

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

ORDINANCE

ORDINANCE NO. 005-2013

RE: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$3,748,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,560,600 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (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 of Upper, in the County of Cape May, New Jersey (the "Township") as general improvements. For the several 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, such sums amounting in the aggregate to \$3,478,000, including the aggregate sum of \$187,400 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,560,600 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation

therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of various vehicles and equipment, consisting of trash trucks and containers, a dump snow plow and spreader, mowers, a mini-dump truck with utility box and snow plow, a utility body pick-up truck and a loader bucket, improvements to an existing loader and the acquisition and installation of carpeting at the Township Hall meeting room, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$1,506,500	\$1,431,175	5 years
b) The Paving Project, consisting of milling of existing surface and overlay of 2 inch bituminous surface course with ancillary work, including concrete curb and sidewalk, signs and drainage work, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$1,500,000	\$1,425,000	10 years
c) The replacement of the boat ramp, consisting of engineering work, permits, construction and the installation of a new pier and floating docks, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$300,000	\$285,000	10 years
d) Recreational field improvements, consisting of fencing, irrigation, baseball dugouts, the sewer pump station, the restroom building and sports field lighting and improvements to Golden Oak Playground, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$166,000	\$157,700	15 years
e) Replacement of the Town Hall roof, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$100,000	\$95,000	10 years
f) The Building/Facility Security Project, consisting of the acquisition and installation of web enable cameras and recording equipment at Township Hall, the Community Center, Caldwell Park and Amanda's Field and the installation of bullet-resistant windows at Town Hall, including all related costs and expenditures	\$50,000	\$47,500	10 years

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incidental thereto and further including all work and materials necessary therefor and incidental thereto.			
g) Acquisition of various equipment, consisting of an emergency generator for the Rescue Squad, a vehicle fueling system and a vehicle lift, including all related costs and expenditures incidental thereto.	\$105,000	\$99,750	15 years
h) Acquisition of portable radios for the Public Works Department and the Rescue Squad, including all related costs and expenditures incidental thereto.	\$14,000	\$13,300	10 years
i) Acquisition of a portable tent for use as an emergency shelter, including all related costs and expenditures incidental thereto.	\$6,500	\$6,175	5 years
TOTALS	<u>\$3,748,000</u>	<u>\$3,560,600</u>	

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

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 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 Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted 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 8.34 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 a complete executed duplicate 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 in this bond ordinance by \$3,560,600, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$375,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this

bond ordinance. This Section 7 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 8. 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 9. 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 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 10. 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 real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

ATTEST:


BARBARA L. YOUNG, Township Clerk


RICHARD PALOMBO, Mayor

Legislative History:

Introduced: March 11, 2013

Publication: March 14, 2013

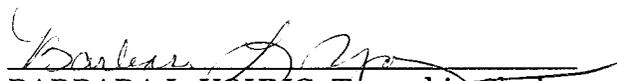
Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: April 8, 2013

Final Adoption: April 8, 2013

Final Publication Date: April 11, 2013

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on April 8, 2013 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on April 11, 2013.


BARBARA L. YOUNG, Township Clerk