

ORDINANCE 08-18

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, SUPPLEMENTING BOROUGH ORDINANCE #19-17 APPROPRIATING \$46,880.00 FOR THE HENRY COURT AND SCHMITZ TERRACE WATER MAIN IMPROVEMENTS

BE IT ORDAINED, by the Mayor and Council of the Borough of Mount Arlington, County of Morris and State of New Jersey, as follows:

SECTION 1. The within Ordinance supplements Ordinance #19-17, adopted by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, New Jersey, on December 5, 2017, a copy of which is incorporated herein as if set forth at length by reference.

SECTION 2. The improvement and purpose described in Ordinance #19-17, Henry Court and Schmitz Terrace Water Main Improvements, all such work to include all improvements, equipment, and appurtenances related thereto and/or necessary therefore, is the same improvement and purpose of the within Ordinance and is hereby authorized as a general improvement to be made or acquired by the Borough of Mount Arlington, County of Morris, New Jersey (hereinafter referred to as the "Borough"). For the said improvement or purpose stated in this Section, there is hereby appropriated \$46,880.00 from the Capital Improvement Fund as detailed by H2M Associates, Inc., Borough Water Engineer, in correspondence dated April 23, 2018, as reviewed by CP Professional Services, Borough Engineer, a copy of which is incorporated herein and said sum being inclusive of all appropriations heretofore made therefore.

SECTION 3. The Capital Budget of the Borough is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available there for public inspection.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 5. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 6. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on June 12, 2018 and will be further considered after a Public Hearing held on July 10, 2018 at the Municipal Building at 7:00 P.M.

INTRODUCED:
PUBLISHED:
ATTEST:

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Linda DeSantis, RMC, Borough Clerk



Michael Stanzilis, Mayor

BOND ORDINANCE OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$550,534.03, INCLUDING \$110,534.03 OF AMOUNTS NOT NEEDED FOR THEIR ORIGINAL PURPOSES, \$250,000 FROM THE CAPITAL IMPROVEMENT FUND AND \$40,000 FROM THE CAPITAL FUND BALANCE, AND AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE HENRY COURT AND SCHMITZ TERRACE WATER MAIN IMPROVEMENTS

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

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$87,621.29 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Borough of Mount Arlington, in the County of Morris, New Jersey (the "Borough"), are no longer necessary for the various purposes for which the obligations previously were authorized:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
Section 3(2) of #08-05	Windermere Avenue flood control improvements from Rooney Road to Mt. Arlington Public Beach, including culvert construction, storm water collection system improvements, roadway repairs, site restoration and landscaping and water quality measures, including all improvements, equipment and appurtenances related thereto and/or necessary therefor, finally adopted May 9, 2005	\$10,092.22
Section 3(2) of #13-07	Windermere Avenue flood control improvements, including culvert construction, storm water collection system improvements, water quality measures, roadway repairs, site restoration and landscaping, including all improvements, equipment and appurtenances related thereto and/or necessary therefor, finally adopted May 24, 2007	\$6,153.65
Section 3(3) of #13-07	Repairs and renovations to multiple municipal buildings to include design and installation, drainage improvements, new electrical service, demolition, exterior and interior repairs and replacement, structural modifications, site improvements, walkway, driveways and yard areas, upgrades for ADA compliance, removal of asbestos, underground storage tanks, and soil cleanup and disposal, including all improvements, equipment and appurtenances related thereto and/or necessary therefor, finally adopted May 24, 2007	\$70,837.71

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
Section 3(9) of #13-07	Hopatcong Avenue roadway reconstruction and water main extension from Prospect Street to the limit of Hopatcong Avenue, including all improvements, equipment and appurtenances related thereto and/or necessary therefor, finally adopted May 24, 2007	\$537.71
Total:		\$87,621.29

Section 2. The amounts described in Section 1 hereof and made available pursuant to N.J.S.A. 40A:2-39 are hereby reappropriated to the purpose described in Section 7(a) below.

Section 3. The amounts totaling \$22,912.74 from the various funding sources listed in the following chart are no longer necessary for the various purposes described below:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Source of Funding</u>	<u>Amount to be Reappropriated</u>
#99-18	Repairs to the firehouse, finally adopted December 15, 1999	Capital Fund Balance	\$1,223.89
#17-09	Reconstruction of Howard Boulevard and Altenbrand Avenue, including all improvements, equipment and appurtenances related thereto and/or necessary therefor, finally adopted July 13, 2009	New Jersey Department of Transportation Grant	\$2,127.17
#06-10	Dunlap Street and Rooney Road improvements, finally adopted September 7, 2010	General Capital Fund Balance	\$3,179.65
#02-12	Mount Arlington Howard Boulevard Pedestrian Walkways to Transit Project, finally adopted February 21, 2012	New Jersey Department of Transportation Grant	\$3,320.81
#07-14	Purchase of a Dial-A-Bus Ride, finally adopted July 1, 2014	Capital Fund Balance	\$10,550

Ordinance Number	Improvement Description and Date of Adoption	Source of Funding	Amount to be Reappropriated
#10-14, as supplemented by #07-16	Succasunna Road Improvement Project, including all work, materials and appurtenances related thereto and/or necessary therefor, finally adopted November 6, 2014, as supplemented July 12, 2016	Capital Improvement Fund	\$2,511.22
Total:			\$22,912.74

Section 4. The amounts described in Section 3 hereof are hereby reappropriated to the purpose described in Section 7(a) below.

