

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

**ORDINANCE**

No. **22-035**

1ST READING July 19, 2022  
2ND READING & PUBLIC HEARING Aug 16, 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WITHDRAWN \_\_\_\_\_ LOST \_\_\_\_\_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 IMPROVEMENTS TO TOWNSHIP'S WASTEWATER TREATMENT SYSTEM IN AND FOR THE TOWNSHIP, APPROPRIATING \$10,522,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$10,522,000 IN SEWER UTILITY 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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Hamilton, in the County of Mercer, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$10,522,000. Pursuant to N.J.S.A. 40A:2-11, no down payment is required as the Township's sewer utility is self-liquidating.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$10,522,000, 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:

1. Purpose. Capital projects and improvements to the Township's Sewer Treatment Plant, including but not limited to: Treatment Plant Upgrade of Electrical Equipment Phase I, SCADA/Fiber/PLC Upgrades, Repairs and upgrades to achieve NFPA Classification of Plant Buildings, clearing and replacement of Plant Perimeter Fence, Replace lighting systems for Headworks Building, Replacement of Rotating Biological Contactor systems, Sludge Dewatering Filter Press Replacement (& temp repair), Upgrade Emergency Eye-Wash system, Replace Ferric (2)/Alum Tanks, acquire and install Digester Biogas Scrubber System, replace or rehabilitate Chloromat Building, Rehabilitate Old Laboratory, facility wide program for Curb/Road Repair and re-pavement, repairs to Garage Building, Air Quality Evaluation for main building and rotating biological contactor area, structural and mechanical upgrade of Scrubber #1 within Press Building, replacement of two (2) Scrubber Caustic Tanks, replacement of three (3) Scrubber Hypochlorite Tanks (3); repairs to 68 Digester Wing Wall, Valve Replacement Program, Unanticipated Improvements/Upgrades & Heavy Mechanical repairs facility wide and General Engineering: Treatment Plant/Collection System/Pump

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Stations., 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>	\$6,665,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$6,665,000
<u>Period or Average Period of Usefulness:</u>	21.26 years

II. Capital projects and improvements to the Township's pump stations, including but not limited to: Upgrades to Instrumentation, Level and Program Controls, and Alarms, Rehabilitation of Klockner Pump Station, including Roof Replacement, Upgrades to Leachate Pump Station and Force Main Replacement, Conversion of Whitehead Pump Station to Dry Pit Submersibles, replacement of Bioxide Feed System at Deutzville, Yard-Grove and Wesley Grove stations and unanticipated Improvements/Upgrades & Heavy Mechanical Repairs as needed, 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>	\$2,010,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$2,010,000
<u>Period or Average Period of Usefulness:</u>	17.86 years

III. Capital projects and improvements to the Township's collection system, including but not limited to: Sewer Improvements associated with Municipal Road Improvement Program, repairs to Underground Infrastructure as needed, system wide program of Sanitary Sewer Inspection & Rehabilitation due to incidents and maintenance history, maintenance and repairs to system easements and access points to insure access and mitigate root intrusion, Line 42 inch Pipe Crossing Pond Run, complete remaining work for force main replacement and rehabilitation in Yardville-Groveville sections, evaluation and replacement of Whitehead Force Main and system wide program of lining pipes with history of Infiltration (ex. Sunset and Burnt Swamp areas) , 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>	1,505,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,505,000
<u>Period or Average Period of Usefulness:</u>	24.88 years

VI. Acquisition of vehicles and equipment to support the Township's sewer utility system, including but not limited to: Upgrades for Lab Equipment, acquisition of flat files for storage and preservation of engineering drawings, replacement of zoom camera, acquisition of Ford F-250 (or equivalent) Utility Body vehicle, acquisition of Ford Transit Tall Roof (or equivalent), acquisition of lawn mower, acquisition of heavy duty Forklift, acquisition of Tow-Behind Air Compressor, acquisition of Ford F-350 4x4 Utility Body (or equivalent) with Plow/Liftgate and acquisition of two (2) Chevy Colorado/Ford F-150 class 4x4, 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.

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<u>Appropriated and Estimated Cost:</u>	\$342,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$342,000
<u>Period or Average Period of Usefulness:</u>	8.42 years

(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 for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 20.71 years.

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(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 \$10,522,000, 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 to be 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.

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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.						
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 \_\_\_\_\_

[Type text]