

BOND PROPOSAL QUESTION #1

The Board of Education of the Township of Berkeley Heights in the County of Union, New Jersey (the “Board”) is authorized to (a) undertake various improvements, alterations, renovations, and upgrades at Mary Kay McMillin Early Childhood Center, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, repairs to sidewalks, curbing and pavement, replacement of various playground equipment, and installation of fencing for the lower playground, including acquisition and installation of fixtures, furniture, equipment, and any site work; (b) undertake various improvements, alterations, renovations, and upgrades at Mountain Park Elementary School, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, and repairs to sidewalks, curbing and pavement, including acquisition and installation of fixtures, furniture, equipment, and any site work; (c) undertake various improvements, alterations, renovations, and upgrades at Thomas P. Hughes Elementary School, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, and repairs to pavement and the parking lot, including acquisition and installation of fixtures, furniture, equipment, and any site work; (d) undertake various improvements, alterations, renovations, and upgrades at William Woodruff Elementary School, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, repairs to pavement and the parking lot, and replacement of a portion of roofing, including acquisition and installation of fixtures, furniture, equipment, and any site work; (e) undertake various improvements, alterations, renovations, and upgrades at Columbia Middle School, including but not limited to various improvements to the media center, security and technology upgrades, paving and drainage improvements in the parking lot and bus loop, waterproofing improvements to the building exterior, and various upgrades and improvements to the interior courtyard, including acquisition and installation of fixtures, furniture, equipment, and any site work; (f) undertake various improvements, alterations, renovations, and upgrades at Governor Livingston High School, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, repairs to pavement, and replacement and installation of staircases and railings throughout the building, including acquisition and installation of fixtures, furniture, equipment, and any site work; (g) appropriate \$21,227,001 for such improvements; and (h) issue bonds in an amount not to exceed \$21,227,001.

The final eligible costs for the projects approved by the New Jersey Commissioner of Education are \$20,747,001 (consisting of \$2,452,510 for Mary Kay McMillin Early Childhood Center, \$1,636,642 for Mountain Park Elementary School, \$2,162,234 for Thomas P. Hughes Elementary School, \$3,182,794 for William Woodruff Elementary School, \$4,063,679 for Columbia Middle School, and \$7,249,142 for Governor Livingston High School). The projects include \$480,000 (consisting of \$25,000 for Mary Kay McMillin Early Childhood Center, \$25,000 for Mountain Park Elementary School, \$40,000 for Thomas P. Hughes Elementary School, \$15,000 for William Woodruff Elementary School, \$75,000 for Columbia Middle School, and \$300,000 for Governor Livingston High School) for school facility construction elements in addition to the facilities efficiency standards developed by the Commissioner of Education or not otherwise eligible for State support pursuant to N.J.S.A. 18A:7G-5(g). The State debt service aid percentage will equal 40% of the annual debt service due with respect to the final eligible costs of the projects. The Board of Education is authorized to transfer funds among the projects approved at this election.

Do you approve this Bond Proposal Question #1?

BOND PROPOSAL QUESTION #2

(Bond Proposal Question #2 will only go into effect if Bond Proposal Question #1 is also approved by the voters at this election.)

The Board of Education of the Township of Berkeley Heights in the County of Union, New Jersey (the “Board”) is authorized to (a) undertake various improvements, alterations, renovations, and upgrades at Mary Kay McMillin Early Childhood Center, including but not limited to replacement of the HVAC system in the multipurpose room, unit ventilators throughout the building, and mechanical controls equipped with a direct Building Management System, including acquisition and installation of fixtures, equipment, and any site work; (b) undertake various improvements, alterations, renovations, and upgrades at Mountain Park Elementary School, including but not limited to replacement of HVAC system and unit ventilators in the gymnasium, replacement of mechanical controls equipped with a direct Building Management System, various HVAC and plumbing upgrades, and replacement of a portion of roofing, including acquisition and installation of fixtures, equipment, and any site work; (c) undertake various improvements, alterations, renovations, and upgrades at William Woodruff Elementary School, including but not limited to the replacement of the HVAC system in the gymnasium, unit ventilators throughout the building, and mechanical controls equipped with a direct Building Management System, and various HVAC and plumbing upgrades, including acquisition and installation of fixtures, equipment, and any site work; (d) undertake various improvements, alterations, renovations, and upgrades at Columbia Middle School, including but not limited to the replacement of unit ventilators and a portion of roofing, waterproofing improvements to the building exterior, and upgrades and renovations to various classrooms, including acquisition and installation of fixtures, furniture, equipment, and any site work; (e) undertake various improvements, alterations, renovations, and upgrades at Governor Livingston High School, including but not limited to replacement of a portion of roofing and upgrades and renovations to various classrooms, including acquisition and installation of fixtures, furniture, equipment, and any site work; (f) appropriate \$29,125,969 for such improvements; and (g) issue bonds in an amount not to exceed \$29,125,969.

