

Borough of Matawan

Notice of Pending Ordinance 19-10

The Ordinance published herewith was introduced and passed upon first reading at a regular meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, held on July 2, 2019. It will be further considered for final passage, after public hearing thereon, to be held at a meeting of the Governing Body on July 16, 2019 at 7:00 o'clock PM at the Borough of Matawan Municipal Community Complex, 201 Broad Street, Matawan, New Jersey 07747. During the week prior to and up to and including the date of such meeting, copies of the full said Ordinance will be made available at no cost and during regular business hours at the Clerk's Office for members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 19-10

ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF MATAWAN, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2019 (MATAWAN-ABERDEEN REGIONAL SCHOOL DISTRICT PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED by the **BOROUGH COUNCIL OF THE BOROUGH OF MATAWAN, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 *et. seq.*, the Borough of Matawan, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2019 (Matawan-Aberdeen Regional School District Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Matawan-Aberdeen Regional School District Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Matawan-Aberdeen Regional School District (the "Board") pursuant to a lease and agreement to be entered into by the Authority and the Board (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be

approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Board's share of the costs of issuance, but in no event shall such principal amount exceed \$1,917,000, of which the Municipality will guarantee 32.354% or not to exceed \$620,238.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

SCHEDULE A - EQUIPMENT LIST
Matawan-Aberdeen Regional School District

| <u>Equipment</u> | <u>Useful Life (Years)</u> | <u>Lease Term (Years)</u> | <u>Estimated Cost</u> |
|--|--------------------------------|-------------------------------|-----------------------|
| 54-Passenger Bus | 10 | 5 | \$1,008,000 |
| 24-Passenger Bus | 10 | 5 | 325,000 |
| 6-Passenger Vehicle | 3 | 5 | 34,000 |
| Cargo Van | 5 | 5 | 34,000 |
| Pickup Truck | 5 | 5 | 44,000 |
| 10G SFP+ LC SR 300m MMF Transceiver | 5 | 5 | 3,259 |
| 10G SFP+ LC SR 10km SMF Transceiver | 5 | 5 | 22,059 |
| Aruba 10G SFP+ to SFP+1m DAC Cable | 5 | 5 | 3,836 |
| Aruba 10G SFP+ to SFP+3m DAC Cable | 5 | 5 | 1,953 |
| Aruba 3800/3810M 3M Stacking Cable | 5 | 5 | 1,957 |
| Aruba 3810M 16SFP+2-slot Switch | 5 | 5 | 12,187 |
| Aruba 3810M/2930M 4SFP+ MACsec Module | 5 | 5 | 5,178 |
| Aruba 3810M 4-port Stacking Module | 5 | 5 | 3,249 |
| Aruba X371 12VDC 250W Power Supply | 5 | 5 | 2,550 |
| Aruba X372 54VDC 680W Power Supply | 5 | 5 | 3,488 |
| Aruba X372 54VDC 1050W Power Supply | 5 | 5 | 4,301 |
| Aruba 2930F 24G POE+4SFP+ SWTCPERP Switch | 5 | 5 | 3,809 |
| Aruba 2930F 48G POE+4SFP+ Switch | 5 | 5 | 85,005 |

| <u>Equipment</u> | <u>Useful Life (Years)</u> | <u>Lease Term (Years)</u> | <u>Estimated Cost</u> |
|--|--------------------------------|-------------------------------|-----------------------|
| Aruba 2930M 48G POE+1-slot Switch | 5 | 5 | 18,942 |
| Aruba 3810M 24SFP+250W Switch | 5 | 5 | 8,310 |
| Aruba 2930F 48G POE+ 4SFP+ 740W Switch | 5 | 5 | 88,628 |
| AP-270-MNT-V1 AP-270 Series Outdoor Pole/Wall | 5 | 5 | 1,919 |
| AP-270-MNT-H1 270 Series MT KITMNT Installation Kit | 5 | 5 | 1,894 |
| Aruba AP-275 802.11n/ac Dual 3x3:3 Radio Integrated Access Point | 5 | 5 | 3,854 |
| AP-277 OTDR Dual 3x3:3 802.11 ACWRLS AP Access Point | 5 | 5 | 4,064 |
| CNTRLR PER AP ENT LIC BNDL Software | 5 | 5 | 2,359 |
| Airwave 1 Device LICS ELTU CLDS Software | 5 | 5 | 1,797 |
| 1 YR FC Aruba 24x7 License CN SVCS Bundle Software | 5 | 5 | 1,943 |
| 1 YR FC Aruba 24x7 Airwave 1 DEVSVCS Software | 5 | 5 | 1,771 |
| Aruba 1YR FC NBD Exch AP 275 Outdoor SVC Software | 5 | 5 | 1,935 |
| 1 YR FC Aruba NBD Exch AP 277 SVCS Software | 5 | 5 | 1,953 |
| CAT6e cable run with end to end conduit up to 200 ft. | 5 | 5 | 5,259 |
| Total | | | \$1,742,459 |