

**TOWNSHIP OF MANALAPAN
COUNTY OF MONMOUTH**

BOND ORDINANCE NO. 2017-07

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$3,056,046 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,827,243 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AND REAPPROPRIATING \$80,000 IN EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF A NEW PAVILION, AUTHORIZED IN AND BY THE TOWNSHIP OF MANALAPAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Township of Manalapan, in the County of Monmouth, New Jersey (the “Township”) finally adopted Bond Ordinance No. 2008-04 on April 23, 2008 (the “Ordinance”); and

WHEREAS, following the effective date of the Ordinance, the Township issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

WHEREAS, the Township has determined that the improvements to set forth in the Ordinance have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinance, as applicable; and

WHEREAS, there currently remains on deposit in the Township capital accounts excess bond proceeds in the amount of \$80,000, which excess bond proceeds are allocable to such project improvements in the Ordinance (the “Excess Proceeds”), but are no longer necessary to complete such improvements or purposes authorized therein; and

WHEREAS, in accordance with its statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”), the Township Committee has determined that it is in the best interest of the Township to reappropriate the Excess Proceeds to finance improvements for which bonds may be issued, thereby, decreasing the amount of additional Township debt to finance such current capital needs; and

WHEREAS, the Township Committee now desires to reappropriate the Excess Proceeds to undertake the cost of a new pavilion for the Township.

WHEREAS, the Township Committee also seeks to appropriate additional monies and authorize the issuance of additional bonds or notes to finance the remainder of the costs of various capital improvements and the acquisition of various capital equipment for and by the Township.

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

Section 1. The following amount of Excess Proceeds of the Ordinance is no longer necessary for the improvements or purposes for which it was appropriated, authorized and issued:

<u>Ordinance Number</u>	<u>Excess Proceeds</u>
2008-04	\$80,000.00

Section 2. The total amount of \$80,000 Excess Proceeds is hereby reappropriated pursuant to N.J.S.A. 40A:2-39, N.J.S.A. 40:49-1 et seq. and this bond ordinance, and shall be used to finance the undertaking of the Township of various capital improvements or purposes for which funds may be appropriated and bonds may be issued. Said general improvements are set forth in Section 5(a)(ii) of this bond ordinance.

Section 3. The improvements described in Section 5(a) of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Township. For the improvements or purposes described in Section 5(a), there is hereby appropriated the sum of \$3,056,046, said sum being inclusive of all appropriations heretofore made therefor and including the \$80,000 Excess Proceeds and the sum of \$148,803 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 4. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$2,827,243, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 5. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

- i) Acquisition of various capital equipment including, but not limited to, an Eventide Recording System, tandem dump truck, crack fill trailer and loader, with a total appropriation and estimated cost of \$420,450, an estimated maximum amount of bonds or notes therefor of \$399,427, and an average period of usefulness of five (5) years;
- ii) Various buildings and grounds improvements including, but not limited to, Bucks Head Basketball Court improvements, field renovations, fitness trail stone dust and features, and a new pavilion, with a total appropriation and estimated cost of \$118,667 including the Excess Proceeds in the amount of \$80,000, estimated maximum amount of bonds or notes therefor of \$36,734, and an average period of usefulness of fifteen (15) years;
- iii) Various road improvements including, but not limited to, Yorktowne Phase VII - Curbing and Concrete, Monmouth Heights Phase V - Curbing and Concrete, Yorktowne Phase VII and Monmouth Heights Phase V Engineering, Monmouth

Heights Phase VI Design, Yorktowne Phase VII - Paving, Monmouth Heights Phase V - Paving, improvements to Deer Way, Department of Public Works (DPW) site remediation, and a catch basin replacement per storm water plan, with a total appropriation and estimated cost of \$2,437,592, an estimated maximum amount of bonds or notes therefor of \$2,315,712 and an average period of usefulness of 10.34 years; and

- iv) Technology upgrades including, but not limited to, six (6) replacement servers, and Barracuda Backup for data protection, with a total appropriation and estimated cost of \$79,337, estimated maximum amount of bonds or notes therefor of \$75,370, and an average period of usefulness of five (5) years,

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 5(a) hereof is \$2,827,243, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 5(a) hereof is \$3,056,046, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$3,056,046 over the estimated maximum amount of bonds or notes to be issued therefor being the \$80,000 Excess Proceeds and the sum of \$148,803 as the down payment.

Section 6. 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. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who 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. 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 such notes occurs, such report shall 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 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 5(a) of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as a general improvement, 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 the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 9.50 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township 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 \$2,827,243 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$600,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 8. The capital budget of the Township is hereby amended to conform with the provisions of this 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 is available there for public inspection.

Section 9. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 5(a) hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or 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 received and so used.

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, unless paid from other sources, 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 as to rate or amount.

Section 11. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bond proceeds reappropriated by this bond ordinance.

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.

**TOWNSHIP OF MANALAPAN
COUNTY OF MONMOUTH
BOND ORDINANCE NO. 2017-07
NOTICE OF PENDING BOND ORDINANCE**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Manalapan, in the County of Monmouth, New Jersey, held on [April 19, 2017](#). It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 120 Route 522 & Taylor's Mills Road, Manalapan, New Jersey, on [May 10, 2017](#), at **8:00 p.m.**, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Complex of the Township during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Township who shall request such copies, at the office of the Municipal Clerk in said Township of Manalapan, in the County of Monmouth, New Jersey. The summary of the terms of such bond ordinance follows:

TITLE: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$3,056,046 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,827,243 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AND REAPPROPRIATING \$80,000 IN EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF A NEW PAVILION, AUTHORIZED IN AND BY THE TOWNSHIP OF MANALAPAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Purpose(s): Providing for the following capital improvements and/or acquisitions: (i) acquisition of various capital equipment including, but not limited to, an Eventide Recording System, tandem dump truck, crack fill trailer and loader; (ii) various buildings and grounds improvements including, but not limited to, Bucks Head Basketball Court improvements, field renovations, fitness trail stone dust and features, and a new pavilion; (iii) various road improvements including, but not limited to, Yorktowne Phase VII - Curbing and Concrete, Monmouth Heights Phase V - Curbing and Concrete, Yorktowne Phase VII and Monmouth Heights Phase V Engineering, Monmouth Heights Phase VI Design, Yorktowne Phase VII - Paving, Monmouth Heights Phase V - Paving, improvements to Deer Way, DPW site remediation, and a catch basin replacement per storm water plan; and (iv) technology upgrades including, but not limited to, six (6) replacement servers, and Barracuda Backup for data protection.

Appropriation: \$3,056,046

Bonds/Notes Authorized: \$2,827,243

Section 20 Costs: \$600,000

Useful Life: 9.50 Years

REGINA PRETEROTI, Municipal Clerk
Township of Manalapan
County of Monmouth, New Jersey