

TOWNSHIP OF DENNIS

ORDINANCE NUMBER 2020-03

BOND ORDINANCE PROVIDING FOR VARIOUS 2020 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF DENNIS, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$1,893,500 THEREFOR (INCLUDING GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$515,000) AND AUTHORIZING THE ISSUANCE OF \$1,844,250 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 \$1,893,500, which is inclusive of grants from the New Jersey Department of Transportation in the aggregate amount of \$515,000 (the "NJOT Grants") in connection with the Chestnut Street and County Line Road projects and \$49,250 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 \$1,893,500 appropriation not provided for by application hereunder of said down payment, and until the NJDOT Grants have been received, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,844,250 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 \$1,844,250 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) Roadways - Various Roadway Improvements In And Throughout The Township Including, But Not Limited To, Chestnut Street, County Line Road, Savage Bridge Road, Macellaro Road and Sunny Lane, 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;	\$908,500	\$908,500	\$0 (No Down Payment Required Due to the NJDOT Grants)	20 years
(ii) Recreation Center - Various Improvements For The Recreation Center Including, But Not Limited To, Improvements To And/Or Removal and Replacement Of The Gym Floor, Installation Of Pickleball Courts; Acquisition And Installation, As Applicable, Of Various Equipment Including, But Not Limited To A HVAC Unit; And A Non-Passenger Utility Vehicle With Plow;	\$532,000	\$505,400	26,600	15 years
(iv) Public Works - Acquisition And Installation, As Applicable, Of Equipment For the Department of Public Works Including, But Not Limited To, A Boom Mower, And A Dump Truck With Plow And Salt Spreader;	\$235,000	\$223,250	\$11,750	10 years
(viii) Other Miscellaneous - Various Improvements For, And/Or Within, The Township Including, But Not Limited To, Acquisition Of An Ambulance.	\$218,000	\$207,100	\$10,900	10 years
Totals	<u>\$1,893,500</u>	<u>\$1,844,250</u>	<u>\$49,250</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 NJDOT Grants are received, the estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,844,250.

(d) The aggregate estimated cost of said improvements or purposes is \$1,893,500, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, and until the NJDOT Grants have been received, is the down payment available for said purposes in the aggregate amount of \$49,250.

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 NJDOT 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 NJDOT 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 13.75 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 \$1,844,250 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.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas VanArtsdalen, III, Committee Member

Frank Germanio, Committee Member

Matthew Cox, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on July 14, 2020. Publication will be held on July 29, 2020 and a Public Hearing will be held at a meeting of the said Township Committee to be held on August 11, 2020 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk