

**ORDINANCE NO. 2019-01
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF
THE TOWNSHIP OF EAST WINDSOR, IN THE COUNTY OF MERCER, NEW
JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,219,230
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$ 1,347,319 BONDS OR
NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, 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 described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of East Windsor, in the County of Mercer, New Jersey (the "Township") 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 \$ 2,219,230, including grants in the amount of \$801,000 expected to be received from the New Jersey Department of Transportation Municipal Aid Program for the purpose in Section 3(f)(2) (collectively the "State Grants") and further including the aggregate sum of \$70,912 as the several down payments for the improvements or purposes required by the Local Bond Law. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvements to be funded from the above referenced State Grants (\$801,000). The amount of the down payment appropriated is 5% of the \$1,418,230 in costs of the improvements which are not to be funded by the above referenced

State Grants. The down payments have been made available by virtue of appropriations for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the State Grants, negotiable bonds are hereby authorized to be issued in the principal amount of \$ 1,347,319 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 & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Police Department</u>			
1) Acquisition of fifty (50) Glock Model 23 Generation 4 LE Duty Weapons (pistol) with enhanced Ameriglo Bold Night Sights, including all related costs and expenditures incidental thereto.	\$7,500	\$7,125	10 years
2) Acquisition of five (5) Glock Model 27 Generation 4 special assignment Weapons (pistol) with enhanced Ameriglo Bold Night Sights, including all related costs and expenditures incidental thereto.	\$1,000	\$950	10 years

3) Acquisition of Computer Backup Server with offsite cloud backup, including all related costs and expenditures incidental thereto.	\$13,500	\$12,825	7 years
4) Replacement of Wiltshire Drive police communications radio tower and antenna, including all related costs and expenditures incidental thereto.	\$12,000	\$11,400	7 years
b) <u>Fire Company #1</u>			
1) Acquisition of sport utility vehicle, including all related costs and expenditures incidental thereto.	\$55,000	\$52,250	5 years
2) Acquisition of ten (10) sets of turnout gear, including all related costs and expenditures incidental thereto.	\$36,000	\$34,200	5 years
c) <u>Fire Company #2</u>			
1) Acquisition of six (6) sets of turnout gear, including all related costs and expenditures incidental thereto.	\$21,600	\$20,520	5 years
2) Acquisition of Fire Fighting Equipment and Tools (fire hose, nozzles, saws, hand tools, etc.), including all related costs and expenditures incidental thereto.	\$20,000	\$19,000	5 years
3) Acquisition of communications equipment to include but not limited to mobile radios, portable radios, and pagers, including all related costs and expenditures incidental thereto.	\$20,000	\$19,000	7 years

d) <u>Rescue Squad #2</u>	\$4,830	\$4,589	5 years
1) Acquisition of three (3) AED's including all related costs and expenditures incidental thereto.			
2) Acquisition of P25 UHF R2 Radios including all related costs and expenditures incidental thereto.	\$14,800	14,060	7 years
e) <u>Public Works Department</u>			
1) Acquisition of two (2) 32 cubic yard Garbage trucks with plows and frames, including all related costs and expenditures incidental thereto.	\$560,000	\$532,000	5 years
2) Acquisition of 6 foot wide cut lawnmower, including all related costs and expenditures incidental thereto.	\$48,000	\$45,600	5 years
3) Acquisition of 18 foot wide cut/large swath lawnmower, including all related costs and expenditures incidental thereto.	\$104,000	\$98,800	5 years
f) <u>Municipal Infrastructure</u>			
1) Annual Road Program to provide repairs and improvements to various roads throughout the Township, including all work and materials necessary therefor and incidental thereto.	\$500,000	\$475,000	10 years
2) Oak Creek Road Project improvements including all work and materials necessary therefor and incidental thereto.	\$410,000 grant expected to be received from NJDOT Municipal Aid Program	\$0	N/A

3) Old Cranbury Road Project improvements including all work and materials necessary therefor and incidental thereto.	\$391,000 grant expected to be received from NJDOT Municipal Aid Program	\$0	N/A
TOTAL:	<u>\$2,219,230</u>	<u>\$1,347,319</u>	

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 bond anticipation note shall mature later than one year from its date. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation 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 bond anticipation 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 bond anticipation 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 bond anticipation 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 bond 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all 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 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 6.88 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 \$1,347,319, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 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 purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than the State Grants referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. 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 10. 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

Kelly Lettera
Municipal Clerk

JANICE S. MIRONOV
Mayor

Introduced: January 29, 2019

Adopted:

Effective: