

ORDINANCE 17-10
INTRODUCED DATE: 08-16-17
ADOPTION DATE: 09-06-17

A BOND ORDINANCE RESTATING BOND ORDINANCE NO. 2016-11 TO PROVIDE AN APPROPRIATION OF \$1,100,000 FOR ACQUISITION OF PROPERTY LOCATED ON 27 BURNT TAVERN ROAD IN AND BY THE TOWNSHIP OF MILLSTONE, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,045,000 BONDS OR NOTES CONSISTING OF \$270,000 OPEN SPACE BONDS OR NOTES AND \$775,000 GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

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

SECTION ONE:

The Township Committee of the Township of Millstone has ascertained and determined to restate Bond Ordinance 2016-11, and accordingly Bond Ordinance 2016-11 is restated as follows:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Township of Millstone, in the County of Monmouth, New Jersey (the "Township") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$1,100,000. Such sum includes the sum of \$55,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 20A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision of moneys in the Open Space Farmland Preservation Trust Fund in the amount of \$39,434.35 and in the COAH Trust Fund in the amount of \$15,565.65.

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,045,000 pursuant to the provisions of the Local Bond Law, consisting of \$270,000 open space bonds and \$775,000 general improvement bonds (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$1,045,000, consisting of \$270,000 open space bond

anticipation notes and \$775,000 general improvement bond anticipation notes pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for acquisition of property identified as Block 57, Lot 16, containing approximately 53.39 acres (environmentally sensitive open space portion is 38.28 acres and the developable land portion is 15.11 acres), located on 27 Burnt Tavern Road, and the buildings thereon, all as shown and in accordance with the plans and specifications therefor on file in the Office of the Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$1,045,000, consisting of \$270,000 open space bonds or notes and \$775,000 general improvement bonds or notes.

(c) The estimated cost of the Improvement is \$1,100,000 which amount represents the initial appropriation made by the Township.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the “Chief Financial Officer”); provided that no Note shall mature later than one 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 shall determine all matters in connection with Notes issued pursuant to this 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 subject to the provisions of Section 8(a) of the Local Bond Law. 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 Township Committee of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must 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 5:

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, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire 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 the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, 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 executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, 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 \$1,045,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount of \$0 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements. An aggregate amount not exceeding \$0 for items of expense listed in and permitted under Section 20 of the Local Bond Law will be funded from the COAH Trust or Open Space Farmland Preservation Trust Fund.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$1,045,000.

SECTION 10:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

SECTION TWO:

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

EXPLANATORY STATEMENT:

This bond ordinance restates Ordinance No. 16-11, acquisition of the CKV Property, to state the allocation of the \$1,045,000 bonds or notes as consisting of \$270,000 open space bond anticipation notes and \$775,000 general bond anticipation notes.