

**ORDINANCE NO. 06-2023
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$2,000,000 FOR CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$1,904,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvements described in Section 3 of this bond ordinance have heretofore been authorized to be undertaken by the Township of Mendham, in the County of Morris, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the supplemental amount of \$2,000,000, such sum being in addition to the \$5,600,000 appropriated therefor by bond ordinance #12-2020 of the Township, finally adopted October 27, 2020, as supplemented by bond ordinance #11-2022 of the Township, finally adopted July 25, 2022 (collectively, the "Original Bond Ordinance"), with \$1,885,000 of the \$2,000,000 supplemental appropriation being for the renovation of the Township Hall as described in Section 3(a) thereof and with \$115,000 of the \$2,000,000 supplemental appropriation being for the construction of the police station as described in Section 3(b) thereof, and including the sum of \$95,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvements or purposes not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,904,500 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 improvements hereby and heretofore authorized and the purposes for which the bonds are to be issued, the supplemental appropriation for each purpose, the estimated additional amount of bonds or notes to be issued for each purpose and the period of usefulness of each purpose are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) The major renovation of Township Hall located at 2 West Main Street, Brookside, including roof replacement, interior and exterior wall improvements, window and door replacement, a new exterior fireproof stairwell with elevator, bathrooms to meet ADA requirements, a new HVAC/boiler system and related improvements	\$1,885,000	\$1,795,000	10 years
b) The construction of a new police station on property owned by the Township at 4 West Main Street, including furnishings and equipment	<u>\$115,000</u>	<u>\$109,500</u>	20 years
TOTALS:	<u>\$2,000,000</u>	<u>\$1,904,500</u>	

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvements or purposes is \$7,224,500, including the \$5,320,000 authorized by the Original Bond Ordinance and the \$1,904,500 bonds or bond anticipation notes authorized herein, with \$2,940,000 available from the Original Bond Ordinance and \$1,795,000 made available herein for a total of \$4,735,000 for the Township Hall as described in Section 3(a) and with \$2,380,000 available from the Original Bond Ordinance and \$109,500 made available herein for a total of \$2,489,500 for the police station as described in Section 3(b).

(c) The estimated cost of the improvements or purposes is \$7,600,000, including the \$5,600,000 appropriated by the Original Bond Ordinance and the \$2,000,000 appropriated herein, with \$3,100,000 appropriated in the Original Bond Ordinance and \$1,885,000 appropriated herein for a total of \$4,985,000 for the Township Hall as described in Section 3(a) and with \$2,500,000 appropriated in the Original Bond Ordinance and \$115,000 appropriated herein for a total of \$2,615,000 for the police station as described in Section 3(b).

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 bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation 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 bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation 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 bond 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 improvements or purposes described in Section 3(a) of this bond ordinance is not a current expense. They are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost 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 the supplemental amounts set forth for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.57 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 \$1,904,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,520,000 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. \$1,120,000 of this amount was estimated for these items of expense in the Original Bond Ordinance, and \$400,000 is estimated therefor herein.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township 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 the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. 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 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. 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 10. 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 property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

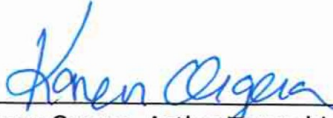
Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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Introduced: July 10, 2023
Public Hearing: July 24, 2023
Adopted: July 24, 2023

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

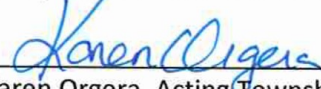


Karen Orgera, Acting Township Clerk



Nizk Monaghan, Mayor

CERTIFICATION I, Karen Orgera, Acting Township Clerk of the Township of Mendham, do hereby certify the foregoing to be a true copy of the Ordinance adopted by the Township Committee of the Township of Mendham at a duly noticed regular meeting held on July 24, 2023, after a public hearing was held and all interested persons were given an opportunity to be heard on this Ordinance.



Karen Orgera, Acting Township Clerk