

TOWNSHIP OF MOORESTOWN

ORDINANCE 21-2009

A BOND ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF REAL PROPERTY; APPROPRIATING THE SUM OF \$1,425,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$1,353,750 BOND OR NOTES OF THE TOWNSHIP TO FINANCE SAID ACQUISITIONS; AND MAKING CERTAIN DETERMINATIONS AND CONVENANTS AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members therefore affirmatively concurring) **PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY, AS AMENDED AND SUPPLEMENTED (“LOCAL BOND LAW”), AS FOLLOWS:**

Section 1. The real property described in Section 3 of this Ordinance is hereby authorized to be acquired and utilized by the Township of Moorestown (the "Township"), situate in the County of Burlington, New Jersey as a general improvement. For the improvement described in Section 3, there is hereby appropriated the sum of \$1,425,000, including the sum of \$71,250 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement and to meet the part of said \$1,425,000 appropriation not provided for by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,353,750 pursuant to the Local Bond Law. In anticipation of the issuance of 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 improvement hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose; and the period of usefulness of each said purpose within the limitations of the Local Bond Law, all as more fully described in accordance with specifications on file in the office of the Township Clerk, are as follows:

<u>Purpose/ Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of real property located near the intersection of Main Street and Marter Avenue, as further designated on the official tax map of the Township as part of Block 6505, Lot 14, containing approximately 120,000 square feet of unimproved land, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$1,425,000	\$71,250	\$1,353,750	40 years

(b) The maximum amount of bonds or notes to be issued for the improvement or purpose is \$1,353,750.

(c) The cost of the improvement is \$1,425,000, the excess thereof over the maximum amount of bonds or notes to be issued therefore being the amount of \$71,250, the down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Township's 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 financial officer. The financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the 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 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 financial officer is directed to report in writing to the Township Council 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. The financial officer is authorized and directed to comply with all post-issuance requirements under the Internal Revenue Code of 1986, as amended, to insure that the interest on such bonds or notes remains exempt from gross income for federal income tax and New Jersey Gross Income Tax Act purposes, if so sold, and to make any and all determinations or elections necessary or desirable

with regard to such tax status and may invest the proceeds of any such sale in accordance therewith.

Section 5. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution, in the form promulgated by the Local Finance Board showing full detail of the amended capital budget 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 improvement described in Section 3(a) of this ordinance is not a current expense. They are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property benefited thereby.

(b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, taking into consideration the respective amounts of bonds or notes, is not less than 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township 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 \$1,353,750 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$25,000.00 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 purpose or improvement.

(e) The financial officer is authorized to designate such bonds or notes as "Qualified Tax Exempt Obligations" pursuant to I.R.C. Section 265 so long as the Township has not issued other such obligations beyond the limitations set forth in the Internal Revenue Code of 1986, as amended.

Section 7. All grant monies from any source received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement 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 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 9. The Township hereby declares its official intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 10. In the event that any section or part of this ordinance shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such section or part shall, to the extent that it is not unconstitutional, invalid, or inoperative, remain in full force and effect and no such determination shall be deemed to invalidate the remaining sections or parts of this ordinance or the ordinance as a whole.

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.

Cite

This ordinance may be cited as Ordinance No. 21-2009.

NOTICE AND CERTIFICATION

I hereby certify that Ordinance No. 21-2009 was introduced and adopted on first reading by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on August 31, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at, Moorestown, in the Township of Moorestown on September 14, 2009 at 7:30 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same.

Patricia L. Hunt, RMC
Township Clerk