

R-20-137
TOWNSHIP OF MONTCLAIR

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$42,000,000 BONDS, CONSISTING OF (i) \$35,400,000 GENERAL IMPROVEMENT BONDS, SERIES 2020A AND (ii) \$6,600,000 SCHOOL BONDS, SERIES 2020B (SCHOOL BOND RESERVE ACT, P.L. 1980, c. 72), OF THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, AND PROVIDING FOR THEIR SALE

August 25, 2020

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

Section 1. (a) The \$42,000,000 Bonds, consisting of (i) \$35,400,000 General Improvement Bonds, Series 2020A (the "*General Improvement Bonds*") and (ii) \$6,600,000 School Bonds, Series 2020B (School Bond Reserve Act, P.L. 1980, c. 72) (the "*School Bonds*"; and together with the General Improvement Bonds, the "*Bonds*"), of the Township of Montclair, in the County of Essex, New Jersey (the "*Township*"), referred to and described in a resolution of the Township duly adopted on August 25, 2020, and entitled, "Resolution Providing for the Combination of \$42,000,000 Aggregate Principal Amount of Bonds, Consisting of (i) \$35,400,000 Aggregate Principal Amount of General Improvement Bonds, Series 2020A, and (ii) \$6,600,000 Aggregate Amount of School Bonds, Series 2020B (School Bond Reserve Act, P.L. 1980, c. 72), of the Township of Montclair, in the County of Essex, New Jersey, Into Single Issues of General Improvement Bonds, Series 2020A, and School Bonds Series 2020B (School Bond Reserve Act, P.L. 1980, c. 72), Respectively" and in the bond ordinances referred to therein, each in all respects duly approved and published as required by law, shall be issued as "General Improvement Bonds, Series 2020A" and "School Bonds, Series 2020B (School Bond Reserve Act, P.L. 1980, c. 72)", respectively.

Section 2. The General Improvement Bonds shall mature in the principal amounts on October 15 in each of the years as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$2,400,000	2026	\$3,675,000
2022	\$2,600,000	2027	\$3,915,000
2023	\$3,000,000	2028	\$4,250,000
2024	\$3,160,000	2029	\$4,400,000
2025	\$3,500,000	2030	\$4,500,000

Section 3. The School Bonds shall mature in the principal amounts on October 15 in each of the years as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$720,000	2026	\$650,000
2022	\$720,000	2027	\$650,000
2023	\$680,000	2028	\$650,000
2024	\$680,000	2029	\$600,000
2025	\$650,000	2030	\$600,000

Section 4. Pursuant to N.J.S.A. 40A:2-26(g), the Township hereby designates the Chief Financial Officer to adjust the actual principal amounts of the Bonds. Any such

adjustment shall not exceed 10% of the principal amount of any maturity of the Bonds with the aggregate adjustment to maturity not to exceed 10% of the principal for the overall issue.

Section 5. The Bonds shall be subject to redemption prior to their stated maturity in accordance with the full Notices of Sale attached hereto as Exhibit A (the "*Notices of Sale*").

Section 6. The General Improvement Bonds shall be ten in number, with one certificate being issued for each year of maturity and shall be numbered GIB-1 to GIB-10, inclusive. The School Bonds shall be ten in number, with one certificate being issued for each year of maturity and shall be numbered SB-1 to SB-10, inclusive. The School Bonds are entitled to the benefits of the New Jersey School Bond Reserve Act, N.J.S.A. 18A:56-17 et seq. (P.L. 1980, c. 72, approved July 16, 1980, as amended by P.L. 2003, c. 118, approved July 1, 2003).

Section 7. The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the fifteenth day of April and October in each year until maturity, commencing on April 15, 2021, at the rate or rates per annum expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notices of Sale.

Section 8. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Deputy Clerk.

Section 9. (a) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of each Bond of each series maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, which will act as securities depository (the "*Securities Depository*"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 or any integral multiple thereof through book-entries made on the books and records of the Securities Depository and its participants.

(b) The principal of and interest on the Bonds will be paid to the Securities Depository by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of each next preceding April 1 and October 1 (the "*Record Dates*" for the Bonds).

Section 10. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of the Securities Depository: