

AGENDA

February 2, 2022 ~ 7:00 PM

~ Borough of Hawthorne, Passaic County, New Jersey ~

Watch Live: Altice (Cablevision) Ch. 77, Verizon Fios Ch. 28

Facebook: Borough Hawthorne NJ Group <https://www.facebook.com/groups/1135979460070290>



ROLL CALL:

FLAG SALUTE:

STATEMENT:

Adequate notice of this meeting has been provided by the Annual Schedule of Regular Meetings heretofore adopted and posted on the Public Bulletin Board at the Municipal Building, emailed to The Herald News, The Record, The Gazette and all persons who have requested the mailing of such since November 21, 2021.

APPROVAL OF MINUTES: None.

PUBLIC COMMENT: (Agenda Items Only – 5 minute limit)

ADOPTION OF ORDINANCES: None.

OLD BUSINESS:

NEW BUSINESS:

ADMINISTRATIVE AGENDA PRESENTED BY MAYOR LANE

REPORTS:

Borough Attorney Michael J. Pasquale
Borough Engineer Dr. Stephen T. Boswell
Borough Administrator Eric Maurer

INTRODUCTION OF ORDINANCES:

BOND ORDINANCE 2286-22

WATER UTILITY BOND ORDINANCE PROVIDING FOR WATER SYSTEM INFRASTRUCTURE IMPROVEMENTS INCLUDING SPECIFICALLY PURCHASE AND INSTALLATION OF PFOA/PFAS REMEDIATION EQUIPMENT AND MEASURES RELATED TO THE SAME AT VARIOUS LOCATIONS AS MAY BE IDENTIFIED ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SEVEN MILLION SIX HUNDRED THOUSAND (\$7,600,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF SEVEN MILLION SIX HUNDRED THOUSAND (\$7,600,000) DOLLARS BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.

ORDINANCE 2287-22

AN ORDINANCE TO FIX THE 2022 SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.

RESOLUTIONS:

CONSENT AGENDA:

R 33-22 Road Program 2021 Change Order No. 2

REPORTS OF SPECIAL COUNCIL COMMITTEES

CORRESPONDENCE:

C-1 Zoning Board of Adjustments 2021 Annual Report

BILLS:

PUBLIC COMMENT:

ADJOURNMENT:

**THE NEXT COUNCIL MEETING IS
WEDNESDAY, FEBRUARY 16, 2022 AT 7 PM**

WATER UTILITY BOND ORDINANCE NO. 2286-22

WATER UTILITY BOND ORDINANCE PROVIDING FOR WATER SYSTEM INFRASTRUCTURE IMPROVEMENTS INCLUDING SPECIFICALLY PURCHASE AND INSTALLATION OF PFOA/PFAS REMEDIATION EQUIPMENT AND MEASURES RELATED TO THE SAME AT VARIOUS LOCATIONS AS MAY BE IDENTIFIED ALL IN AND BY THE BOROUGH OF HAWTHORNE IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING SEVEN MILLION SIX HUNDRED THOUSAND (\$7,600,000) DOLLARS THEREFOR AND AUTHORIZING THE ISSUANCE OF SEVEN MILLION SIX HUNDRED THOUSAND (\$7,600,000) DOLLARS BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE SAME.

The Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey (not less than two-thirds of all members thereof affirmatively concurring), do hereby ORDAIN as follows:

Section 1. The improvement described in Section 3 of this Bond Ordinance is hereby authorized as a water capital improvement to be made or acquired by the Borough of Hawthorne, in the County of Passaic, New Jersey. For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$7,600,000.00 said sum being inclusive of all appropriations heretofore made therefor without requirement that any sum be set forth as down payment as the purposes are self-liquidating Water Capital Improvements to be paid by the Borough of Hawthorne Water Department through self-liquidating revenues.

Section 2. For the financing of said improvement or purpose and the \$7,600,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$7,600,000.00 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$7,600,000.00 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. To the extent made available to the Borough of Hawthorne for such purpose, Federal or State grants, loans or other available funds, including, but not limited to, New Jersey Infrastructure Bank funds, may be utilized, in whole or in part, to off-set all or a portion of the bonds or notes authorized hereunder.

Section 3. (a) The improvements hereby authorized and the purpose for the financing of which said obligations are to be issued by the Borough of Hawthorne is for the making of the following specified improvements:

Water system infrastructure improvements including specifically the purchase and installation of equipment or materials for the remediation of PFOA/PFAS infiltration in the potable water system at various locations throughout the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$7,600,000.00.

(c) The estimated cost of said purpose is \$7,600,000.00, with no sum to be paid by way of down payment as the purpose is self liquidating.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this Bond Ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a water capital improvement.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, and according to the reasonable life thereof computed from the date of the said bonds authorized by this Bond Ordinance is forty (40) years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Finance in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Law is increased by the authorization of the bonds and notes provided for in this Bond Ordinance by \$7,600,000.00, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this Bond Ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$800,000.00 for items of expense mentioned in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate of the cost of said improvement or purpose.

(e) This Bond Ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

Section 5. 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, unless such notes are permitted to mature at such later date in accordance with applicable law. 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 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 N.J.S.A. 40A:2-8(a). 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 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitations of rate or amount.

Section 7. The Borough hereby certifies that it has adopted a water capital budget or a temporary water capital budget, as applicable. The water capital budget of the Borough 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. Resolutions in the form promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough hereby declares the intent of the Borough 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 or improvements described in Section 3 of this Bond Ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 9. Any grant moneys received for the purposes or improvements 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 10. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or

interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking

Section 11. This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Frank E. Matthews
Council President

Attest:
Lori Fernandez, RMC, CMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on February 2, 2022. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on February 16, 2022 at 7:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Borough of Hawthorne website, www.hawthornenj.org and at the Clerk's Office in said Municipal Building during regular business hours at no cost to the members of the general public who shall request the same.

ORDINANCE NO. 2287-22

AN ORDINANCE TO FIX THE 2022 SALARIES, WAGES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF HAWTHORNE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.

The Municipal Council of the Borough of Hawthorne in the County of Passaic and the State of New Jersey, do ordain as follows:

Section 1. Ordinance No. 2287-22 of the Borough of Hawthorne, an Ordinance to Fix the Salaries, Wages and Compensation of the Employees of the Borough of Hawthorne, County of Passaic and State of New Jersey, is hereby as follows:

SALARY ORDINANCE 2022

<u>Position/Title</u>	2022
Director of Public Works	120,000.00

Section 3. All ordinance and parts of ordinances inconsistent with the provision of this ordinance be and the same are hereby repealed, but only to the extent of such inconsistencies.

Section 4. This ordinance shall take effect twenty (20) days after final passage, provided notice of the same has been duly published all as required by law.

Frank E. Matthews, Council President

ATTEST:

Lori Fernandez, RMC, CMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a virtual meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on February 2, 2022. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, or by way of virtual platform, in said Borough on February 16, 2022, at 7:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available on the borough website, www.hawthornenj.org, and at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.