

City of Lambertville

ORDINANCE 2010-08

“BOND ORDINANCE APPROPRIATING \$2,484,045 AND AUTHORIZING THE ISSUANCE OF \$2,466,045 BONDS OR NOTES OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, TO PROVIDE FOR THE REAUTHORIZATION AND FUNDING OF VARIOUS GENERAL IMPROVEMENTS PREVIOUSLY AUTHORIZED AND SUPERSEDING NUMEROUS BOND ORDINANCES OF THE CITY.”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LABERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (the “City”) (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS :

Section 1. For the several improvements or purposes described in Section 3 of this bond ordinance which have previously been authorized by bond ordinances adopted as referenced herein, there are hereby reappropriated the respective sums of money therein stated as the appropriations made for the improvements or purposes previously authorized, such sums amounting in the aggregate to \$2,484,045, including several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets or from cash on hand from various state grants received by the City in such amounts and as set forth in the previously adopted bond ordinance referenced in Section 3.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments previously provided, negotiable bonds are hereby reauthorized to be issued in the principal amount of \$2,466,045 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 The purposes for which the bonds are to be issued, the ordinances superseded, the appropriation and the estimated cost for each improvement as previously referred to therein as well as the amounts appropriated for down payments, the estimated maximum amount of bonds or notes to be issued,

the grants received or anticipate to be received for each improvement and the period of usefulness for each such improvement are respectively as follows:

ORIGINAL ORDINANCE NUMBER	PURPOSE AND DATE OF ORIGINAL ADOPTION	APPROPRIATION	DOWN PAYMENT	BONDS/ NOTES	GRANTS	SECTION 20 COSTS	USEFUL LIFE
1999-15	Various Capital Improvements, finally adopted March 27, 2000.	100,000	5,000	95,000	N.A.	10,000	10 Years
2007-06	Improvements to Various Streets, finally adopted March 19 2007	500,000	N/A	500,000	500,000 (DRJTBC)	100,000	10 Years
2007-13	Supplemental Appropriation for Improvements to Ferry Street, finally adopted July 16, 2007 (Supplements 2006-19)	25,000 (in addition to the \$160,000 appropriated by Bond Ordinance #2006-19)	N/A	25,000 (in addition to the \$160,000 bonds or notes authorized by Bond Ordinance #2006-19)	13,000 (NJDOT) (in addition to the \$100,000 NJDOT grant appropriated by Bond Ordinance #2006-19)	25,000 (in addition to the \$30,000 appropriated by Bond Ordinance #2006-19)	10
2007-21	Road Improvements to George Street, finally adopted November 19, 2007	150,000	N/A	150,000	150,000 (DRJTBC)	30,000	10
2008-3	Improvements to Kline Court, finally adopted June 9, 2008	70,000	N/A	70,000	70,000 (DRJTBC)	30,000	10
2008-08	Improvements to Jefferson Street, finally adopted June 9, 2008	317,245	N/A	317,245	317,245 (DRJTBC)	47,586.75	10
2008-11	Supplemental Appropriation for Improvements to George Street (Supplements 2007-21)	35,000	1,750	33,250	N/A	7,000	10
2008-13	Traffic Device on Swan Street, finally adopted August 5, 2008	247,000	N/A	247,000	247,000 (DRJTBC)	49,400	15

