

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

ORDINANCE

No. **22-034**

1ST READING	<u>July 19, 2022</u>	DATE TO MAYOR	_____
2ND READING & PUBLIC HEARING	<u>Aug 16, 2021</u>	DATE RESUBMITTED TO COUNCIL	_____
WITHDRAWN _____	LOST _____	DATE EFFECTIVE	_____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 \$16,860,900 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$11,199,836 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), pursuant to the Local Bond Law, L. 1960, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Bond Law"), 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 \$16,860,900, including \$5,321,000 in State Grants described in the table below and the aggregate sum of \$340,064 as the several down payments for the improvements and purposes required by the Local Bond Law. 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 and the grants will be applied to the projects set forth in Engineering Roads subsection of Section 3 to which no down payments are required pursuant to N.J.S.A. 40A:2-11(c). The State Grants are detailed below:

Date Received	Grant Summary	Amount
March 18, 2021	NJDOT Local Freight Impact Fund Program – Thomas J Rhodes Part 1	\$320,000
March 18, 2021	NJDOT Local Freight Impact Fund Program – Thomas J Rhodes Part 2	\$270,000
February 2, 2021	Safe Streets for Transit – South Broad Street	\$140,000
August 17, 2021	USDA Small Watershed Rehabilitation funds	\$4,591,000
Totals		\$5,321,000

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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 \$11,199,836, 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. Acquisition of Technology and Services, including but not limited to: Micro-Filming of Township Records by Office of the Township Clerk; acquisition of Dell PowerEdge R740 Servers (or equivalent) and switches for Township IT Department; acquisition of communication signal repeater for Township Fire Department; acquisition of Cisco Switch Networking or equivalent (Records/Communication), Security Camera Upgrade and Datapilot 10 Field Acquisition Device or equivalent (Evidence gathering, retention and storage) for the Township Police Department, as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$479,060
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$455,107
<u>Period or Average Period of Usefulness:</u>	6.10 years
<u>Amount of Down Payment:</u>	\$23,953

II. Purpose. Improvements and repairs to Township Parks and recreational assets, including but not limited to: replacement of playground equipment and Sunset Park; repair and install lighting and lighting efficiency equipment for Township tennis courts at Veterans Park, Warwick Park and Ralston Field., resurface several tennis courts at Veterans Park and creation of COVID memorial to honor Township residents lost to the pandemic and the courage, professionalism and service of the Township's frontline workers, each as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$640,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$608,000
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$32,000

III. Purpose. Improvements and repairs to Township public buildings and facilities, including but not limited to: replacement of bay garage doors at Department of Public Works, acquisition and installation of generators at Police Department and Animal Shelter, improvements to facilities at Animal Shelter to protect animal and human safety; installation of pavers at Township Senior Center to mitigate water damage from rain events; replacement of couches in TV/Media room at Township Senior Center; installation of rack storage systems for equipment at Township Fire Department; replacement of garage type doors at Police fire range; matching grant to secure renovation and improvement grant for preservation of Pearson House; repairs and improvements to kitchen and catering facilities at Nottingham ballroom and upgrade Wall of Champion sat Veteran's Park to allow for additional honorees, each as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary thereof or incidental thereto.

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<u>Appropriated and Estimated Cost:</u>	\$944,500
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$897,275
<u>Period or Average Period of Usefulness:</u>	9.58 years
<u>Amount of Down Payment:</u>	\$47,225

IV. Purpose. Acquisition of equipment and vehicles for Township departments, including but not limited to the following equipment: Kubota RTV XG850G-A & Kubota RTV520A (Parks), Kubota BH77 Backhoe attachment for B2650 Loader (Parks), Teak Seating Benches (Parks), John Deere Gator (Parks), Toro 7500 D 144" Mower (Parks), Mack Granite 64BR Daycab 6x4 (Roads), Case 621G-XR Wheel Loader (Roads), Brine Maker (Roads), Floor Jacks (Township Garage), Flammable Storage Cabinet Safety at various public buildings (Risk mitigation), Floor Scrubber (Township Garage), Kubota ball retrieval equipment (Golf Center), Public safety equipment (Police) to allow for less lethal response as required by state AG guidance, Scoped Rifles (Police) and Hazmat Radiological Detection Equipment (OEM), with all brands specified to allow for equivalent level equipment and including but not limited to the following vehicles 3/4 Ton extended cab Pickup Truck (Parks), two (2) Ford Transit type with Reading Truck body (Buildings and Grounds), Dump Truck (Single Axle) (Roads), Ford F550 4WD Super Cab Dump Body (Roads), Roll Off Truck (Roads), Spray Truck 4x2 (Roads), F250 Type 4x4 (Roads), Two (2) Ford Focus level SUV (UCC), SUV Vehicle (IT), Ladder Truck (Fire), SUV (Senior center), Ten (10) Police SUV Vehicles (Police), F150 Responder type (Police) and Ford Expedition type (Police), with all vehicles allowing for equivalent type vehicles and including customization and related equipment to allow the vehicles to be used for its intended use, as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$4,527,092
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$4,300,737
<u>Period or Average Period of Usefulness:</u>	6.24 years
<u>Amount of Down Payment:</u>	\$226,355

V. Purpose. Reconstruction and repairs to Township roads, including but not limited to repairs to Third Avenue from Whitehead Road to Assunpink Blvd. and First Avenue from Whitehead Road to Assunpink Blvd, as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$210,611
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$200,080
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$10,531

VI. Purpose. Reconstruction, Repair and Improvements to Township Roads and infrastructure, including but not limited to Genesee Street from Chambers Street to Park Avenue, Tar Heels Road from Paxson Avenue to Paxson Avenue, Genesee Street from Cedar Lane to Chambers Street, Annabelle Avenue from South Broad St to Cul-De-Sac, Hobson Avenue from Emeline Avenue to South Broad Street, Thomas J Rhodes Industrial Drive from Youngs Road to Nami Lane (NJDOT Grant of \$270,000), Industrial Drive from Whitehead Road to Cul-De-Sac (NJDOT Grant of \$320,000), sidewalks and pedestrian improvements to South Broad Street from Highland Ave to Sunnybrae Boulevard (NJDOT grant of \$140,000) and rehabilitation of Dam Site 8 to meet current state and federal standards (USDA Grant of

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\$4,591,000.00) and each job including miscellaneous paving, signage, signals, guardrails, inspections and permits, and including allocation of in house Township costs associated with bidding, monitoring and inspecting contracted work, as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$10,059,637
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$4,738,637
<u>Period or Average Period of Usefulness:</u>	17.59 years
<u>Amount of Grants Appropriated:</u>	\$5,321,000

(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 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

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for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 11.84 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 \$11,199,836, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,500,000 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 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.

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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.						
PASQUALE V. PAPERIO, JR	✓					✓	PASQUALE V. PAPERIO, JR						
RICHARD L. TIGHE, JR	✓						RICHARD L. TIGHE, JR						
CHARLES F. WHALEN.	✓						CHARLES F. WHALEN						
NANCY PHILLIPS	✓						NANCY PHILLIPS						

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

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE

AYE _____

NAY _____

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