

428 River View Plaza, Trenton, New Jersey 08611  
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**Reply To: Trenton Office**  
Marsha Boutin  
Direct Dial 609-278-3927  
MBoutin@glucklaw.com

**Red Bank Office**  
11 Wharf Avenue, Suite 4  
Red Bank, NJ 07701  
Tel: (732) 530-8822 Fax: (732)  
530-6770

**Newark Office**  
744 Broad Street, 16<sup>th</sup> Floor  
Newark, New Jersey 07102  
Tel: (973) 735-2673

May 23, 2011

*Via Email ([Nhaberle@hillsborough-nj.org](mailto:Nhaberle@hillsborough-nj.org))*

Nancy Haberle, Chief Financial Officer  
Township of Hillsborough  
Finance Office  
379 South Branch Road  
Hillsborough, NJ 08844090 Greenwood Avenue

**Re: Bond Ordinance – Various Capital Improvements**

Dear Nancy:

In accordance with your instructions I have prepared and I am forwarding herewith the above-referenced bond ordinance for the Township of Hillsborough. Accordingly, if the ordinance meets with your approval it should be adopted in accordance with the following procedures:

1. A Supplemental Debt Statement must be prepared, executed and sworn to by the Chief Financial Officer and filed with the Clerk as of the date of introduction of the bond ordinance.
2. The bond ordinance may be introduced and read by title only, and adopted by a majority of the members of the governing body present, assuming a quorum.
3. After introduction of the bond ordinance, the Supplemental Debt Statement must be forwarded to Trenton and filed, prior to the final adoption of the bond ordinance, with the Division of Local Government Services.
4. To comply with the capital budget regulations, the bond ordinance contains a provision amending the capital budget or temporary capital budget (as applicable). To the extent the governing body has not adopted the capital budget, it should adopt a temporary capital budget including the projects listed in the bond ordinance. To the extent of any inconsistency between the capital budget and the bond ordinance, the bond ordinance should be filed with the Division of Local Government Services along with the resolution of the governing body in the

form required by the Local Finance Board showing the details of the amended capital budget or temporary capital budget (as applicable). This resolution is not published.

5. After introduction, the bond ordinance must be published in full, together with a "Notice of Pending Ordinance", a copy of which is enclosed for your convenience or in approved Summary form, a copy of which is also enclosed. The Notice or Summary must be published at least one week prior to the date set for further consideration of the bond ordinance.

6. At least one (1) week prior to the date set for further consideration, the bond ordinance should be posted on the bulletin board customarily used for notices, together with the enclosed "Notice of Pending Ordinance". Copies of the bond ordinance should be made available to anyone who requests them of the Clerk.

7. If the Township's planning board has adopted any portion of the "master plan", then prior to the governing body taking any action necessitating the expenditure of public funds, the bond ordinance must be referred to the municipal planning board for review and recommendation in conjunction with the master plan, and the governing body must have received such recommendation or forty-five (45) days must have elapsed after such reference without such recommendation being received (N.J.S.A. 40:55D-31).

8. Please notify us prior to introduction if any of the proposed projects is located within a county-designated "agricultural development area" or involves a "municipally approved program" therein, as certain other requirements must be met under N.J.S.A. 4:1C-19 and 25 (including 30 days' advance notice to certain county and State agencies).

9. Please notify us prior to introduction if any of the proposed projects involves the establishment or change of grade of any street, highway, lane or alley or portion thereof, as certain other requirements must be met under N.J.S.A. 40:49-6 (including mailed notice to certain affected property owners).

10. The bond ordinance can be considered for final adoption not less than ten (10) days after the date of introduction, and not less than seven (7) days after the first publication of the bond ordinance. If the bond ordinance has been posted and copies made available as indicated in paragraph 6 above, then the bond ordinance may be read at this second reading by title only; otherwise the bond ordinance must be read in full. After the appropriate reading of the bond ordinance, the governing body must hold a public hearing and give all members of the public a chance to be heard on the bond ordinance. After the public hearing, the bond ordinance can be finally adopted by the affirmative vote of not less than two thirds of the full membership of the governing body and, if the Mayor's approval is required for the passage of ordinances, upon approval by (or passage over the veto of) the Mayor.

