

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **21-044**

1ST READING JULY 20, 2021
2ND READING & PUBLIC HEARING AUG. 17, 2021
WITHDRAWN _____ LOST _____

DATE TO MAYOR _____
DATE RESUBMITTED TO COUNCIL _____
DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

AN ORDINANCE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$16,117,330 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$13,538,310 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Hamilton, in the County of Mercer, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the respective sums amounting in the aggregate to \$16,117,330, including the aggregate sum of \$712,800 as the several down payments for the improvements and purposes required by the Local Bond Law and grant proceeds in the amount of 1,245,000 in NJDOT grants and \$621,220 in Township Road Trust program monies. The down payment has 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 improvement or purpose not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$13,538,310, 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. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are as follows:

I. **Purpose – Technology and Services.** Acquisition of technology services and equipment for the Township's Police, Fire, Recreation and information technology departments, including but not limited to Phone upgrades, Camera upgrades, Microfilming records, Servers, Network closets, Recreation software, Alerting Systems, Access Systems, Wiring infrastructures and Mobile radios (Sierra units or equivalent), as set forth on a list on file in the office of the Township Clerk, including all work and related materials necessary therefor or incidental thereto.

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<u>Appropriated and Estimated Cost:</u>	\$623,170
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$591,970
<u>Period or Average Period of Usefulness:</u>	9.27 years
<u>Amount of Down Payment:</u>	\$31,200

II. Purpose-Park Improvements. Acquisition of equipment and improvements to Township parks, including but not limited to Tennis Courts resurfacing, Tennis Center improvements, Improvements to Veterans Park, Sunset Park and Homedell Park, repair and create trails at various parks, improvements to Veteran's Park Bridge, replacement of pond at Sayen Park and improvements to Hockey court, each including all work and related materials and equipment necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$1,430,670
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,359,070
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$71,600

III. Purpose-Road Reconstruction. Construction and reconstruction of various Township roads, including but not limited to reconstruction and expansion of Fifth Ave, Cypress Lane, Applegate Drive, John Court, AAA Drive, Homestead Ave, Burtis Ave, Maitland Road, Shelley Lane, Fourth Ave, Carl Sandburg Road, various Township parking lots and including wages and benefits for Township DPW employees undertaking the repair and reconstruction directly, and including all work and related materials and equipment necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$1,958,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,860,000
<u>Period or Average Period of Usefulness:</u>	20 years
<u>Amount of Down Payment:</u>	\$97,900

IV. Purpose – Engineering Roads. Engineering and related services for Township road projects, including but not limited to Lamont Ave, Sandalwood Ave, Holmes Ave, Kenwood Terrace, Marshall Ave, Julia Ave, Murray Ave, Industrial Avenue (NJDOT and Township Trust Supported), Yardville Hamilton Square Road (NJDOT and Township Trust Supported) and road base and lateral support projects township wide including concrete, drainage and guide rail and including wages and benefits for Township engineering employees undertaking the repair and reconstruction planning, design and inspection functions directly and including all work and related materials and equipment necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$5,229,170
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$3,194,750
<u>Period or Average Period of Usefulness:</u>	20 years
<u>Amount of Down Payment:</u>	\$168,200
<u>NJDOT Grant</u>	\$1,245,000
<u>Township Road Trust Account</u>	\$621,220

V. Township Facilities and Buildings. Construction, repairs and acquisition of equipment for or to Township Buildings, including but not limited to Paving and lighting

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improvements and repairs to Township parking lots , Fencing, General Renovations, acquisition of Office Furniture, acquisition and installation of Pond filtration systems, Improvements and maintenance to McManimon Building and Sayen House, signage for Grafton House, Grafton Gazebo area improvements, improvements to Senior Center, install concrete pad at animal shelter, improvements to DeMeo property, repair and maintenance of Police Station exterior, Caretakers House at Kuser Park, Kuser Mansion, repairs and reconstruction of roofs at Municipal Building and Pearson House, acquisition of office furniture for various departments, repairs and replacements of doors, roofs and siding at various buildings within Veteran's Park, repairs and maintenance to Buildings and Ground Warehouse, roof repairs and maintenance at Fire Department structures, including but not limited to Nottingham Fire Station and Whitehouse Fire Station, and including all work and related materials and equipment necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$1,991,120
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,891,520
<u>Period or Average Period of Usefulness:</u>	13.70 years
<u>Amount of Down Payment:</u>	\$99,600

VI. Acquisition of Vehicles and Equipment. Acquisition of, replacement of and repair to vehicles and equipment for various Township departments, including but not limited to departments of Police, Fire, OEM, Engineering, Buildings and Grounds, Roads, Parks Garage and Senior Centers, and including but not limited to the following: Protective Equipment, SWAT Equipment, AED Replacements, Kubota tractor/mower, Kitchen Oven, Bingo machine, Traffic signal equipment, Car Mate Trailers, Utility loaders, Sand Pro 3040 (or equivalent), Skid Steer, Grapple truck, Hydraulic controls, Wheel loader, Roll off Chassis, Turn mower, Tractor, Sewer cleaner, Excavator, Tandem Axle Trailer, Compost Turner, Command Units (2), Class A Pumper, Upgrade to air purifying system for Police facilities, HazMat Turnout Gear, SUV for engineering department, Pick Up Truck for building and grounds, Tandem Dump Truck for Roads Department, Ford F-250 with accessories for Road Department, Ford F-550 Utility Truck for DPW garage, Utility Truck for Fire Department, Police SUVs (18) and Truck, and including all work and related materials and equipment necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$4,885,200
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$4,640,900
<u>Period or Average Period of Usefulness:</u>	15.01 years
<u>Amount of Down Payment:</u>	\$244,300

The acquisition of vehicles and equipment set forth in Section 3 includes customization, painting, decals and related equipment to allow the vehicle or equipment to be used for its intended use.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes authorized herein is equal to the amount of the appropriation herein made therefor.

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

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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 N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, 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 the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 15.01 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 \$13,538,310, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$6,175,000 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 improvements or purposes.

(e) The Township reasonably expects to commence the acquisition of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such

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expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

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 hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is 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 as to rate or amount.

Section 9. The Township Council hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

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

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓			✓			ANTHONY P. CARABELLI, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						
CHARLES F. WHALEN	✓				✓	✓	CHARLES F. WHALEN						
NANCY PHILLIPS	✓				✓		NANCY PHILLIPS						
PASQUALE "PAT" PAPERIO, JR.	✓						PASQUALE "PAT" PAPERIO, JR.						

X - Indicates Vote A.B. - Absent N.V. - Not Voting RES. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE AYE _____ NAY _____