Section 5. The improvement described in Section 7(a) of this bond ordinance is hereby authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 7(a), there is hereby appropriated the sum of \$550,534.03 including the \$110,534.03 reappropriated pursuant to Sections 1 and 3 hereof, \$250,000 from the Capital Improvement Fund as the down payment for the improvement or purpose required by the Local Bond Law and \$40,000 from the Capital Fund Balance. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 6. In order to finance the cost of the improvement or purpose not covered by application of the reappropriated funds, the Capital Improvement Fund as the down payment and the Capital Fund Balance, negotiable bonds are hereby authorized to be issued in the principal amount of \$150,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 7. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is Henry Court and Schmitz Terrace water main improvements, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 6 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 8. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby

authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 9. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary 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.

Section 10. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 7(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$150,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$110,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 11. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 6 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 7(a) of this bond ordinance. This Section 11 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 12. Any grant moneys received for the purpose described in Section 7(a) 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 13. 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 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.

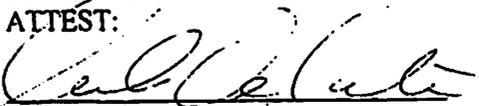
Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 15. I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on November 1, 2017 and will be further considered after a Public Hearing held on December 5, 2017 at the Municipal Building at 7:00 P.M.

Section 16. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED:

PUBLISHED:
ATTEST:


Linda DeSantis, RMC, Borough Clerk

BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY


Michael Stanzilis, Mayor

ATA[®] Document G701[™] - 2001

Change Order

PROJECT: (Name and address) Schmitz and Henry water main replacement Borough of Mt. Arlington	CHANGE ORDER NUMBER: No.8	OWNER <input type="checkbox"/>
	DATE: November 27, 2017	ARCHITECT <input type="checkbox"/>
	ARCHITECT'S PROJECT NUMBER: MTAB 1601	CONTRACTOR <input type="checkbox"/>
TO CONTRACTOR: (Name and address) Pacific Construction, LLC 531 Rt 22 East PMB 240 Whitehouse Station, NJ 08889	CONTRACT DATE: September 13, 2017	FIELD <input type="checkbox"/>
	CONTRACT FOR: General construction	OTHER <input type="checkbox"/>

The Contract is changed as follows:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

• Setup bypass on Henry Ct.	\$24,923.41	• Quantities reconciliation	-\$987.90
• Test pits on Schmitz and Henry Ct.	\$4,101.64	• Grout existing water main	\$6,457.71
• Kadel Dr. test pits	\$3,496.56	• Increase to 2" services (6 total)	\$19,518.43
• Temporary bypass test pit/connection	\$4,628.57	• Additional curb	\$6,409.00
• Relocate hydrant	\$3,370.68	• Additional sidewalk	\$8,220.14
• Remove temporary bypass on Henry	\$6,741.37		

The original (Contract Sum) (Guaranteed Maximum Price) was	\$	479,842.60
The net change by previously authorized Change Orders	\$	0
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was	\$	479,842.60
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of	\$	86,879.61
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be	\$	566,722.21
The Contract Time will be (increased) (decreased) (unchanged) by	(0)	days
The date of Substantial Completion as of the date of this Change Order therefore is		

(Note: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.)

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

H2M Associates Inc.
ARCHITECT (Firm name)
119 Cherry Hill Road
Parsippany, NJ 07054
ADDRESS

Pacific Construction, LLC
CONTRACTOR (Firm name)
531 Rt. 22 East PMN 240
Whitehouse Station, NJ 08889
ADDRESS

Borough of Mt. Arlington
OWNER (Firm name)
431 Howard Boulevard
Mt. Arlington, NJ 07856
ADDRESS

William F. Selder
BY (Signature)
William F. Selder
(Typed name)
4/23/18
DATE

Martha Fonseca
BY (Signature)
Martha Fonseca
(Typed name)
4/20/18
DATE

BY (Signature)

(Typed name)
DATE

CAUTION: You should sign an original AIA Contract Document, on which this text appears in Bold. An original signature that changes will not be obscured.

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