The final eligible costs for the projects approved by the New Jersey Commissioner of Education are \$28,915,969 (consisting of \$3,128,933 for Mary Kay McMillin Early Childhood Center, \$5,596,635 for Mountain Park Elementary School, \$3,706,844 for William Woodruff Elementary School, \$6,088,886 for Columbia Middle School, and \$10,394,671 for Governor Livingston High School). The projects include \$210,000 (consisting of \$0 for Mary Kay McMillin Early Childhood Center, \$0 for Mountain Park Elementary School, \$0 for William Woodruff Elementary School, \$145,000 for Columbia Middle School, and \$65,000 for Governor Livingston High School) for school facility construction elements in addition to the facilities efficiency standards developed by the Commissioner of Education or not otherwise eligible for State support pursuant to N.J.S.A. 18A:7G-5(g). The State debt service aid percentage will equal 40% of the annual debt service due with respect to the final eligible costs of the projects. The Board of Education is authorized to transfer funds among the projects approved at this election.

Do you approve this Bond Proposal Question #2?

EXPLANATORY STATEMENT

At this election, the voters of the school district are being asked to consider Bond Proposal Questions #1 and #2. As set forth above, Bond Proposal Question #2 will only go into effect if Bond Proposal Question #1 is also approved by the voters at this election.

If Bond Proposal Questions #1 and #2 are approved by the voters at this election, the Board of Education will be authorized to (a) undertake various improvements, alterations, renovations, and upgrades at Mary Kay McMillin Early Childhood Center, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, repairs to sidewalks, curbing and pavement, replacement of various playground equipment, installation of fencing for the lower playground, replacement of the HVAC system in the multipurpose room and unit ventilators throughout the building, and mechanical controls equipped with a direct Building Management System; (b) undertake various improvements, alterations, renovations, and upgrades at Mountain Park Elementary School, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, repairs to sidewalks, curbing and pavement, replacement of the HVAC system in the multipurpose room, unit ventilators throughout the building, and mechanical controls equipped with a direct Building Management System; (c) undertake various improvements, alterations, renovations, and upgrades at Thomas P. Hughes Elementary School, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, and repairs to pavement and the parking lot; (d) undertake various improvements, alterations, renovations, and upgrades at William Woodruff Elementary School, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, repairs to pavement and the parking lot, replacement of a portion of roofing, replacement of unit ventilators throughout the building, replacement of mechanical controls equipped with a direct Building Management System, and various HVAC and plumbing upgrades; (e) undertake various improvements, alterations, renovations, and upgrades at Columbia Middle School, including but not limited to various improvements to the media center, security and technology upgrades, paving and drainage improvements to the parking lot and bus loop, waterproofing improvements to the building exterior, various upgrades and improvements to the interior courtyard, replacement of unit ventilators and a portion of roofing, waterproofing improvements to the building exterior, and upgrades and renovations to classrooms, and (f) undertake various improvements, alterations, renovations, and upgrades at Governor Livingston High School, including but not limited to various improvements to the media center, various HVAC repairs and upgrades, security and technology upgrades, repairs to pavement, replacement and installation of staircases and railings throughout the building, replacement of a portion of roofing, and upgrades and renovations to classrooms. The foregoing improvements shall include the acquisition and installation of fixtures, furniture, equipment, and any site work.

