

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-2-2020-003

BOND ORDINANCE PROVIDING FOR PEDESTRIAN AND ROADWAY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$2,275,000 THEREFOR (INCLUDING TWO (2) GRANTS RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TOTALING \$1,075,000) AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST 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 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 sum of \$2,275,000, which sum includes a grant in the amount of \$600,000 received from the New Jersey Department of Transportation's (NJDOT) Fiscal Year 2019 Local Freight Impact Fund Program for the Costco Drive Roadway Improvements Project (the "Costco Drive Grant"), and a grant in the amount of \$475,000 received from the NJDOT's Division of Local Aid and Economic Development's Fiscal Year 2020 Municipal Aid Program for the Camelot Neighborhood Pedestrian and Roadway Improvements Project (the "Camelot Neighborhood Grant", and together with the Costco Drive Grant, collectively, the "NJDOT Grants"). No down payment for said improvements or purposes is required pursuant to Section 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"), as said improvements or purposes involve projects funded by State grants.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,275,000 appropriation not provided for by application hereunder of said NJDOT Grants, negotiable bonds of the Township are hereby authorized to be issued in a principal amount not exceeding \$1,200,000 pursuant to and within the limitations prescribed by 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 \$1,200,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said bonds or notes are to be issued are for various pedestrian and roadway improvements to Costco Drive and the Camelot Neighborhood located in the Township, all such improvements including, but not limited to, as applicable, milling, paving, reconstruction and resurfacing of the roadways, the repairing and/or removal and installation of curbs, sidewalks, driveway aprons, retaining walls and curb ramps, drainage work, guardrails, concrete improvements, site work, clearing, tree removal, roadway painting and striping, landscaping and other aesthetic improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,200,000.

(c) The estimated cost of said improvements or purposes is \$2,275,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the NJDOT Grants for said improvements or purposes in the aggregate amount of \$1,075,000.

(d) The improvements or purposes set forth in Section 3(a) hereof 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. Other than the NJDOT Grants, 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 or 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. Other than the NJDOT Grants, 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 or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Township. 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 of the Township 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 the N.J.S.A. 40A:2-8.1. The Chief Financial Officer of the Township 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 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 of the Township 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. If necessary, the capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or 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 period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) 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 \$1,200,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$400,000 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 improvements or purposes 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 bonds or notes authorized by this bond ordinance. The bonds or notes 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 bonds or notes 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. 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 are "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 Internal Revenue Code of 1986, as amended, 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 of the Township 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 hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.


NOTICE

Notice is hereby given that the foregoing Bond Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on February 3, 2020. Said Bond Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on March 2, 2020 at 6:30 p.m. at the Monroe Township Municipal Building, One Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place, all persons having an interest in the foregoing Bond Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Monroe Township Council.

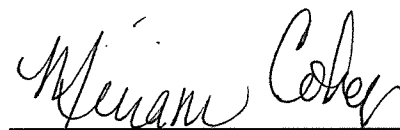
RECORDED VOTE – INTRODUCTION – February 3, 2020						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin		X	X			
Councilman Dalina	X		X			
Councilman Dipierro			X			
Council V. President Schneider			X			
Council President Cohen			X			

ADOPTED ON FIRST READING

DATED: FEBRUARY 3, 2020



PATRICIA REID, RMC, Clerk
 Township of Monroe



MIRIAM COHEN, Council President
 Township of Monroe

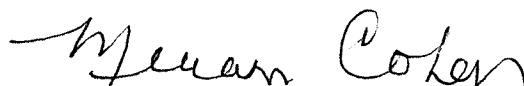
RECORDED VOTE – SECOND READING & FINAL ADOPTION– March 2, 2020						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin			X			
Councilman Dalina	X		X			
Councilman Dipierro		X	X			
Council V. President Schneider			X			
Council President Cohen			X			

ADOPTED ON SECOND READING

DATED: MARCH 2, 2020



PATRICIA REID, RMC, Clerk
Township of Monroe



MIRIAM COHEN, Council President
Township of Monroe

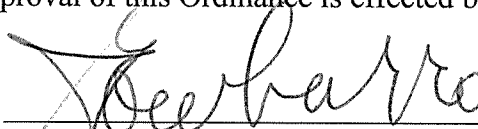
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MAYORAL APPROVAL

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: March 3, 2020