THE TOWNSHIP OF OCEAN IN
THE COUNTY OF OCEAN, NEW JERSEY

ORDINANCE NO. 2016-11

BOND ORDINANCE PROVIDING FOR SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING SEVEN HUNDRED FIFTY THOUSAND DOLLARS ($750,000) THEREFORE AND AUTHORIZING THE ISSUANCE OF SEVEN HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS ($712,500) BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Appropriation for Project-Down Payment

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general capital improvements to be made to the sewer utility systems of the Township of Ocean, in the County of Ocean, State of New Jersey (the "Township"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to SEVEN HUNDRED FIFTY THOUSAND DOLLARS ($750,000), including the aggregate sum of THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS ($37,500) which is hereby appropriated from the Sewer Utility Fund of the Township as the down payment for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11 as the sewer utility is not self-liquidating as of the date hereof. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the Township for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Ocean, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. Authorization of Bonds

For the financing of said improvements or purposes and to meet the SEVEN HUNDRED FIFTY THOUSAND DOLLARS ($750,000) appropriation, negotiable bonds of the Township are hereby authorized to be issued in the maximum principal amount of SEVEN HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS ($712,500) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the Township in the maximum principal amount of SEVEN HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS ($712,500) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Project

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	AMOUNT OF BONDS OR NOTES
Rehabilitation and improvements of the Poplar Street Pump Station and all other necessary or desirable structures, appurtenances, equipment and work or materials, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	$750,000	$712,500

Section 4. Authorization of Notes

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 SEVEN HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS ($712,500) 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 the Chief Financial Officer 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 Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Capital Budget

The capital budget of the Township of Ocean is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

Section 6. Additional Matters

The following additional matters are hereby determined, declared and 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 require or make and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **40 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 duplicate thereof has been electronically 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 SEVEN HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS ($712,500), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($125,000) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Township in connection with the acquisition of such improvement and property 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 improvement and are included in the foregoing estimate thereof.

Section 7. <u>Ratification of Prior Actions</u>

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. <u>Application of Grants</u>

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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. <u>Full Faith and Credit</u>

The full faith and credit of the Township are hereby pledged to punctual payment of the principal 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 of the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 10. <u>Official Intent to Reimburse Expenditures</u>

The Township reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose 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 improvement or purpose 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. <u>Effective Date</u>

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

TOWNSHIP OF OCEAN IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY

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Dennis F. Tredy, MAYOR

FIRST READING:	September 28, 2016
PUBLICATION:	October __, 2016
FINAL READING:	October 13, 2016
PUBLICATION WITH STATEMENT:	October __, 2016

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a special meeting of the Township Committee of the Township of Ocean, in the County of Ocean, State of New Jersey held on September 28, 2016, at the Ocean Township Municipal Building, located at 50 Railroad Avenue, Waretown, New Jersey. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held on October 13, 2016, at 6:30 o'clock P.M. at the Ocean Township Municipal Building. During the week prior to and up to and including the date of such meeting, copies of the said Bond Ordinance will be available at no cost and during regular business hours, at the Township Clerk's office located in the Municipal Building for the members of the general public who shall request the same. The summary of the terms of such Bond Ordinance follows:

Title: "**BOND ORDINANCE PROVIDING FOR SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING SEVEN HUNDRED FIFTY THOUSAND DOLLARS ($750,000) THEREFORE AND AUTHORIZING THE ISSUANCE OF SEVEN HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS ($712,500) BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF**"

Purpose(s): Rehabilitation and Improvements of Poplar Street Pump Station
Appropriation: $750,000
Bonds/Notes Authorized: $715,500
Grants (if any) Appropriated: N/A
Section 20 Costs: $125,000
Useful Life: 40 years

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Diane B. Ambrosio, RMC, Township Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENTS AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Ocean, in the County of Ocean, State of New Jersey on October 13, 2016, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such Bond Ordinance follows:

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