

**LEGAL NOTICE
ORDINANCE NO. 40
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

**AN ORDINANCE TO CREATE A MANDATORY SET-ASIDE
FOR AFFORDABLE HOUSING WITHIN THE CODE OF
THE TOWNSHIP OF WAYNE BY AMENDING AND
SUPPLEMENTING CHAPTER 134 (LAND DEVELOPMENT),
ARTICLE III (ZONING REGULATIONS)**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, N.J.S.A. 40:55D-62 and 40:55D-65 provide that the governing body may adopt or amend a zoning ordinance related to the nature and extent of the uses of land and structures thereon and a zoning ordinance may restrict buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, the Township of Wayne has been engaged in litigation regarding the Township's obligation to provide for affordable housing; and

WHEREAS, on October 6, 2021, the Township Council introduced Ordinance No. 40 of 2021 which proposed certain amendments to the Township's Zoning Ordinance in response to these matters; and

WHEREAS, in accordance with N.J.S.A. 40:55D-64, the Township Clerk forwarded a copy of Ordinance No. 40 of 2021 to the Wayne Planning Board for its review and comment prior to the hearing on adoption of this ordinance; and

WHEREAS, on October 25, 2021, the Wayne Planning Board, in accordance with the Township Planner's recommendation, made certain amendments to Ordinance No. 40 of 2021, as set forth herein, in consultation with the Fair Share Housing Center, consistent with their requirements for settling the Township's ongoing Mt. Laurel litigation; and

WHEREAS, the Township Council has determined that the recommended changes would be beneficial to the Township; and

WHEREAS, Chapter 134 (Land Development) needs to be amended and supplemented to effectuate said changes.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey as follows:

SECTION 1. Chapter 134 (Land Development), Article III (Zoning Regulations) of the Code of the Township of Wayne is hereby supplemented and amended as follows:

§ 134-55 Mandatory Affordable Housing Set-Aside.

- A. 20% Affordable Housing Set-Aside.** A twenty percent (20%) mandatory affordable housing on-site set-aside requirement shall apply beginning with the effective date of this ordinance to any residential development, including the residential portion of a mixed-used project, which consists of five (5) or more new residential units at six (6) units per acre or higher, or equivalent, which results, in whole or in part, from: (i) a municipal rezoning or zoning amendment; (ii) any variance pursuant to N.J.S.A. 40:55D-70(d), including but not limited to any use variance or a density variance increasing the permissible density or FAR; and (iii) the adoption of a new or amended redevelopment plan or rehabilitation plan.

- B. The foregoing set-aside requirements do not apply to any affordable housing inclusionary development zone(s) in an approved Housing Element and Fair Share Plan, which zone(s) shall be instead governed by the set-aside requirements for the applicable zone(s) or redevelopment area(s).
- C. All subdivision and site plan approvals of qualifying developments shall be conditioned upon compliance with the provisions of the mandatory affordable housing set-aside.
- D. No subdivision shall be permitted or approved for the purpose of avoiding compliance with the mandatory affordable housing set-aside. A developer may not, for example, subdivide a project into two lots and then plan each of them to produce a number of units below the threshold. The approving authority may impose any reasonable conditions to ensure such compliance.
- E. In the event the number of affordable housing units to be provided includes a fraction, the number of affordable housing units to be provided shall be rounded up if the fractional amount is 0.5 or greater and rounded down if the fractional amount is less than 0.5. In the event that said fractional amount is less than 0.5, the developer shall provide a payment in lieu of constructing affordable units for the fraction of a unit less than 0.5. The payment in lieu shall be based on the amounts established in N.J.A.C. 5:97-6.4(c).
- F. All affordable units created shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be restricted for very-low income households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA").
- G. Affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units. The affordable units shall also be of the same type as the market-rate units (e.g., if the market-rate units are non-age-restricted family units, the affordable units shall be non-age-restricted family units, as well). The residents of the affordable units shall have full and equal access to all of the amenities, entrances, common areas, and recreation areas and facilities as the residents of the market-rate units.

SECTION 2. The Township Clerk shall send a copy of this ordinance upon introduction and adoption to the Passaic County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 3. All other provisions of Chapter 134 of the Code of the Township of Wayne shall remain unchanged.

