

**BOROUGH OF FRENCHTOWN
BOND ORDINANCE #858**

**BOND ORDINANCE PROVIDING FOR THE
CONSTRUCTION OF A SANITARY SEWER SYSTEM
EXTENSION TO THE HILLTOP NEIGHBORHOOD
BY AND IN THE BOROUGH OF FRENCHTOWN, IN
THE COUNTY OF HUNTERDON, STATE OF NEW
JERSEY; APPROPRIATING \$3,086,228 THEREFOR
(INCLUDING A GRANT FROM THE UNITED STATES
DEPARTMENT OF AGRICULTURE) AND
AUTHORIZING THE ISSUANCE OF \$1,617,142
BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF
THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON,
STATE OF NEW JERSEY** (not less than two-thirds of all members thereof
affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$3,086,228, which is inclusive of a grant from the New Jersey Department of Agriculture in the amount of \$1,388,228 (the "Grant") and \$80,858 as the amount of a down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor from the Sewer Capital Improvement Fund by virtue of a provision or provisions in a previously adopted

budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,086,228 appropriation not provided for by application hereunder of the Grant and the down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,617,142 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,617,142 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the construction of a sanitary sewer system extension to the Hilltop neighborhood to service certain areas, including but not limited to, portions of Ward Street, Hilltop Avenue, Chestnut Avenue and Maple Avenue, which improvements shall include, but not be limited to, as applicable, site clearing, rock excavation and roadway excavation, acquisition and installation, as applicable, of a gravity sewer system including, but not limited to, mains, laterals, and tees; drainage work and other materials including, but not limited to, grading/swales and riprap conduit outlet protection; roadway milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, manholes, utility castings, inlets, the repairing and/or installation, as applicable, of asphalt and/or gravel driveways, sidewalks,

curbs and ramps; traffic control; traffic striping and markings; traffic signage; and landscaping and aesthetic improvements; and also including all testing, engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,617,142.

(c) The estimated cost of said improvements or purposes is \$3,086,228, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$1,388,228 and the down payment in the amount of \$80,858.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Hunterdon, and/or a private entity make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Hunterdon and/or a private equity shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2

hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. 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 the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Sewer Capital Improvement Fund of the Borough 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, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance is not a current expense and are improvements which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in

the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,617,142 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$617,245 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer 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 Borough

and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough 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 Borough 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 Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: November 4, 2020

BRENDA S. SHEPHERD,

Clerk of the Borough of Frenchtown

**ADOPTED ON SECOND READING
DATED: December 2, 2020**

**BRENDA S. SHEPHERD,
Clerk of the Borough of Frenchtown**

**APPROVAL BY THE MAYOR ON THIS _____ DAY OF
_____, 2020**

**BRAD MYHRE,
Mayor of the Borough of renchtown**