

Richard C. McCarthy Commission  
 Chamber, City Hall  
 Millville, New Jersey  
 August 23, 2016 1:45 p.m.

The Board of Commissioners met in a Special Session with Mayor Santiago presiding. Also present: Commissioner Porreca Compari, Commissioner Sooy and Commissioner Ennis. Revenue & Finance Commissioner vacant.

"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".

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was advertised in The Daily Journal and The Press of Atlantic City on August 20, 2016 for the following:

1. Bond Ordinance on 2<sup>rd</sup> Reading to authorize construction of street drainage improvements on Marlyn Terrace, appropriating \$250,000 to pay the cost thereof, to authorize the issuance of \$237,500 of bonds to finance the appropriation and to provide for the issuance of Bond Anticipation Notes in Anticipation of the Issuance of Bonds
2. Resolution authorizing the Board of Commissioners to waive their attorney/ client privilege in order to release to the public the Closed Session audio recordings of meetings held on August 4, 2015 and February 2, 2016 which contains discussions of the then pending lawsuit entitled City of Millville vs Richard Abbott et al, under docket number CUM-L-473-14 with the City of Millville's special litigation attorney, Theodore Ritter, Esq.

Ordinance on 2<sup>nd</sup> Reading:

Commissioner Sooy moved, seconded by Commissioner Ennis to remove from the table Bond Ordinance to authorize financing the construction of street drainage improvements on Marlyn Terrace.

The motion passed with the following vote: Yeas:  
 Commissioner Ennis, Commissioner Porreca Compari, Commissioner Sooy, and Mayor Santiago.

The Deputy Clerk read the following Ordinance by title only:

Ordinance on 2<sup>nd</sup> Reading:

Bond Ordinance to authorize construction of street drainage improvements on Marlyn Terrace, appropriating \$250,000 to pay the cost thereof, to authorize the issuance of \$237,500 of bonds to finance the appropriation and to provide for the issuance of Bond Anticipation Notes in Anticipation of the Issuance of Bonds

**CITY OF MILLVILLE  
COUNTY OF CUMBERLAND  
STATE OF NEW JERSEY**

**ORDINANCE NO. 34 - 2016**

**BOND ORDINANCE AUTHORIZING CONSTRUCTION OF STREET DRAINAGE IMPROVEMENTS ON MARLYN TERRACE AND APPROPRIATING TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF TWO HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$237,500) 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-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 TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), including the aggregate sum of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500), which is hereby appropriated from the Capital Improvement Fund of the City as the down payments for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11. 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 TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of TWO HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$237,500) 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 TWO HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$237,500) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

### Section 3. Description of Projects

The 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
Construction of improvements and repairs to street drainage on Marlyn Terrace, including the costs of all work, materials, equipment, surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.		
Total	\$250,000	\$237,500

The excess of the appropriation made for such improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of any grant, is the amount of the said down payments for said purposes.

**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 of TWO HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$237,500) 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 the 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 require or make 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 **ten (10) 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 TWO HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$237,500), 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 THOUSAND DOLLARS (\$20,000) 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 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. Application of 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 expenditures 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 11. Effective Date**

This bond ordinance shall take effect twenty (20)

days after the first publication thereof after final adoption,  
as provided by said Local Bond Law.

FIRST READING: August 2, 2016

PUBLICATION: August 6, 2016

FINAL READING: August 23, 2016

PUBLICATION WITH STATEMENT: August 30, 2016

Moved By: Ennis

Seconded By: Sooy

VOTING

Michael Santiago

Lynne Porreca Compari

David W. Ennis

Joseph Sooy

In Favor	Against	Abstain	Absent
x			
x			
x			
x			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Ordinance adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held August 23, 2016.

  
Jeanne Hitcher, Deputy City Clerk

Commissioner Ennis moved, seconded by Commissioner Sooy that the foregoing Ordinance be adopted on second and final reading.

Mayor Santiago opened the meeting to the public for comment on this Ordinance only. Seeing nobody come forward, Mayor Santiago closed the public hearing.

The Ordinance passed with the following vote: Yeas: Commissioner Ennis, Commissioner Porreca Compari, Commissioner Sooy, and Mayor Santiago.

Deputy Clerk asked for a motion to remove from the table, a resolution waiving attorney/ client privilege in order to release closed session audio recordings of meetings held on August 4, 2015 and February 2, 2016.

No action was taken on the Resolution.

Mayor Santiago opened the Open Public Comment portion of the meeting and asked if any persons wished to be heard.

There being no comments Mayor Santiago declared the public comment portion closed and asked for final comments by the Commissioners.

There were no final comments by the Commissioners.

The meeting was adjourned subject to the call of the chair, by the following vote. Yeas: Commissioner Ennis, Commissioner Porreca Compari, Commissioner Sooy and Mayor Santiago.

Moved By: Sooy  
Seconded By: Ennis

**VOTING**

Michael Santiago  
  
Lynne Porreca Compari  
David W. Ennis  
Joseph Sooy

In Favor	Against	Abstain	Absent
X			
X			
X			
X			

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of Commission Meeting Minutes adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held September 6, 2016.

  
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Susan G. Robostello, City Clerk