

**TOWNSHIP OF NORTH BRUNSWICK
ORDINANCE 25-22**

BOND ORDINANCE PROVIDING FOR CAPITAL IMPROVEMENTS FOR AND BY THE TOWNSHIP OF NORTH BRUNSWICK, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$6,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,080,000 IN BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF NORTH BRUNSWICK, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (the "Township") (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$6,400,000, including the aggregate sum of \$320,000 as the several down payments for the improvements or purposes required by the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). The down payments have been made available by virtue of provision for down payments or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$6,080,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes in a principal amount not exceeding \$6,080,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each such improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each such improvement and the period of usefulness of each such improvement are respectively as follows:

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Improvement or Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
a) Acquisition of heavy equipment and related accessories for the Department of Parks and Public Works.	\$ 40,000	\$38,000	15 years
b) Improvements to various streets and roads pursuant to the multi-year road improvement program on file with the Department of Community Development.	\$2,400,000	\$2,280,000	20 years
c) Acquisition of trucks and related accessories for various departments including, but not limited to: Public Safety, Department of Community Development, Parks, First Aid and Rescue Squad and the Department of Public Works.	\$1,170,000	\$1,111,500	10 years
d) Improvements to various parks including, but not limited to: Babbage, Sabella, and the Pulda Farm.	\$240,000	\$228,000	15 years
e) Upgrades and improvements to the Township's Information Technology Network including, but not limited to: acquisition of computers, servers, printers, digital copiers, network infrastructure, and other related office equipment.	\$ 400,000	\$ 380,000	5 years
f) Renovations and upgrades to municipal buildings including, but not limited to: Sabella Concession Stand, Resiliency Center, Hermann Road Pavilion, fuel system upgrades and Municipal Complex heating ventilation and air conditioning (HVAC) upgrades.	\$2,150,000	\$2,042,500	20 years
TOTALS:	<u>\$6,400,000</u>	<u>\$6,080,000</u>	

The excess of the appropriations made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the down payment for each purpose.

The appropriations and estimated costs for the above improvements include all costs and materials necessary therefore and related or incidental thereto.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by 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 bond ordinance, and the Chief Financial Officer's signature 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 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 governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond

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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 bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board, as approved by the Director of the Division of Local Government Services are on file with the Clerk and are available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are each an improvement that the Township may lawfully undertake as a general improvement, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 16.73 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and an electronic copy thereof has been 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. 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 \$6,080,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,600,000 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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 8. The Chief Financial Officer of the Township 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 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 15(c)2-12 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.

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Section 9. 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. 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 jurisdiction of the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 10. The Township intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Township expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$6,080,000. If the Township incurs any such costs prior to the issuance of the bonds or notes, the Township intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.