

Ord. 46-2008

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,363,145 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$934,206 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Mount Olive, in the County of Morris, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,363,145, including (i) a \$200,000 State of New Jersey Department of Transportation Grant (the "State Grant") for purposes described in Section 3(b) hereof, (ii) two Community Development Block Grants in the amount of \$78,000 and \$55,400 for the purposes described in Sections 3(f) and 3(i), respectively, (the "CDBG's" and, together with the State Grant, the "Grants"), and (iii) \$49,000 from the reserve for irrigation improvements (the "Reserve Funds") and further including the aggregate sum of \$46,539 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement described in Section 3(b) since the project is being partially funded by the State Grant.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, the Grants and the Reserve Funds referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$934,206 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 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) <u>Flanders Fire Company</u> The acquisition of self-contained breathing apparatus, including all related costs and expenditures incidental thereto.	\$36,000	\$34,200	15 years
b) <u>Engineering</u> Improvements to Flanders Bartley Road, including all work and materials necessary therefor and incidental thereto.	\$250,000 ⁽¹⁾	\$50,000	10 years
c) <u>Municipal Court</u> The acquisition of a FTR Digital Recording System, including all related costs and expenditures incidental thereto.	\$7,110	\$6,754	5 years

⁽¹⁾ Includes the \$200,000 State Grant.

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<p>d) <u>Information Technology</u> The acquisition of equipment, consisting of mobile data computers, monitors, printers, servers, network switches and laptops, including all related costs and expenditures incidental thereto.</p>	\$43,691	\$41,506	5 years
<p>e) <u>Budd Lake Rescue Squad</u> Acquisition of a paperless data collection system, including all related costs and expenditures incidental thereto.</p>	\$35,000	\$33,250	5 years
<p>f) <u>Budd Lake Fire Department</u> Replacement of the Budd Lake Firehouse roof, including all work and materials necessary therefor and incidental thereto.</p>	\$78,000 ⁽²⁾	\$0	N/A
<p>Acquisition of various equipment, consisting of alerting pagers, personal protective gear, thermal image camera replacement and upgrades to self-contained breathing apparatus, masks, bottles and compressors, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.</p>	\$51,600	\$49,020	10 years
TOTAL:	<u>\$129,600</u>	<u>\$49,020</u>	

⁽²⁾ Includes a \$78,000 Community Development Block Grant.

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
g) <u>Department of Public Works</u>			
Buildings and Grounds Division:			
Replacement of carpeting and the installation of tiling at the Senior Citizen Center, including all work and materials necessary therefor and incidental thereto.	\$18,000	\$17,100	10 years
Replacement of the pump station at Turkey Brook Park, including all work and materials necessary therefor and incidental thereto.	\$98,344 ⁽³⁾	\$46,876	40 years
General:			
Acquisition of a vehicle wash system, including all work and materials necessary therefor and incidental thereto.	\$100,000	\$95,000	15 years
Roads Division:			
Resurfacing of various roads and drainage improvements, as listed on file in the Office of the Township Clerk, which list is hereby incorporated by reference as if set forth at length, and the demolition of the Old Fleet Garage, including all work and materials necessary therefor and incidental thereto.	\$295,000	\$280,250	10 years
Sanitation:			
Replacement of the recycling truck and plows, including all related costs and expenditures incidental thereto.	\$115,000	\$109,250	5 years
	<u>\$626,344</u>	<u>\$548,476</u>	
TOTAL:			

⁽³⁾ Includes the \$49,000 Reserve Funds.

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
h) <u>Flanders Rescue Squad</u> Acquisition of an ambulance, including all related costs and expenditures incidental thereto.	\$180,000	\$171,000	5 years
i) Drainage improvements to Country Club Estates, including all work and materials necessary therefor and incidental thereto.	\$55,400 ⁽⁴⁾	\$0	N/A
GRAND TOTAL:	<u>\$1,363,145</u>	<u>\$934,206</u>	

⁽⁴⁾ Includes a \$55,400 Community Development Block Grant.

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose, except in the case where a grant or additional funds are referenced in which case it also includes the actual expected grant and additional funds.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.26 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 Township as defined in the Local Bond Law is increased by the authorization of

the bonds and notes provided in this bond ordinance by \$934,206, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than the Grants referred to in Sections 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township 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 Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township 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 Township 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 Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township 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 Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

