

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-6-2018-024

BOND ORDINANCE PROVIDING FOR VARIOUS 2018 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE “TOWNSHIP”); APPROPRIATING \$3,500,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$475,000) AND AUTHORIZING THE ISSUANCE OF \$2,888,600 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Monroe, in the County of Middlesex, State of New Jersey (the “Township”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$3,500,000, said sum being inclusive of a grant in the amount of \$475,000 (the “Grant”) received or expected to be received from the New Jersey Department of Transportation and the sum of \$136,400 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. §40A:2-1 *et seq.* (the “Local Bond Law”). The aggregate down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,500,000 appropriation not provided for by application hereunder of the Grant or said down payments, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$2,888,600 pursuant to 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 an aggregate principal amount not exceeding \$2,888,600 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Acquisition of a collection of library books for general circulation and deposit in, and for use by, the Township free public library, a lawful public purpose;	\$150,000	\$142,800	\$7,200	5 years
(ii) Various roadway, sidewalk and curb improvements throughout the Township, all such improvements including but not limited to, as	\$1,100,000	\$1,047,600	\$52,400	15 years

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
applicable, milling, paving, reconstruction and resurfacing the roadways, the repairing and/or removal and installation of curbs, sidewalks, driveway aprons, retaining walls and curb ramps, concrete improvements, site work, clearing, and roadway painting and striping;				
(iii) Various roadway improvements including, but not limited to, Daniel and 10 th Streets in the Township, all such improvements including but not limited to, as applicable, milling, paving, reconstruction and resurfacing the roadways, the repairing and/or installation of curbs, sidewalks, driveway aprons, retaining walls and curb ramps, drainage work, concrete improvements, site work, clearing, tree removal, roadway painting and striping, landscaping and other aesthetic improvements;	\$650,000 (including the \$475,000 Grant)	\$175,000	\$0	15 years
(iv) The acquisition and installation of a traffic signal at Mount Mills and Englishtown Roads in the Township, including, but not limited to, as required, removal and replacement of, as applicable, roadway pavement, sidewalks, and concrete curbing, regrading, landscaping, excavation, and pavement striping;	\$350,000	\$333,300	\$16,700	15 years
(v) The acquisition and installation, as applicable, of equipment for the Police Department of the Township, including but not limited to, an E-Ticketing system, radar equipment, in-car cameras and CBRN gasmasks with filters;	\$229,000	\$218,000	\$11,000	10 years
(vi) Various upgrades to the Municipal Facility in the Township, including but not limited to, interior improvements to the EMS facility;	\$250,000	\$238,000	\$12,000	10 years
(vii) Various upgrades to the Police Facility in the Township, including but not limited to, interior improvements, planning for a	\$435,000	\$414,200	\$20,800	10 years

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
radio system tower connection, and the acquisition and installation, as applicable, of chairs and file cabinets;				
(viii) Various pedestrian improvements to Cranbury/Half Acre Road in the Township, including but not limited to, the acquisition and installation of a flashing beacon crosswalk on a sign;	\$20,000	\$19,000	\$1,000	15 years
(ix) The acquisition and installation, as applicable, of various equipment for the Planning and Zoning Office in the Township, including but not limited to, chairs and file cabinets;	\$8,000	\$7,600	\$400	5 years
(x) Various upgrades to the EMS radio system;	\$20,000	\$19,000	\$1,000	10 years
(xi) The acquisition and installation of replacement lighting at the Recreation Center in the Township;	\$12,000	\$11,400	\$600	5 years
(xii) The acquisition and installation of a Geographic Information System (GIS) computer software mapping system for roads, plotting and the basin in the Township;	\$30,000	\$28,500	\$1,500	7 years
(xiii) The installation of a concession stand and ADA compliant restrooms at Daniel Ryan Park in the Township; and	\$200,000	\$190,400	\$9,600	15 years
(xiv) The acquisition and installation of traffic signals at the intersection of Butcher and Applegarth Road and Route 33 in the Township, including but not limited to, as required, removal and replacement of, as applicable, roadway pavement, sidewalks, and concrete curbing, regrading, landscaping, excavation, and pavement striping.	\$46,000	\$43,800	\$2,200	15 years
TOTALS	<u>\$3,500,000</u>	<u>\$2,888,600</u>	<u>\$136,400</u>	12.82 years

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,888,600.

(c) The aggregate estimated cost of said improvements or purposes is \$3,500,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the Grant and the aggregate amount of the down payments available for said purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all engineering and design work, consulting, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) 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 of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. 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 7. 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 and are improvements which 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 benefited thereby.

(b) The average period of usefulness of said improvements within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 12.82 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, 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 or notes provided for in this bond ordinance by \$2,888,600 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$691,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. 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 principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward 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 §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$2,888,600. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. 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, which are authorized herein, 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, which are authorized herein, 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 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on June 6, 2018. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on July 2, 2018 at 7:00 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

RECORDED VOTE – INTRODUCTION – June 6, 2018						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin	X		X			
Councilwoman Cohen			X			
Councilman Dipierro			X			
Council V. President Schneider		X	X			
Council President Dalina			X			

ADOPTED ON FIRST READING
DATED: June 6, 2018

PATRICIA REID, RMC, Clerk
Township of Monroe

STEPHEN DALINA, Council President
Township of Monroe

RECORDED VOTE – SECOND READING & FINAL ADOPTION – July 2, 2018						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin						
Councilwoman Cohen						
Councilman Dipierro						
Council V. President Schneider						
Council President Dalina						

ADOPTED ON SECOND READING

DATED: July 2, 2018

PATRICIA REID, RMC, Clerk
Township of Monroe

STEPHEN DALINA, Council President
Township of Monroe

ORDINANCE NO.: O-6-2018-024

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MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

GERALD W. TAMBURRO, Mayor

Date signed: _____