SECTION 4: Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5: Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 6: Codification. This Ordinance shall be a part of the Code of the Township of Wayne as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Wayne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 7. This ordinance shall take effect twenty (20) days after final passage by Council and approval by the Mayor in the manner prescribed by law at N.J.S.A. 40:69A-181.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of November 10, 2021 and December 8, 2021.

PAUL V. MARGIOTTA
Township Clerk

This ordinance is hereby
approved this 2nd day
of December 2021.

ADOPTED ON: December 1, 2021

CHRISTOPHER P. VERGANO
Mayor

LEGAL NOTICE
ORDINANCE NO. 44
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

CAPITAL ORDINANCE PROVIDING FUNDS BY APPROPRIATING FUNDS
AVAILABLE IN THE OPEN SPACE FUND TO FINANCE THE COST OF
VAN DUYNE HISTORIC HOUSE ROOF RESTORATION

WHEREAS, the sum of \$95,000.00 is presently available in the Open Space Fund Account; and

WHEREAS, the Township has determined that such sum should be appropriated for the Van Duyne Historic House Roof Restoration; and

WHEREAS, this project is being partially funded by a New Jersey Historic Trust - Level I Capital Preservation Grant, in the amount of \$39,000.00; and

WHEREAS, it is the opinion of the Township Council that it is in the best interests of the Township of Wayne to utilize the said sum of \$95,000.00 in the Open Space Fund Account, for the Van Duyne Historic House Roof Restoration, as well as all work, materials and appurtenances necessary therefore or incidental thereto.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Wayne in the County of Passaic, State of New Jersey as follows:

SECTION 1. The sum of \$95,000.00 is hereby appropriated from the Open Space Fund Account to fund the project outlined above, which is being partially funded by a New Jersey Historic Trust - Level I Capital Preservation Grant.

SECTION 2. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith.

SECTION 3. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

ATTEST:

PAUL V. MARGIOTTA,
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of November 10, 2021 and December 8, 2021.

PAUL V. MARGIOTTA
TOWNSHIP CLERK

This ordinance is hereby
approved this 2nd day
of December , 2021.

ADOPTED ON: December 1, 2021

CHRISTOPHER P. VERGANO, MAYOR

**LEGAL NOTICE
ORDINANCE NO. 45
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

**AN ORDINANCE TO EXTINGUISH A 20 FOOT
WIDE PUBLIC UTILITY EASEMENT LOCATED
AT BLOCK 1400, LOTS 28-30
(1276 ROUTE 23 NORTH)**

WHEREAS, N.J.S.A. 40:12-4(a) provides that any county or municipality may acquire any real property, capital improvement, personal property or any interest or estate whatsoever therein, including easements, water, water power, or water rights, either within or without the county or municipality, except that no such property belonging to the State or any of its agencies, a county or any municipality shall be acquired without its express consent; and

WHEREAS, the Township of Wayne previously acquired a 50 foot wide easement located on Block 1400, Lots 28, 29 and 30 (collectively "Lot 28"), more commonly known as 1276 Route 23 North, Wayne, New Jersey, said easement having been granted to the Township by deeds recorded in the Passaic County Clerk's Office, specifically, in Deed Book A-74, at page 18; Deed Book L-68, at page 592; Deed Book P-92 at page 569 and Deed Book E-77 at page 531; and

WHEREAS, on October 15, 2008, the Township Council adopted Ordinance No. 78 of 2008 which vacated said 50 foot wide easement excepting therefrom a 20 foot wide public utility easement, 20 feet south of and parallel to the northerly line of the existing Easement as currently laid out; and

WHEREAS, on August 23, 2021, the Wayne Planning Board adopted Resolution No. PB-2021-014 granting Preliminary and Final Site Plan Approval with Ancillary Bulk Variance Relief, Design Standard Exceptions to N & G Realty Enterprises, LLC ("Applicant") for real property identified as Block 1400, Lots 28, 29, 30 ("Lot 28") and 31 on the Tax Assessment Map of the Township of Wayne, more commonly known as 1276 and 1244 Route 23 North, Wayne, New Jersey, respectively ("Wayne Mazda"); and

WHEREAS, as a condition of approval pursuant to Paragraph 11 of Resolution No. PB-2021-014, the Applicant agreed to prove vacation/extinguishment of all easements located on the property, specifically the 20 foot wide public utility easement excepted from Ordinance No. 78 of 2008; and