11. The bond ordinance must then be published in full, together with the "Notice of Adoption of Bond Ordinance", a copy of which is enclosed or in approved Summary form, a copy of which is also enclosed. The bond ordinance will not become effective until twenty (20) days after the publication of the full text of the bond ordinance along with the "Notice of Adoption of Bond Ordinance" or in Summary form.

To establish the necessary record that the bond ordinance was properly adopted, please ask the Clerk to complete the enclosed certificate and return the completed certificate to me, with the indicated attachments, as soon as possible after the twenty (20) days have elapsed after final publication. Please make sure that all publications are in a newspaper published and circulating in the Township (if there is one), or, if there is no such newspaper, in a newspaper published in Somerset County and circulating in the Township.

Please call me (609/278-3927) if you have any questions about the bond ordinance, the adoption procedure, or the enclosed certificate. Thank you.

Sincerely yours,  
GLUCKWALRATH LLP

**Marsha Boutin**

Marsha Boutin, Legal Assistant

MB

Enclosure

cc: James G. Fearon, Esq.  
Howard J. Eichenbaum, Esq.

**TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY**

**Notice of Pending Bond Ordinance and Summary**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Hillsborough, in the County of Somerset, State of New Jersey, held on May 24, 2011. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee of the Township of Hillsborough, to be held at the Municipal Building, 379 South Branch Road, Hillsborough, New Jersey on June 28, 2011 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 Township Clerk's office for the members of the general public who shall request the same. The title and summary of the terms of such bond ordinance follows:

Title: AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$2,153,000 THEREFOR (INCLUDING AN ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT IN THE AMOUNT OF \$153,000 RECEIVED FROM THE FEDERAL GOVERNMENT) AND PROVIDING FOR THE ISSUANCE OF \$1,900,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME.

| Purpose/Improvement   | Appropriation and Estimated Cost | Down Payment | Amt of Obligations | Period of Usefulness |
|---|----------------------------------|--------------|--------------------|----------------------|
| 1. Acquisition of various lighting equipment for the Township Municipal Complex building and Township Department of Public Works; replacement of 34 rooftop HVAC units at the Township Municipal Complex building and the upgrading of the existing stand alone thermostatic controls of the rooftop units and other equipment, and including all work and materials necessary therefor or incidental thereto.. | \$1,709,233                      | \$85,642     | \$1,623,771        | 10 years             |
| 2. . Various improvements to and replacement of certain sections of the Township Municipal Complex building roof, and including all work and materials necessary therefor or incidental thereto.  | \$290,767                        | \$14,538     | \$276,229          | 20 years             |

Total Appropriation: \$2,150,000

Total Authorization: \$1,900,000

Section 2:20 costs: \$ 253,000

Average Period of Usefulness: 11.45384 years

Mike Merdinger, Acting Municipal Clerk

Township of Hillsborough, in the County of Somerset, New Jersey

**TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY**

**Notice of Adoption of Bond Ordinance and Summary**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township Committee of the Township of Hillsborough, in the County of Somerset, State of New Jersey, on June 28, 2011 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice. 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. The title and summary of the terms of such bond ordinance follows:

Title:           AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$2,153,000 THEREFOR (INCLUDING AN ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT IN THE AMOUNT OF \$153,000 RECEIVED FROM THE FEDERAL GOVERNMENT) AND PROVIDING FOR THE ISSUANCE OF \$1,900,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME.

| Purpose/Improvement  | Appropriation and Estimated Cost | Down Payment | Amt of Obligations | Period of Usefulness |
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| 1. Acquisition of various lighting equipment for the Township Municipal Complex building and Township Department of Public Works; replacement of 34 rooftop HVAC units at the Township Municipal Complex building and the upgrading of the existing stand alone thermostatic controls of the rooftop units and other equipment, and including all work and materials necessary therefor or incidental thereto. | \$1,709,233                      | \$85,642     | \$1,623,771        | 10 years             |
| 2. Various improvements to and replacement of certain sections of the Township Municipal Complex building roof, and including all work and materials necessary therefor or incidental thereto.   | \$290,767                        | \$14,538     | \$276,229          | 20 years             |

