Company, as defined in the “Cable Television Act,” *N.J.S.A. 48:5A-1 et seq.*, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated subject to the conditions described herein; all conditions unless otherwise noted, shall be satisfied prior to said vacation being effective.

Description of the portions of Mickle Street., Millville, New Jersey being vacated: See Schedule A attached hereto.

**SECTION 2**

The City Clerk shall publish this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to *N.J.S.A. 40:49-6*.

**SECTION 3**

It is the intent of the Board of Commissioners of the City of Millville to vacate the aforementioned interests that the public may have in the property, and to provide that the property shall be conveyed, in its “as is” condition, to the adjoining property owners for no further consideration.

**SECTION 4**

The City Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to *N.J.S.A. 40:49-6*.

**SECTION 5**

The City Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to *N.J.S.A. 40:67-21*.

**SECTION 6**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 7**

If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 8**

This ordinance shall take effect twenty (20) days from the time of its final passage in accordance with *N.J.S.A. 40:74-4*.

**FIRST READING:** August 2, 2023

Moved By: Sooy  
Seconded By: Hewitt

<b><u>VOTING</u></b>	<b><u>In Favor</u></b>	<b><u>Against</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>
Lisa M. Orndorf	X			
Benjamin J. Romanik	X			
Joseph Sooy	X			
C. Kirk Hewitt	X			
Stephen E. Watson, Jr.	X			

**SECOND READING:** August 22, 2023

Moved By:  
 Seconded By:

<b><u>VOTING</u></b>	<b><u>In Favor</u></b>	<b><u>Against</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>
Lisa M. Orndorf				
Benjamin J. Romanik				
Joseph Sooy				
C. Kirk Hewitt				
Stephen E. Watson, Jr.				

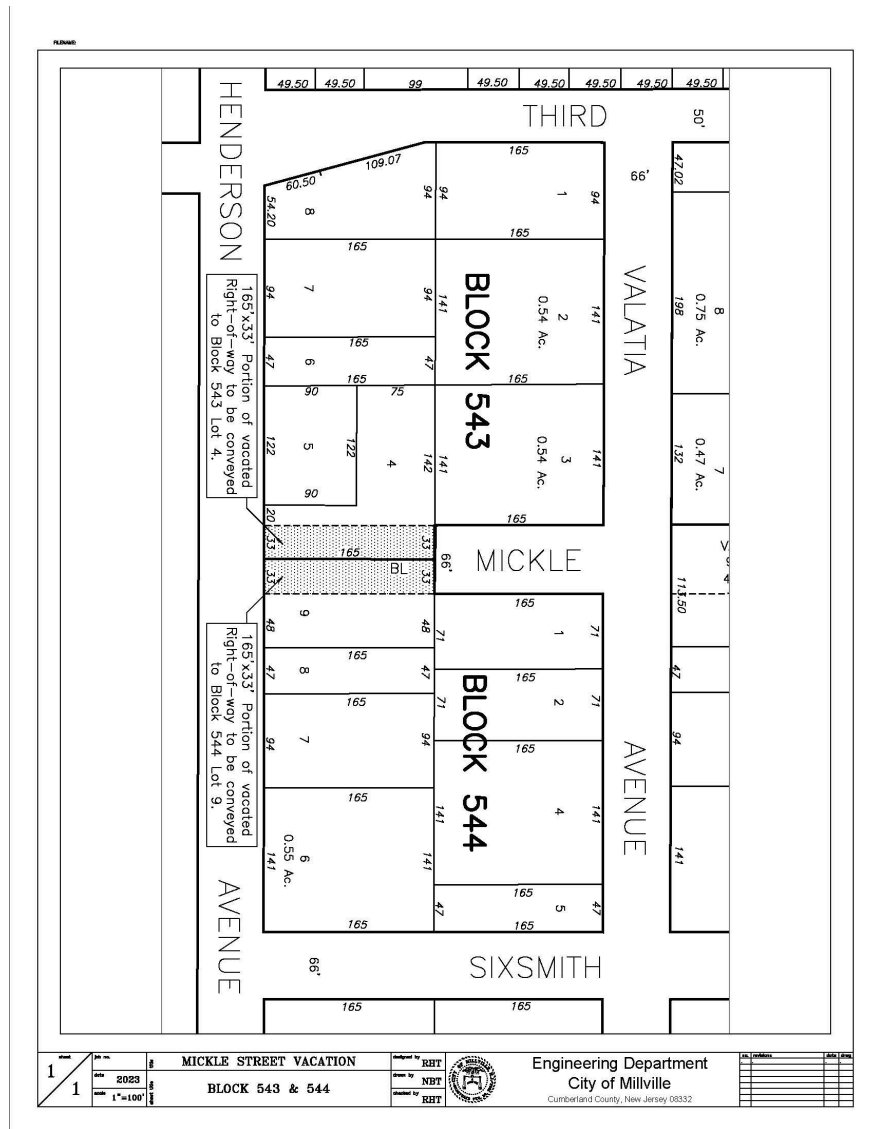
**CERTIFICATION**

I certify that the foregoing is a true copy of a Ordinance adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on August 22, 2023.