WHEREAS, the Applicant has submitted a request to the Township to vacate/extinguish this 20 foot wide public utility easement, more particularly described by metes and bounds description attached hereto as Exhibit "A" prepared by David Jamiolkowski, Profession Land Surveyor, Costa Engineering Corporation, 325 So. River Street, Suite 302, Hackensack, NJ 07601 dated April 15, 2021; and

WHEREAS, the Director of Public Works has determined that the 20 foot wide public utility easement no longer serves any public purpose; and

WHEREAS, the Township has agreed to extinguish the public utility easement as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey, as follows:

SECTION 1. The public's right, title and interest in the 20' wide public utility easement described in the attached Exhibit "A" is hereby extinguished.

SECTION 2: The Mayor and Township Clerk are hereby authorized to execute all necessary instruments and take all necessary action with regard to the extinguishment of this public utility easement.

SECTION 3: Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. This ordinance shall take effect twenty (20) days after final passage by Council and approval by the Mayor in the manner prescribed by law at N.J.S.A. 40:69A-181.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of November 10, 2021 and December 8, 2021.

PAUL V. MARGIOTTA
Township Clerk

This ordinance is hereby
approved this 2rd day
of December 2021.

ADOPTED ON: December 1, 2021

CHRISTOPHER P. VERGANO
Mayor

Exhibit "A"

April 15, 2021

**DESCRIPTION OF 20 FOOT WIDE PUBLIC UTILITY EASEMENT TO BE VACATED
THROUGH BLOCK 1400, LOT 29, N/F N&G REALTY ENTERPRISES, LLC
(now merged with Lots 28 and 30)
Township of Wayne, County of Passaic, New Jersey**

Beginning at a point, said point being the following courses from the intersection formed by the easterly right-of-way line of New Jersey State Highway Route 23 (72 feet from the centerline) and the northerly right-of-way Line of New York Avenue (25 feet from the centerline) if those Right of Way Lines were extended;

- a) In a northerly direction on a bearing of N 03°56'45" W a distance of 501.51feet to a bend point in the easterly right-of-way line of New Jersey State Highway Route 23 (72 feet from the centerline), thence;
 - b) Continuing along the right-of-way of New Jersey State Highway Route 23 on a bearing of N 05°05'30" W a distance of 50.01feet to bend point in the easterly right-of-way line of New Jersey State Highway Route 23 (71 feet from the centerline) and running from thence;
 - c) Continuing along the right-of-way of New Jersey State Highway Route 23 on a bearing of N 03°56'45" W a distance of 30.18 feet to a point in the easterly right-of-way line of New Jersey State Highway Route 23 (71 feet from the centerline), thence;
- 1) Along the aforesaid line of N.J.S.H. Route 23 on a bearing of N 03°56'45" W, a distance of 20.12 feet to a point, thence;
 - 2) On a bearing of N 79°47'45" E, a distance of 825.45 feet to a point to a point in the dividing line between the aforesaid Block 1400, Lot 29 and Block 1400, lot 1, thence;
 - 3) Along said dividing line on a bearing of S 10°12'35" E, a distance of 20.00 feet to a point, thence;
 - 4) On a bearing of S 79°47'45" W, distance of 827.64 feet to a point on the easterly right-of-way line of New Jersey State Highway Route 23 (71 feet from the centerline) and the point or place of beginning.

The above description of easement contains 16,530.9 S.F. or 0.3795 Acres

David Jamiolkowski,
Professional Land Surveyor
N. J. License No. 43296
Costa Engineering Corporation
325 So. River Street, Suite 302
Hackensack, NJ 07601

LEGAL NOTICE
ORDINANCE NO. 46
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
NEW JERSEY

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$260,500
FOR ACQUISITION OF VEHICLES FOR THE DEPARTMENT OF
PUBLIC WORKS AND THE POLICE DEPARTMENT FOR AND BY THE
TOWNSHIP OF WAYNE, IN THE COUNTY OF PASSAIC, NEW JERSEY
AND AUTHORIZING THE ISSUANCE OF \$242,000 BONDS OR NOTES
OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION

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

SECTION 1. The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Wayne, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$260,500, such sum includes the sum of \$18,500 as the down payment as required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital purposes.