Total Appropriation: \$2,150,000  
 Total Authorization: \$1,900,000  
 Section 2:20 costs: \$ 253,000  
 Average Period of Usefulness: 11.45384 years

Mike Merdinger, Acting Municipal Clerk  
 Township of Hillsborough, in the County of Somerset, New Jersey

**NOTICE OF PENDING BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Hillsborough, in the County of Somerset, New Jersey, held on May 24, 2011. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Committee to be held at the Municipal Building, 379 South Branch Road, Hillsborough, New Jersey, on June 28, 2011 at 7:30 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Clerk's office in the Municipal Building to the members of the general public who shall request the same.

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Township Clerk

Acting

NOTICE OF ADOPTION OF BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the Township Committee of the Township of Hillsborough, in the County of Somerset, New Jersey on June 28, 2011, and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

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Acting Township Clerk

## CLERK'S CERTIFICATE

I, Michael Merdinger, Acting Clerk of the Township of Hillsborough, in the County of Somerset, State of New Jersey, HEREBY CERTIFY as follows that:

1. The attached copy of Ordinance No. 2011-13 of said Township entitled as set forth below and finally adopted on June 28, 2011, has been compared by me with the original thereof officially recorded in the Ordinance Book of the Township and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$2,153,000 THEREFOR (INCLUDING AN ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT IN THE AMOUNT OF \$153,000 RECEIVED FROM THE FEDERAL GOVERNMENT) AND PROVIDING FOR THE ISSUANCE OF \$1,900,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME.

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the Township Committee of said Township duly called and held on May 24, 2011 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said Township Committee, at a regular meeting thereof duly called and held on June 28, 2011 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. Said Ordinance was published after first reading, on June 2, 2011, in the Hillsborough Beacon, a newspaper circulating in the Township, together with the Notice of Pending Bond Ordinance, containing the date of introduction, time and place of further consideration of said Ordinance (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On May 25, 2011, said Ordinance was posted on the bulletin board in the Municipal Building of the Township together with notice of the availability of copies of said Ordinance at the Office of the Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage and approval by (or passage over the veto of) the Mayor, said Ordinance was duly published, together with the Notice of Adoption of Bond Ordinance, on July 7, 2011 in the Hillsborough Beacon, a newspaper circulating in the Township, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my office nor has any such action or proceeding questioning the validity of such Ordinance has been commenced



within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

6. Said Ordinance when introduced was complete in the form in which it was finally adopted and remained on file in the Office of the Clerk for public inspection from the date of introduction to the date of final adoption.

7. The Ordinance appropriated a down payment of not less than 5% of the obligations thereby authorized to the purpose, or ratably to the purposes, to be financed pursuant to the Ordinance, and such sum was made available (~~strike out inapplicable language~~) (a) by provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes, (b) from moneys then actually held by the Township and previously contributed for such purposes other than by the Township; and/or (c) by emergency appropriation.

8. The attached copy of a Supplemental Debt Statement has been compared by me with the original Supplemental Debt Statement of said Township, prepared as of May 24, 2011, and sworn to on May 24, 2011, by Nancy R. Haberle, who was then the Chief Financial Officer of said Township, and filed in the office of said Clerk on May 24, 2011, and that the same is a true and complete copy of said original Supplemental Debt Statement.

9. A complete, executed duplicate of the said original Supplemental Debt Statement was duly filed (before final adoption by the Township Committee) in the Office of the Director of the Division of Local Government Services of the State of New Jersey on May 25, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Township this \_\_\_\_ day of \_\_\_\_\_, 2011.

(SEAL)

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Township Clerk

Acting



## ATTACHMENTS

- A) Ordinance
- B) Extract of minutes of the Township Committee meeting at which Ordinance was introduced
- C) Extract of minutes of the Township Committee meeting at which Ordinance was finally adopted
- D) Affidavit of First Publication of Ordinance after introduction
- E) Affidavit of Second Publication of Ordinance after final adoption
- F) Supplemental Debt Statement