

**TOWNSHIP OF MENDHAM
ORDINANCE 9-2008**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,535,574 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,094,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, 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 Mendham , New Jersey 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 \$1,535,574, including the aggregate sum of \$441,324 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, and other funds are available from the sources as described in Section 3 hereof.

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 \$1,094,250 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 therefor, 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>Down Payment And Other Available Funds</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of a dump truck	\$50,000	\$2,500 (from Capital Improvement Fund)	\$47,500	5 years
b) Acquisition of two truck bodies	\$44,000	\$7,900 (\$2,200 from Capital Improvement Fund and \$5,700 from Capital Reserve)	\$36,100	15 years
c) Replacement of wooden guard rails with steel guard rails along roadsides	\$15,000	\$15,000 (from Capital Improvement Fund)	\$0	15 years
d) Improvement of drainage system in area of West Main , Old Mill and Mosle Road	\$10,000	\$10,000 (from Capital Improvement Fund)	\$0	40 years
e) Improvement and overlay of all or portions of various roads consisting of Oak	\$533,000	\$36,150 (from Capital	\$496,850	5 years

Purpose	Appropriation and Estimated Cost	Down Payment And Other Available Funds	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Knoll Road, West Main Street, Woodland Road (Section 1) and, to the extent funds are available, other roadways identified with a similar need		Improvement Fund)		
f) Acquisition of equipment for Police Department consisting of a copier and fingerprint system, digital video units and evidence log and SWAT helmets and vests	\$97,000	\$48,550 (from Capital Improvement Fund)	\$48,450	5 years
g) Acquisition of fire equipment for Ralston Firehouse and Brookside Firehouse consisting of radios, pagers, safety task alarms, turnout gear and hose replacement	\$56,000	\$37,000 (from Capital Improvement Fund)	\$19,000	5 years
h) Preliminary planning expenses for investigation of acquisition of Pitney property for new municipal building site	\$50,000	\$50,000 (from Open Space Trust Fund)	\$0	15 years
i) Improvement of drainage system and reconstruction of Corey Lane	\$345,000	\$167,250 (\$17,250 from Capital Improvement Fund and \$150,000 available as a New Jersey Department of Transportation grant)	\$177,750	20 years
j) Construction of trail bridge #2 at India Brook	\$50,000	\$50,000	\$0	10 years

Purpose	Appropriation and Estimated Cost	Down Payment And Other Available Funds	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Park		(available as grant from New Jersey Department of Environmental Protection)		
k) Major repair or replacement of sections of fence at Ralston Fields	\$2,574	\$2,574 (from Capital Improvement Fund)	\$0	15 years
l) Improvement of drainage system in area of Walsingham Road , the Drakewick Complex and Governor's Estate	\$18,000	\$900 (from Capital Improvement Fund)	\$17,100	40 years
m) Supplemental appropriation for new emergency services building (this supplements bond ordinance #19-2006 finally adopted 9/11/06 as supplemented by ordinance #2-2007 finally adopted 1/23/07, bond ordinance #7-2007 finally adopted 5/22/07, bond ordinance #13-2007 finally adopted 11/27/07 and bond ordinance #1-2008 finally adopted 2/11/08)	\$250,000 (in addition to \$3,300,000 appropriated by bond ordinance #19-2006 finally adopted 9/11/06, \$196,000 appropriated by ordinance #2-2007 finally adopted 1/23/07, \$150,000 appropriated by Section 3(m) of bond ordinance #7-2007 finally adopted 5/22/07, \$100,000 appropriated by bond ordinance	\$12,500 (from Capital Improvement Fund)	\$237,500 (in addition to \$3,142,000 bonds or notes authorized by bond ordinance #19-2006 finally adopted 9/11/06, \$132,500 bonds or notes authorized by Section 3(m) of bond ordinance #7-2007 finally adopted 5/22/07 and \$166,250 bonds or notes authorized by Section 3(a)	40 years

Purpose	Appropriation and Estimated Cost	Down Payment And Other Available Funds	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
	#13-2007 finally adopted 11/27/07 and \$175,000 appropriated by Section 3(a) of bond ordinance #1-2008 finally adopted 2/11/08)		of bond ordinance #1-2008 finally adopted 2/11/08)	
n) Supplemental appropriation for redevelopment of India Brook Park for recreational purposes, including improvement of the fields and acquisition and installation of equipment (this supplements bond ordinance #15-2006 finally adopted 5/8/06)	\$15,000 (in addition to \$540,000 appropriated by bond ordinance #15-2006 finally adopted 5/8/06)	\$1,000 (from Capital Improvement Fund)	\$14,000 (in addition to \$428,000 bonds or notes authorized by bond ordinance #15-2006 finally adopted 5/8/06)	15 years
TOTALS	\$1,535,574	\$441,324	\$1,094,250	

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 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 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 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 16.06 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 \$1,094,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$310,000 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. 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 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 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 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 real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

