

ORDINANCE 2008-49

**AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN
THE COUNTY OF SOMERSET, NEW JERSEY AUTHORIZING
THE ACQUISITION OF LAND AND RELATED EXPENSES IN AND
FOR THE TOWNSHIP OF HILLSBOROUGH AND
APPROPRIATING \$2,100,000 THEREFORE, AND PROVIDING
FOR THE ISSUANCE OF \$2,100,000 IN BONDS OR NOTES OF THE
TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME.**

WHEREAS, the Township of Hillsborough Township Committee (the “Township Committee”) adopted a Resolution on April 22, 2008 determining that the properties identified on the Township’s official tax map as Block 175, Lots 39.01 and 39.03 and Block 177, Lots 23.01, 23.03, and 23.04 (collectively, the “Belle Mead GSA Depot Redevelopment Area”) are an “area in need of redevelopment” under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. (the “LRHL”); and

WHEREAS, the Township Committee subsequently arranged for Bruce Rydel of CME Associates, a licensed professional planner of the State of New Jersey, to prepare a proposed redevelopment plan for the Belle Mead GSA Depot Redevelopment Area; and

WHEREAS, CME Associates prepared a proposed redevelopment plan for the Belle Mead GSA Depot Redevelopment Area, dated October 2008 (the “Redevelopment Plan”); and

WHEREAS, the Township Committee thereafter referred the Redevelopment Plan to the Township of Hillsborough Planning Board (the “Planning Board”) for the Planning Board’s review and recommendation in accordance with N.J.S.A. 40A:12A-7e; and

WHEREAS, on October 23, 2008, the Planning Board adopted a Resolution (the “Planning Board Resolution”) determining that the Redevelopment Plan is consistent with the Township’s Master Plan and recommending that the Township Committee adopt the Redevelopment Plan; and

WHEREAS, the Township Committee has reviewed the Redevelopment Plan and has considered the recommendations of the Planning Board (as set forth in the Planning Board Resolution); and

WHEREAS, on December 9, 2008 by Ordinance 2008-42 the Township Committee has adopted the Redevelopment Plan for the Belle Mead GSA Depot Redevelopment Area; and

WHEREAS, the Belle Mead GSA Depot Redevelopment Area is currently owned by the United States General Services Administration, which has abandoned use of the site and has evidenced its willingness to sell the site to the Township or to the County of Somerset; and

WHEREAS, pursuant to Section 8 of the Act (*N.J.S.A.* 40A: 12A-8), the Township has determined to acquire all or a portion of the Belle Mead GSA Depot Redevelopment Area in furtherance of the Redevelopment Plan and to facilitate the development and redevelopment of the Belle Mead GSA Depot Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, 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 Hillsborough, in the County of Somerset, 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 money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$2,100,000. No down payment is required for such improvement pursuant to *N.J.S.A.* 40A:12A-37(c).

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,100,000 pursuant to the Local Bond Law and the LRHL. 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 and LRHL.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the acquisition of real property, by purchase or condemnation, in connection with the Belle Mead GSA Depot Redevelopment Area, in and by the Township, consisting of all or a portion of the parcels designated as Block 175, Lots 39.01 and 39.03 and Block 177, Lots 23.01, 23.03, and 23.04 and including all rights or interests therein and all work and services necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose 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:2-8.1. 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 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 Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Township may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 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 \$2,100,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$100,000 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 purpose or improvement.

(e) The Township reasonably expects to commence acquisition and/or construction of the improvement or purpose 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 not to exceed the amount of bonds or notes authorized in Section 2 hereof.

(f) The Township is acquiring all or a portion of Block 175, Lots 39.01 and 39.03 and Block 177, Lots 23.01, 23.03, and 23.04 within the Belle Mead GSA Depot Redevelopment Area in furtherance of the Redevelopment Plan and to facilitate the development and redevelopment of the Belle Mead GSA Depot Redevelopment Area.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or 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 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 of rate or amount.

Section 9. The Township Committee of the Township 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 which are issued as tax-exempt obligations 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. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

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:

HILLSBOROUGH TOWNSHIP COMMITTEE

Kevin P. Davis, Clerk

Anthony Ferrera, Mayor

Introduced: 11/25/08

Published: 12/04/08

Public Hearing: 12/23/08

Adopted: 12/23/08

Published: 01/01/09