\_\_\_\_\_  
 Jeanne M. Parkinson, City Clerk

<b><i>PROCEDURE</i></b>	
Approved on First Reading:	August 2, 2023
Published:	August 8, 2023
Approved on Second Reading:	
Published:	
Effective Date:	

# SCHEDULE 'A'



# SCHEDULE 'B'

**Block 543 Lot 4**  
**(312 Henderson Avenue)**  
**Kingdom Legacy Holdings LLC**  
**Daniel Torres**  
**Sewel, NJ 08080**

**Block 544 Lot 9**  
**(400 Henderson Avenue)**  
**Kingdom Legacy Holdings LLC**  
**Daniel Torres**  
**Sewel, NJ 08080**

Publication Logo  
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**Vineland , NJ**

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**Cumberland**

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Notice URL:

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Notice Publish Date:

Tuesday, August 08, 2023

**Notice Content**

PUBLIC NOTICE CITY OF MILLVILLE NOTICE OF INTENTION Notice is hereby given that an ordinance, a summary of which, is hereinafter set out, was introduced before the Board of Commissioners of the City of Millville and passed its first reading on August 2, 2023 and that said ordinance will be considered by said Board on Final Passage August 22, 2023 at 5:00 P.M. in the Richard C. McCarthy Commission Chamber, City Hall, 12 S. High Street, Millville, New Jersey, when and where all persons interested therein will be given ample opportunity to be heard for or against the adoption of said ordinance: Ordinance releasing, extinguishing and vacating the rights of the public to a portion of certain paper streets and rights-of-way located in the City of Millville known as Mickle Street. Passed First Reading August 2, 2023 Lisa M. Orndorf Joseph Sooy C. Kirk Hewitt Benjamin J. Romanik Stephen E. Watson, Jr. Commissioners Attest: Jeanne M. Parkinson, City Clerk A copy of this ordinance can be obtained without cost by any member of the general public at the City Clerk's Office, 3rd floor, Municipal Building, 12 S. High Street, Millville, NJ 08332 during Monday through Friday 8:30 am to 4:30 pm or on the City of Millville website at www.millvillenj.gov. Jeanne M. Parkinson, City Clerk Publication Date: August 8, 2023 Ptr. Fee: \$22.62

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CITY OF MILLVILLE  
COUNTY OF CUMBERLAND  
STATE OF NEW JERSEY

ORDINANCE NO. 25-2023

**BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, APPROPRIATING FIVE HUNDRED THOUSAND DOLLARS (\$500,000) TO PAY THE COST THEREOF, AUTHORIZING THE ISSUANCE OF FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$475,000) OF BONDS TO FINANCE THE APPROPRIATION, AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS**

THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE, IN THE COUNTY OF CUMBERLAND, STATE OF NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1. Appropriation for Project s-Down Payment**

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by the City of Millville, in the County of Cumberland, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to **FIVE HUNDRED THOUSAND DOLLARS (\$500,000)**, including the aggregate sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) as the down payment for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11 and more particularly described in Section 3 and hereby appropriated from the City's Capital Improvement Fund. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Cumberland, or agencies thereof, as grants in aid of financing said improvements or purposes.

**Section 2. Authorization of Bonds**

For the financing of said improvements or purposes and to meet the part of said FIVE HUNDRED THOUSAND DOLLARS (\$500,000) in appropriations not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$475,000) pursuant to the Local Bond Law of New Jersey (the "**Local Bond Law**"). In anticipation of the issuance of said bonds and to



temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$475,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3. Description of Projects**

The capital improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	AMOUNT OF BONDS OR NOTES
(a) Purchase of Information Technology, including without limitation Network Equipment and Wireless.	\$80,000	\$76,000
(b) Various Municipal Roadway Improvements to the Laurel Lake Area, including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, design costs, the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and		

administration.	\$420,000	\$399,000
TOTAL	\$500,000	\$475,000

**Section 4. Authorization of Notes**

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$475,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

**Section 5. Capital Budget**

The capital budget of the City is hereby amended to conform with the provisions of this Bond Ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on file with the Clerk and is available there for public inspection.

