

ORDINANCE 2007-20

AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR THE INSTALLATION OF SANITARY SEWER LINES ALONG ARTHUR ROAD, TARA DRIVE, BROOK DRIVE AND MOUNTAIN VIEW ROAD AND RELATED EXPENSES, IN THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$1,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$500,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME, AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of 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 local 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 \$1,000,000 including the sum of \$25,000, representing 5% of \$500,000, as the down payment for the improvement or purpose required by the Local Bond Law.

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 \$500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, 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 purpose for which the bonds or notes are to be issued is the installation of sanitary sewer lines along Tara Drive, Brook Drive, Arthur Road and Mountain View Road in the Township, as more particularly described in Exhibit A attached hereto, and all as shown on and in accordance with the plans and specifications therefor on file in the office of the Clerk, which plans are hereby approved, and which benefited properties are also identified in Exhibit A.

(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 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. Pursuant to a Sanitary Sewer Extension Assessment Agreement, the property owners whose properties are to benefit from the improvements described in Section 3 hereof have executed a petition, as required by N.J.S.A. 40:56-3, requesting the Township undertake the improvement at the expense of the benefited property owners. Notice is hereby given to the owners of all lots and parcels of real estate benefited by the improvement described in Section 3 hereof and affected by the improvement described therein that the Township of Hillsborough intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$500,000, although the appropriation therefor equals \$1,000,000 as Beazer Homes shall be contributing \$500,000 to cover a portion of the cost of the improvement. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the

peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement.

Section 7. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in accordance with the terms set forth in the Sanitary Sewer Extension Assessment Agreement, however under no circumstance may the payment term exceed the term set forth in Section 8(e) hereof.

Section 8. 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 local improvement, the cost of which shall be specially assessed on property specially benefited 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 forty (40) 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 \$500,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$50,000 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 improvement or purpose.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefited by the improvement is not to exceed five (5).

(f) The Township intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this ordinance. The Township expects that the maximum principal amount of bonds or notes that will be issued to finance the cost of the improvements or purposes described in Section 2 of this bond ordinance is \$500,000, as Beazer Homes shall contribute \$500,000 to cover a portion of the cost of the improvements. If the Township incurs any such costs prior to the issuance of the bonds or notes, the Township intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. Any grant moneys received for the purposes 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 hereunder shall be reduced to the extent that such funds are so used.

Section 10. 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 11. After passage upon first reading of this bond ordinance, the Township Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least ten days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Township Clerk is further directed to mail a copy of the ordinance together with notice of the introduction thereof to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, so far as the same may be ascertained, directed to his last known post-office address. The Township Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b), 40:49-2 and 40:49-6 regarding postings, publications, mailing and the provision of copies of this bond ordinance.

Section 12. After final adoption of this bond ordinance by the Township Committee, the Township Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 13. 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 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 14. 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 15. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

EXHIBIT A

Exhibit A consists of a map prepared by Maser Consulting, P.A., dated May 7, 2007 and a list of benefited properties.

EXHIBIT A
List of Benefited Properties

<u>BLOCK</u>	<u>LOT</u>
177	24.07
177	24.C
177	24.D
177	24.E
177	24.G
177	24.H
177	24.I
177	24.J
177	24.K
179	1.01
179	5
179	6
179	7
179	8
179	9
179	10
179	11
179	12
179	13
179	14
179	15
179	16
179	17
179	18
179	19
179	20
179	21
179	22
179	23
179	25
179	25.A
179	26
179	27
179	28
179	29
179	31
179	34.D
179	34.E
179	34.F
179	34.G
179	34.H
179	34.I
179	35
179	36
179	37
179	38
179	39
179	40
179	41
179	42
179	43

EXHIBIT A
List of Benefited Properties

<u>BLOCK</u>	<u>LOT</u>
179	44
179	45
179	46
179	47
179	48
179	49
179	50
179	51
179	52
179	53
179	54
179	55
179	56
179	57
179	58
179	59
179	60
179	61
179	62
177	24.L
177	24.M
179	30
179	34.A
177	24.A
179	1

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Kevin P. Davis, Township Clerk

Anthony Ferrera, Mayor

Introduced: 5/8/07
Published: 5/17/07
Pub Hearing: 6/26/07
Adoption: 7/10/07
Published: 7/19/07