2008-14	Supplemental Appropriation for Improvements to Kline Court, finally adopted August 5, 2008 (Supplements 2008-3)	10,000	N/A	10,000	0	2,000	10
2008-20	Supplemental Appropriation for Implementation of Bicycle/Pedestrian Safety Improvement Program, finally adopted October 20, 2008 (Supplements Bond Ordinance #2002-03)	700,000 (in addition to \$400,000 appropriated under Bond Ordinance #2002-03)	N/A	700,000 (in addition to the \$380,000 in bonds or notes authorized under Bond Ordinance #2002=03)	150,000 (NJDOT) \$381,468.29 (DRJTBC) (in addition to the \$335,000 in grants under Bond Ordinance #2002=03)	\$435,000 (in addition to the \$65,000 authorized under Bond Ordinance #2002-03)	10
2009-06	Acquisition of a Dump Truck, finally adopted April 20, 2009	175,000	8,750	166,250	N/A	23,000	5
2009-14	Back Bay Flooding Feasibility Study, finally adopted August 17, 2009	50,000	2,500	47,500	N/A	50,000	15
2009-15	Implementation of Traffic Calming measures on South Franklin Street, finally adopted August 17, 2009	104,800	N/A	104,800	104,800	15,720	10
TOTALS		\$2,484,045	\$18,000	\$2,466,045	\$1,933,513.29	\$824,706.75	10.26 Years

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the director of finance; 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 director of finance. The director of finance shall determine all matters in connection with notes issued pursuant to this ordinance, and the director of finance'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 the Local Bond Law. The director of finance 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 purchasers thereof upon receipt

of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The director of finance 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 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 City hereby certifies that it has previously adopted capital budgets which reflected these capital projects to the extent that there is any inconsistency with any such prior capital budgets and the purposes referenced herein, then the capital budget of the City is hereby amended to conform with the provisions of this 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 purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements that the City may lawfully undertake as general improvements and no part of the costs thereof have 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 lives thereof within the limitations of the Local Bond Law, is 10.26 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. This statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,466,045, but that this increase equals the \$2,466,045 bonds or notes previously authorized by the ordinances described in Section 3 hereof and superseded by this ordinance. There is, therefore, no overall

increase in the gross debt of the City, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) All ordinances or other proceedings making appropriations or authorizing the issuance of bonds or notes for the improvements or purposes described in Section 3 of this bond ordinance, including particularly the ordinances referred to in Section 3 are hereby repealed to the extent of any inconsistency herewith and to the extent, if any, that they authorize the issuance hereafter of bonds or notes for the purpose of financing such improvements or purposes or that they make appropriations for such improvements or purposes in excess of the amounts herein stated as the appropriations therefor. Any such bonds or notes heretofore issued and now outstanding pursuant to these ordinances, any moneys expended and any expenses incurred pursuant to appropriations made by these ordinances or other proceedings shall be accounted and deemed to have been issued, expended or incurred pursuant to this bond ordinance.

(e) An aggregate amount not exceeding \$824,706.75 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 may be included as part of the costs of the purposes or improvements authorized herein and is included in the foregoing estimates thereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the costs of the improvements or to payment of the obligations issued pursuant to this 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 City hereby declares the intent of the 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 described in Section 3(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 9. The director of finance of the City 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 City and to execute such disclosure document on behalf of the City. The director of

finance is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City 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 City 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 City fails to comply with its undertaking, the City 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 City 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 City, and the City is obligated to levy ad valorem taxes upon all the taxable real property within the City 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.

INTRODUCED: February 16, 2010

PUBLIC HEARING AND FINAL ADOPTION: March 15, 2010

CLERK'S CERTIFICATION

ORDINANCE 2010-08

The foregoing Ordinance was introduced at a Regular Meeting of the Mayor and City Council of the City of Lambertville held on February 16, 2010 and was read for the first time. Notice of pending Ordinance was advertised on February 23, 2010 in the Times.

This ordinance was considered for second reading and adopted after a public hearing at the regularly scheduled meeting of Mayor and Council of March 15, 2010, held at the Justice Center, 25 So. Union Street, in the City of Lambertville in the County of Hunterdon in the State of New Jersey. Notice of Adoption was advertised on March 22, 2010 in the Times.

After a passage of 20 days, with no record of protest signed by any person against making the improvement or incurring the indebtedness authorized therein, 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 within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Lambertville this 12th day of April, 2010.

Cynthia L. Ege, Acting City Clerk