**Section 6. Additional Matters**

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

(a) **Capital Expenditures**. The said purposes described in Section 3 of this Bond Ordinance are not current expenses and are properties or improvements which the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) **Average Period of Usefulness**. The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **9.52 years**.

(c) **Supplemental Debt Statement**. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$475,000), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) **Soft Costs**. Amounts not exceeding **TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)** in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

#### **Section 7. Ratification of Prior Actions**

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this Bond Ordinance and shall be deemed to have been taken pursuant to this Bond Ordinance.

#### **Section 8. Grants**

Any grant moneys received for the purposes 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. Full Faith and Credit**

The full faith and credit of the City are hereby pledged to punctual payment of the principal and interest

on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all of the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

**Section 10. Official Intent to Reimburse Expenditures**

The City reasonably expects to reimburse any expenditure towards the cost of the improvement or purpose described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same “control group” as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City’s official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

**Section 11.**

Should any provisions of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

**Section 12.**

This ordinance shall take effect twenty (20) days after final passage, according to law.

**FIRST READING: August 2, 2023**

Moved By: Sooy  
Seconded By: Hewitt

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Lisa M. Orndorf	X			
Benjamin J. Romanik	X			
Joseph Sooy	X			
C. Kirk Hewitt	X			
Stephen E. Watson, Jr	X			

**SECOND READING: August 22, 2023**

Moved By:  
Seconded By:

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Lisa M. Orndorf				
Benjamin J. Romanik				
Joseph Sooy				
C. Kirk Hewitt				
Stephen E. Watson, Jr				

**CERTIFICATION**

I certify that the foregoing is a true copy of an Ordinance adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on August 22, 2023.

\_\_\_\_\_  
Jeanne M. Parkinson, City Clerk

<b>PROCEDURE</b>	
Approved on First Reading:	August 2, 2023
Published:	August 8, 2023
Approved on Second Reading:	
Published:	
Effective Date:	

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**Cumberland**

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Notice Publish Date:

Tuesday, August 08, 2023

**Notice Content**

PUBLIC NOTICE CITY OF MILLVILLE 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 City of Millville, in the County of Cumberland, State of New Jersey, held on August 2, 2023, at the Municipal Building. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held on August 22, 2023, at 5 o'clock P.M. at the Municipal Building. 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 located on the 3rd Floor Municipal Building, 12 S. High Street, Millville, New Jersey 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 AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, APPROPRIATING FIVE HUNDRED THOUSAND DOLLARS (\$500,000) TO PAY THE COST THEREOF, AUTHORIZING THE ISSUANCE OF FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$475,000) OF BONDS TO FINANCE THE APPROPRIATION, AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS" Purposes: Purchase of Bucket Truck with Aerial Arm; Various Municipal Roadway Improvements. Appropriation: \$500,000 Bonds/Notes Authorized: \$475,000 Grants (if any) Appropriated: N/A Section 20 Costs: \$25,000 Useful Life: 9.52 years Passed First Reading August 2, 2023 Lisa M. Orndorf Joseph Sooy C. Kirk Hewitt Benjamin J. Romanik Stephen E. Watson, Jr. Commissioners Attest: Jeanne M. Parkinson, City Clerk This Notice is published pursuant to N.J.S.A. 40A:2-17. Publication Date: August 8, 2023 Ptr. Fee: \$31.59

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CITY OF MILLVILLE  
COUNTY OF CUMBERLAND  
STATE OF NEW JERSEY

ORDINANCE NO. 26-2023

**BOND ORDINANCE AUTHORIZING IMPROVEMENTS TO THE MUNICIPAL WATER UTILITY SYSTEM AND APPROPRIATING THE SUM OF FIVE MILLION DOLLARS (\$5,000,000) TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF FIVE MILLION DOLLARS (\$5,000,000) OF BONDS TO FINANCE THE APPROPRIATION, AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS**

THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE, IN THE COUNTY OF CUMBERLAND, STATE OF NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1. Appropriation for Project s-Down Payment**

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general capital improvements to be made or acquired by the City of Millville, in the County of Cumberland, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to **FIVE MILLION DOLLARS (\$5,000,000)**. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this Bond Ordinance.