SECTION 2. In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$242,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$242,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3. (a) The improvements hereby authorized and purpose for the financing of which bonds are to be issued is for the purchase of two sport utility vehicle trucks for the Department of Public Works and for the purchase of vehicles for the Police Department, including all work, materials and appurtenances necessary therefor and incidental thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$242,000.

(c) The estimated cost of the Improvements is \$260,500 which amount represents the initial appropriation made by the Township.

SECTION 4. All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (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 signature of the Chief Financial Officer 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 Section 8(a) 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 Township Council of the Township 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 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, Department of Community Affairs, State of New Jersey.

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire 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 Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, 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 \$242,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$20,500 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7. Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and 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 property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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. This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$242,000.

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.

ATTEST:

PAUL V. MARGIOTTA,
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of November 10, 2021 and December 8, 2021.

PAUL V. MARGIOTTA
TOWNSHIP CLERK

This ordinance is hereby
approved this 2nd day
of December , 2021.

ADOPTED ON: December 1, 2021

CHRISTOPHER P. VERGANO, MAYOR

LEGAL NOTICE
ORDINANCE NO. 47
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
NEW JERSEY

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR
THE PACKANACK LAKE ROAD RESURFACING FOR AND BY THE
TOWNSHIP OF WAYNE, IN THE COUNTY OF PASSAIC, NEW JERSEY
AND AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF
THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION**

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

SECTION 1. The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Wayne, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$600,000, such sum includes the sum of \$30,000 as the down payment as required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital purposes.

SECTION 2. In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$570,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$570,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3. (a) The improvements hereby authorized and purpose for the financing of which bonds are to be issued is for the resurfacing of Packanack Lake Road (from Lake Drive West up to 270 feet from the Northbound eastern curb of Route 23), including off duty police officers for traffic control and related charges as required, testing, professional engineering services to prepare plans and specifications, and any and all expenditures and appurtenances necessary therefor and incidental thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$570,000.

(c) The estimated cost of the Improvements is \$600,000 which amount represents the initial appropriation made by the Township.

SECTION 4. All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (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 signature of the Chief Financial Officer 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 Section 8(a) 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 Township Council of the Township 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 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, Department of Community Affairs, State of New Jersey.

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire 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 Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, 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 Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, 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 \$570,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7. Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and 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 property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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. This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$570,000.

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.

ATTEST:

PAUL V. MARGIOTTA,
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of November 10, 2021 and December 8, 2021.

PAUL V. MARGIOTTA
TOWNSHIP CLERK

This ordinance is hereby
approved this 2nd day
of December , 2021.

ADOPTED ON: December 1, 2021

CHRISTOPHER P. VERGANO, MAYOR

LEGAL NOTICE
ORDINANCE NO. 48
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
NEW JERSEY

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$115,000 FOR
THE WAKS MEMORIAL PARK BALLFIELD RENOVATION FOR AND BY THE
TOWNSHIP OF WAYNE, IN THE COUNTY OF PASSAIC, NEW JERSEY
AND AUTHORIZING THE ISSUANCE OF \$109,000 BONDS OR NOTES OF
THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION**

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

SECTION 1. The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Wayne, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$115,000, such sum includes the sum of \$6,000 as the down payment as required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital purposes.

SECTION 2. In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$109,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$109,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3. (a) The improvements hereby authorized and purpose for the financing of which bonds are to be issued is for the renovation of Waks Memorial Park Ballfield, including but not limited to excavation of existing clay infield, re-grading to address drainage issues, installation of new sod, new bases, pitcher's mound and batter's box, and all other related costs, appurtenances, materials and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$109,000.

(c) The estimated cost of the Improvements is \$115,000 which amount represents the initial appropriation made by the Township.

SECTION 4. All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (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 signature of the Chief Financial Officer 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 Section 8(a) 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 Township Council of the Township 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 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, Department of Community Affairs, State of New Jersey.

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire 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 Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, 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 \$109,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7. Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and 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 property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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SECTION 10. This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$109,000.

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.

ATTEST:

PAUL V. MARGIOTTA,
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

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PAUL V. MARGIOTTA
TOWNSHIP CLERK

This ordinance is hereby
approved this 2nd day
of December , 2021.

ADOPTED ON: December 1, 2021

CHRISTOPHER P. VERGANO, MAYOR