The total cost for the projects will be \$50,352,970, and the Board of Education will be authorized to issue bonds in an amount not to exceed \$50,352,970. The final eligible costs for the projects approved by the New Jersey Commissioner of Education are \$49,662,970 (consisting of \$5,581,443 for Mary Kay McMillin Early Childhood Center, \$7,233,277 for Mountain Park Elementary School, \$2,162,234 for Thomas P. Hughes Elementary School, \$6,889,638 for William Woodruff Elementary School, \$10,152,565 for Columbia Middle School, and \$17,643,813 for Governor Livingston High School). The projects include \$690,000 (consisting of \$25,000 for Mary Kay McMillin Early Childhood Center, \$25,000 for Mountain Park Elementary School, \$40,000 for Thomas P. Hughes Elementary School, \$15,000 for William Woodruff Elementary School, \$220,000 for Columbia Middle School, and \$365,000 for Governor Livingston High School) for school facility construction elements in addition to the facilities efficiency standards developed by the Commissioner of Education or not otherwise eligible for State support pursuant to N.J.S.A. 18A:7G-5(g). The State debt service aid percentage will equal 40% of the annual debt service due with respect to the

final eligible costs of the projects. The Board of Education is authorized to transfer funds among the projects approved at this election.

2. The Board hereby approves and adopts the Proposals and Explanatory Statement set forth above and, subject to the approval of the legal voters of the School District, hereby determines to carry out the same as described therein (the "Project"). The Board authorizes the Business Administrator/Board Secretary, consistent with any advice received from bond counsel, to revise the Proposals and/or Explanatory Statement, if necessary, prior to the Election to conform to any applicable legal requirements.

3. The Board hereby acknowledges and confirms that, in accordance with the requirements of N.J.S.A. 18A:24-16 and N.J.S.A. 18A:24-17, a Supplemental Debt Statement has been prepared as of the date of this resolution by the Chief Financial Officer of the Township, giving effect to the proposed total authorization of School Bonds of the School District in the maximum amount provided for in the Proposals, and that such Supplemental Debt Statement has been filed in the office of the Township Clerk, and in the office of the Business Administrator/Board Secretary prior to the adoption of this resolution, and will be filed in the office of the Director of the Division of Local Government Services, State of New Jersey, Department of Community Affairs prior to the date of the Election.

4. The Business Administrator/Board Secretary is hereby authorized and directed, in conjunction with Bond Counsel, to deliver a certified copy of this resolution and such other information as shall be necessary to the County Clerk as required by N.J.S.A. 19:60-2, to request the County Clerk to submit the Proposals to the voters at the Election and to seek the assistance of the county officials and the municipal clerk in conducting the Election.

5. The Board hereby: (i) accepts the determination of Preliminary Eligible Costs as set forth in the letter from the New Jersey Department of Education and not to appeal such determinations made therein; (ii) determines to construct the Project itself; (iii) agrees to locally fund any excess costs, if any; and (iv) delegates the supervision of the Project to the Business Administrator/Board Secretary.

6. Solutions Architecture, the School District's appointed architect for the Project (the "Project Architect"), has heretofore been authorized and delegated the responsibility to prepare the plans and specifications for the Project in consultation with and under the supervision of the Business Administrator/Board Secretary, who has been delegated the responsibility to work with the Project Architect for this purposes on behalf of the Board, in accordance with the requirements of N.J.S.A. 18A:18A-16, and such authorizations and delegations are hereof reconfirmed.

7. The School Administration and such other officers, professionals and agents of the Board as are necessary, including Wilentz, Goldman & Spitzer, P.A., Bond Counsel, and the Project Architect, are each hereby authorized and directed to perform such acts, execute such documents and do such things as are necessary and proper for the submission of the Proposals to the voters of the School District at the Election.

8. This Board hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Business Administrator/Board Secretary through a public offering of private placement or through a conduit borrower on a tax exempt basis. The Board hereby covenants that it will comply with any conditions subsequent imposed by the Internal

Revenue Code of 1986, as amended (the “Code”), in order to preserve the exemption from taxation of interest on its bonds or notes if issued as tax exempt, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on its bonds or notes. The Business Administrator/Board Secretary is hereby authorized to act on behalf of the Board to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Board hereby declares its intent to issue bonds or notes in the amount set forth in the Proposals approved by the voters as set forth in Section 1 and to use the proceeds to pay or to reimburse expenditures for the costs of the Projects authorized herein. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations 1.150-2 or any successor provisions of federal income tax law,

9. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENCES: