

**TOWNSHIP OF DENNIS**

**ORDINANCE NUMBER 2018-04**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2018 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF DENNIS, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$3,700,000 THEREFOR (INCLUDING GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION PROGRAM IN THE AMOUNTS OF \$348,000 AND \$739,000, RESPECTIVELY) AND AUTHORIZING THE ISSUANCE OF \$3,546,473 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DENNIS, IN THE COUNTY OF CAPE MAY, 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 Township of Dennis, in the County of Cape May, State of New Jersey (the "Township") as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$3,700,000, which is inclusive of grants from the New Jersey Department of Transportation in the aggregate amount of \$348,000 (the "NJDOT Grants") in connection with the Westcott Road and Academy Road projects, and a Cape May County Open Space and Farmland Preservation Grant in the amount of \$739,000 in connection with the Dennis Township portion of the Countywide Regional Bikeway, Phase I project (the "County Grant" and together with the NJDOT Grants, the "Grants"), and \$153,527 as the aggregate amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c), as amended and supplemented, no down payment is required for the bonds or notes associated with the roadway improvements set forth in Section 3(a)(i) as a portion of such project is being funded by the NJDOT Grant.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$3,700,000 appropriation not provided for by application hereunder of said down payment, and until the Grants have been received,

negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,546,473 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 Township in a principal amount not exceeding \$3,546,473 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) <b><u>Roadways</u></b> - Various Roadway Improvements In And Throughout The Township Including, But Not Limited To, Westcott Road and Academy Road, Which Improvements Shall Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, Improvements To And/Or Replacement Of Drainage Ditches And Storm Drains, And Associated Improvements To Curbing And Driveway Aprons, Roadway Painting, Landscaping And Aesthetic Improvements;	\$750,000	\$750,000	\$0 (No Down Payment Required Due To The NJDOT Grants)	20 years
(ii) <b><u>Recreation Center</u></b> - Various Improvements For The Recreation Center Including, But Not Limited To, Improvements To And/Or Replacement Of The Roof And The Gym Floor; Acquisition And Installation, As Applicable, Of Various Equipment Including, But Not Limited To Defibrillators (AED) And A Security Camera;	\$274,000	\$247,905	26,095	19.66 years
(iii) <b><u>Township Hall</u></b> - Various Improvements For Township Hall Facility Including Acquisition And Installation Of Various Equipment, As Applicable, Including, But Not Limited To, Security Measure Improvements Including, But Not Limited To, Installation Of Bullet Proof Glass On Doors And Windows, Video Surveillance Improvements, A Buzzer System For Entrance Doors And Associated Card System; Computer Software, Hardware And Monitors; And A Non-Passenger Utility Vehicle;	\$82,000	\$78,095	\$3,905	7.74 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(iv) <b><u>Public Works</u></b> - Acquisition And Installation, As Applicable, Of Equipment For the Department of Public Works Including, But Not Limited To, A Leaf Vacuum, A Tractor With Cab, A Truck Crew Snow Plow, A Flat Bed For Dump Truck, A Dump Body For Truck, Cab For Boom Mower; And A Dump Truck;	\$237,000	\$225,714	\$11,286	7.74 years
(v) <b><u>Bike Path</u></b> - Installation Of A Bike Path For The Dennis Township Portion Of A Countywide Regional Bikeway, Phase I, Pursuant To A Shared Services Agreement Including, But Not Limited To, Tree Removal and Pruning, Excavation, Grading, Drainage and Paving;	\$1,000,000 (including County Grant in the amount of \$739,000)	\$952,380	\$47,620	20 years
(vi) <b><u>Senior Center</u></b> - Various Improvements For The Senior Center And Acquisition, Installation And/Or Construction Of, As Applicable, A Refrigerator, An Oven, A Dishwasher And A Shed; And Improvements To Parking Lot And Sidewalk From Senior Center To Township Hall;	\$11,300	\$10,761	\$539	8.98 years
(vii) <b><u>Open Space Improvements</u></b> - Various Open Space Improvements, Including, But Not Limited To Chestnut Street Park Improvements Including, But Not Limited To, Improvements To Football Field And Construction Of Or Improvements To, As Applicable, Associated Amenities Including, But Not Limited To, Restrooms, Locker Rooms, Storage Facilities, Well and Septic System; And Acquisition And Installation, As Applicable Of Lighting, Bleachers, Entrance Gates And Signage; ADA (Americans With Disabilities Act) Compliant Playground Equipment With Safety Surface, Basketball Court, Bicycle Fix-It Station Including, But Not Limited To, Water Fountain, Air Pump, Racks And Bicycle And Trail Signage; And An Irrigation Well; And	\$1,213,600	\$1,155,809	\$57,791	20 years
(viii) <b><u>Other Miscellaneous</u></b> - Various Improvements For, And/Or Within, The Township Including, But Not Limited To, Acquisition And Installation, As Applicable, Of An Ambulance; And Improvements To The Museum And History Center Including, But Not Limited To Structural Improvements, Windows And Siding.	\$132,100	\$125,809	\$6,291	11.89
Totals	<u>\$3,700,000</u>	<u>\$3,546,473</u>	<u>\$153,527</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, 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.

(c) Until the Grants are received, the estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$3,546,473.

(d) The aggregate estimated cost of said improvements or purposes is \$3,700,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, and until the Grants have been received, is the down payment available for said purposes in the aggregate amount of \$153,527.

**SECTION 4.** In the event the United States of America, the State of New Jersey, the County of Cape May, and/or a private entity make a contribution or grant in aid to the Township, including the Grants, 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, the County of Cape May, and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May, and/or a private entity, including the Grants, 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.

**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 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 Fund 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 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 18.60 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 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

\$3,546,473 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 \$740,000 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 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.

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Zeth A. Matalucci, Mayor

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Julie Fry-DeRose, Deputy Mayor

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Nicholas Elisano, Committee Member

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Scott J. Turner, Committee Member

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Thomas VanArtsdalen, III, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on April 10, 2018. Publication will be held on April 13, 2018 and a Public Hearing will be held at a meeting of the said Township Committee to be held on April 24, 2018 at 6:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

**ATTEST**

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**Jacqueline B. Justice, RMC/Clerk**