

**TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY**

ORDINANCE 1766-2014

BOND ORDINANCE APPROPRIATING ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) AND AUTHORIZING THE ISSUANCE OF ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000) IN BONDS OR NOTES OF THE TOWNSHIP OF HAMILTON FOR CAPITAL IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the Township of Hamilton, in the County of Atlantic, New Jersey (the “Township”). For the said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the apportionment made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000), including the aggregate sum of NINETY-FIVE THOUSAND DOLLARS (\$95,000) as the down payment for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11 and more particularly described in Section 3 and now available by virtue of provision in a previously adopted budget or budgets of the Township for down payment for capital improvement purposes, and including also monies received or expected to be received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) in appropriations not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000) pursuant to the Local Bond Law of New Jersey (the “Local Bond Law”). In anticipation of the issuance of said

bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purposes, and the estimated maximum amount of bonds or notes to be issued for such purposes, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Construction of various Public Works Projects, including improvements to Lake Lenape Dam, drainage and related roadways, recreation improvements and improvements to municipal complexes, including the costs of surveying, construction planning, architectural, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$991,500	\$941,925
(b) Purchase of various public safety and communications equipment.	\$653,000	\$620,825
(c) Purchase of Public Works equipment.	\$60,000	\$57,000
(d) Purchase of Various Management Information Technology Systems and Equipment.	<u>\$195,000</u>	<u>\$185,250</u>
TOTALS	<u>\$1,900,000</u>	<u>\$1,805,000</u>

The excess of the appropriations made for 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 said down payments for said purposes.

Section 4. In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Township in a principal amount equal to the said principal of bonds not exceeding ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief

Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as he may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Committee of the Township at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law.

The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The signature of the Chief Financial Officer upon said note(s) shall be conclusive evidence of such determination.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Township may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is **10.691 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk and an executed copy has been electronically signed and 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, and 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 for in this bond ordinance by ONE MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$1,805,000), and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000) in the aggregate for interest on said obligations, costs of issuing said obligations, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Township in connection with the construction or acquisition of the improvements and properties as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 6. The Township hereby certifies that it has adopted a capital budget. The applicable capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and available for public inspection.

Section 7. Any action taken by any officials of the Township in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

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 full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond

ordinance. Said 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 said obligations and interest thereon without limitation of rate or amount.

Section 10. The Township reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same “control group” as the Township, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Township’s official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

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

ATTEST:

TOWNSHIP OF HAMILTON,
ATLANTIC COUNTY and
STATE OF NEW JERSEY.

JOAN I. ANDERSON, R.M.C.
TOWNSHIP CLERK

ROGER SILVA, MAYOR

ROLL CALL: DIX - Yes
GATTTO- Yes
GUISHARD - Yes
LINK - Yes
SILVA- Yes

ORDINANCE NO. 1766-2014 INTRODUCED & PASSED FIRST READING APRIL 7, 2014
ORDINANCE NO. 1766-2014 ADOPTED APRIL 21, 2014