**Section 2. Authorization of Bonds**

For the financing of said improvements or purposes and to meet the FIVE MILLION DOLLARS (\$5,000,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of FIVE MILLION DOLLARS (\$5,000,000) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of FIVE MILLION DOLLARS (\$5,000,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3. Description of Project s**

The capital improvements hereby authorized and

the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	AMOUNT OF BONDS OR NOTES
(a) Acquisition of a new AIM system for meter upgrades, together with all materials and work necessary therefore, and incidental thereto, including without limitation and all attachments and appurtenances applicable thereto.	\$5,000,000	\$5,000,000
<b>TOTAL</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>

**Section 4. Authorization of Notes**

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding FIVE MILLION DOLLARS (\$5,000,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate,



the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

**Section 5. Capital Budget**

The capital budget of the City is hereby amended to conform with the provisions of this Bond Ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on file with the Clerk and is available there for public inspection.

**Section 6. Additional Matters**

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

(a) **Capital Expenditures**. The said purposes described in Section 3 of this Bond Ordinance are not current expenses and are properties or improvements which the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) **Average Period of Usefulness**. The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **40 years**.

(c) **Supplemental Debt Statement**. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City 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, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by FIVE MILLION DOLLARS (\$5,000,000), and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) **Soft Costs**. Amounts not exceeding **Five Hundred Thousand Dollars (\$500,000)** in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the

compensation and expenses of employees of the City in connection with the acquisition of such improvements and properties as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvements and are included in the foregoing estimate thereof.

(e) **Down Payment.** There is no down payment required for this Bond Ordinance because the municipal water utilities are self-sustaining. This Bond Ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

#### **Section 7. Ratification of Prior Actions**

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this Bond Ordinance and shall be deemed to have been taken pursuant to this Bond Ordinance.

#### **Section 8. Grants**

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 9. Full Faith and Credit**

The full faith and credit of the City are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all of the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

#### **Section 10. Official Intent to Reimburse Expenditures**

The City reasonably expects to reimburse any expenditure towards the cost of the improvements or purposes described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is

intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

**Section 12.**

Should any provisions of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

**Section 13.**

This ordinance shall take effect twenty (20) days after final passage, according to law.

**FIRST READING: August 2, 2023**

Moved By: Sooy  
 Seconded By: Hewitt

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Lisa M. Orndorf	X			
Benjamin J. Romanik	X			
Joseph Sooy	X			
C. Kirk Hewitt	X			
Stephen E. Watson, Jr	X			

**SECOND READING: August 22, 2023**

Moved By:  
 Seconded By:

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Lisa M. Orndorf				
Benjamin J. Romanik				
Joseph Sooy				
C. Kirk Hewitt				
Stephen E. Watson, Jr				

**CERTIFICATION**

I certify that the foregoing is a true copy of an Ordinance adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on August 22, 2023.

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Jeanne M. Parkinson, City

Clerk

<b>PROCEDURE</b>	
Approved on First Reading:	August 2, 2023
Published:	August 8, 2023
Approved on Second Reading:	
Published:	
Effective Date:	

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Notice Publish Date:

Tuesday, August 08, 2023

**Notice Content**

PUBLIC NOTICE CITY OF MILLVILLE 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 City of Millville, in the County of Cumberland, State of New Jersey, held on August 2, 2023, at the Municipal Building. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held on August 22, 2023, at 5:00 o'clock P.M. at the Municipal Building. 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 located on the 3rd Floor Municipal Building, 12 S. High Street, Millville, New Jersey 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 AUTHORIZING IMPROVEMENTS TO THE MUNICIPAL WATER UTILITY SYSTEM AND APPROPRIATING THE SUM OF FIVE MILLION DOLLARS (\$5,000,000) TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF FIVE MILLION DOLLARS (\$5,000,000) OF BONDS TO FINANCE THE APPROPRIATION, AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS" Purpose(s): Acquisition of a new AIM system for meter upgrades. Appropriation: \$5,000,000 Bonds/Notes Authorized: \$5,000,000 Grants (if any) Appropriated: N/A Section 20 Costs: \$500,000 Useful Life: 40 years Passed First Reading August 2, 2023 Lisa M. Orndorf Joseph Sooy C. Kirk Hewitt Benjamin J. Romanik Stephen E. Watson, Jr. Commissioners Attest: Jeanne M. Parkinson, City Clerk This Notice is published pursuant to N.J.S.A. 40A:2-17. Publication Date: August 8, 2023 Ptr. Fee: \$30.81

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