

TOWNSHIP OF WALL

ORDINANCE NO. 18-2016

**BOND ORDINANCE PROVIDING FOR VARIOUS WATER/SEWER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$6,090,775 THEREFOR FROM THE WATER/SEWER UTILITY OF THE TOWNSHIP AND AUTHORIZING THE ISSUANCE OF \$5,940,775 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, 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 to be undertaken by the Water/Sewer Utility of the Township of Wall, in the County of Monmouth, State of New Jersey (the "Township") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$6,090,775 from the Water/Sewer Utility of the Township, including the sum of \$150,000 as the aggregate amount of down payments for said improvements or purposes set forth in Sections 3(a)(iii) and 3(a)(iv) required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). With respect to the improvements or purposes set forth in Sections 3(a)(i) and 3(a)(ii), no down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c), as such improvements or purposes are environmental infrastructure projects funded by loans from the New Jersey Environmental Infrastructure Trust Program ("NJEIT"). The \$150,000 aggregate amount of down payments is now available therefor from the Water/Sewer Utility capital improvement fund by virtue of provisions in a previously adopted budget or budgets of the Township for down payment or for water utility capital improvement purposes.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$6,090,775 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the Water/Sewer Utility of the Township are hereby authorized to be issued in the principal amount of \$5,940,775 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 Water/Sewer Utility of the Township in a principal amount not exceeding \$5,940,775 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 purposes for the financing of which said bonds or notes are to be issued, include but are not limited to, as follows:

<u>DESCRIPTION</u>	<u>APPROPRIATION</u>	<u>AUTHORIZATION</u>	<u>DOWN PAYMENT</u>	<u>USEFUL LIFE</u>
(i) Route 34 Water Main Improvements (NJEIT Project);	\$2,900,000	\$2,900,000	N/A	40 years

<u>DESCRIPTION</u>	<u>APPROPRIATION</u>	<u>AUTHORIZATION</u>	<u>DOWN PAYMENT</u>	<u>USEFUL LIFE</u>
(ii) Route 138 Water Main Improvements (NJEIT Project)	\$1,291,525	\$1,291,525	N/A	40 years
(iii) Replacement of or Improvements to Allenwood Wells #11 and #12; and	\$636,250	\$586,000	\$50,250	40 years
(iv) Acquisition and Installation of Water and Wastewater Pump Station Generators.	\$1,263,000	\$1,163,250	\$99,750	15 years
<b>TOTALS</b>	<b><u>\$6,090,775</u></b>	<b><u>\$5,940,775</u></b>	<b><u>\$150,000</u></b>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, 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.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$5,940,775.

(d) The aggregate estimated cost of said improvements or purposes is \$6,090,775, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor are the down payments available for said purposes set forth in Sections 3(a)(iii) and 3(a)(iv) in the aggregate amount of \$150,000.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Monmouth 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 Monmouth. 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 Monmouth 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 time 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 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 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 capital budget of the Water/Sewer Utility 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 Water/Sewer Utility capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs 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 or purposes which the Water/Sewer Utility of the Township may lawfully undertake as general improvements or purposes, 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 or purposes 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 35.10 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 in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Water/Sewer Utility 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 \$5,940,775 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 \$543,500 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.** Unless paid from other sources, 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. Unless paid from other sources, 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 as to rate or amount.

**SECTION 9.** The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in

Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The Township Chief Financial Officer 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 and to execute such disclosure document on behalf of the Township. The Township 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 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 11.** 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 ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING**

**DATED: December 14, 2016**



ROBERTA LANG,  
Clerk of the Township of Wall

**ADOPTED ON SECOND READING**

**DATED: December 28, 2016**



ROBERTA LANG,  
Clerk of the Township of Wall

**APPROVAL BY THE MAYOR ON THIS 28<sup>th</sup> DAY OF DECEMBER 2016.**



ANN MARIE CONTE,  
Mayor of the Township of Wall