

City of Lambertville
ORDINANCE 2010-22
BOND ORDINANCE PROVIDING A SUPPLEMENTAL
APPROPRIATION OF \$27,000 FOR FUNDING OF THE BACK
FLOODING FEASIBILITY STUDY IN AND BY THE CITY OF
LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW
JERSEY AND AUTHORIZING THE ISSUANCE OF \$25,650
BONDS OR NOTES OF THE CITY FOR FINANCING PART OF
THE APPROPRIATION.

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

Section 1. The improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the City of Lambertville, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$27,000, such sum being in addition to the \$50,000 appropriated therefore by bond ordinance #2009-14, finally adopted on August 17, 2009 ("Bond Ordinance # 2009-14"); the \$100,000 appropriated by bond ordinance # 2008-04 of the City finally adopted March 17, 2008 ("Bond Ordinance #2008-04"); the \$100,000 appropriated by bond ordinance #2007-16 of the City finally adopted April 16, 2007 ("Bond Ordinance 2007-19); and the \$40,000 appropriated therefore by bond ordinance #2007-01 of the City finally adopted January 16, 2007 ("Bond Ordinance #2007- 01"), and including the sum of \$1,350 as the additional down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$25,650 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. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the Funding of the Back Flooding Feasibility Study for the Ely Creek Region, a portion of the Alexauken Creek Region and Swan Creek including all related costs and expenditures incidental thereto, as more fully described in Bond Ordinance #2007-01. (b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$301,150, including the \$38,000 bonds or notes authorized by Bond Ordinance #2007-01, the \$95,000 bonds or notes authorized by Bond Ordinance #2007-16, the \$95,000 bonds or notes authorized by Bond Ordinance # 2008-04, the \$47,500 bonds or notes authorized by Bond Ordinance # 2009-14 and the \$25,650 bonds or notes authorized herein. (c) The estimated cost of the

improvement or purpose is \$317,000, including the \$40,000 appropriated by Bond Ordinance #2007-01, the \$100,000 appropriated by Bond Ordinance #2007-16, the \$100,000 by Bond Ordinance #2008-04, the \$50,000 appropriated by Bond Ordinance #2009-14 and the \$27,000 appropriated herein.

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 ^{99999-016 109115.1 2} 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 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 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 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 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 adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary 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: ^{99999-016 109115.1 3} (a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has 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 15 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 City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$25,650, and the obligations authorized herein will be within all debt limitations prescribed by that Law. (d) An aggregate amount not exceeding \$42,700 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. Of this

amount, \$40,000 was estimated for these items of expense in bond ordinances #2007-1; #2007-19; #2008-04; #2009-14 of the City finally adopted January 16, 2007; April 16, 2007; March 17, 2010; August 17, 2009, and an additional \$2,700 is estimated therefor herein. 99999-016 109115.1 4

Section 7. The City hereby declares the intent of the City 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 7 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 8. 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 ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer 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 chief financial officer 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. 99999-016 109115.1 5

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 shall be 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. 99999-016 109115.1 6

Re: CITY OF LAMBERTVILLE
\$27,000/\$25,650 SUPPLEMENTAL BOND ORDINANCE
FUNDING OF THE BACK FLOODING FEASIBILITY STUDY

31 Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the ordinance. This should show filing in the Clerk's office as well as in Trenton.

32 Down Payment Certificate.

33 Certified copy of the minutes of the meeting of the City Council held on ___/___/___ showing introduction of the ordinance.

34 Affidavit of Publication in local newspaper following introduction of the ordinance.

35 Certified copy of the minutes of the meeting of the City Council held on ___/___/___ showing public hearing and final adoption of the ordinance.

36 Affidavit of Publication in local newspaper following final adoption of the ordinance.

37 Clerk's Certificate executed no sooner than 21 days following final publication of the ordinance.

BELOW FOR McMANIMON & SCOTLAND, L.L.C. USE ONLY

Posted: ___/___/___ Useful Life: 15 years Reviewed By: _____

§20 Costs: \$2,700 Mayor's Approval: ___/___/___

Amends/Amended By: Ord. # _____ F/A: ___/___/___

Amendment: _____

Supplements: Ord. #2007-1; #2007-19; #2008-04; #2009-14 F/A: January 16, 2007; April 16, 2007;

March 17, 2010; August 17, 2009

Original Appropriation/Authorization: \$50,000/\$47,500

Authorization for CFO to Sell Notes: Yes _____ No

Resolution Authorizing CFO to Sell Notes: F/A ___/___/___

Grant Moneys Expected: N/A

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NOTES/BONDS ISSUED HEREUNDER
AMOUNT DATE MATURITY RATE PAYDOWN
NEW/RENEWAL REMAINING AUTHORIZATION

DEBT STATEMENT CERTIFICATE

I, Cynthia L. Ege, Clerk of the City of Lambertville, in the County of Hunterdon, New Jersey (herein called the "City"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the City that was prepared as of July 19, 2010 by Diane Buono, who was then (acting) chief financial officer of the City and filed in my office on July 19, 2010, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on July 22, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City this 22nd day of July, 2010.

Cynthia L. Ege, Acting City Clerk

(SEAL)

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CERTIFICATE OF DOWN PAYMENT

I, Diane Buono, Acting Chief Financial Officer of the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") HEREBY CERTIFY that prior to the final adoption on August 16, 2010 of an ordinance entitled:

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$27,000 FOR FUNDING OF THE BACK FLOODING FEASIBILITY STUDY IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF Hunterdon, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$25,650 BONDS OR NOTES OF THE CITY FOR FINANCING PART OF THE APPROPRIATION,

there was available as a down payment for the purposes authorized by the ordinance the sum of \$1,350, which amount was appropriated as a down payment by the ordinance and was made available from the following sources (strike out inapplicable language):

- a. by provision in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes;
- b. from moneys then actually held by the City and previously contributed for such purpose other than by the City; or
- c. by emergency appropriation.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of July, 2010.

Diane Buono, Chief Financial Officer

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EXTRACT from the minutes of a regularly scheduled meeting of the City Council of the City of Lambertville, in the County of Hunterdon, New Jersey held at the Justice Center located at 25 South Union Street in the City on July 19, 2010 at 7 o'clock p.m.

PRESENT: Councilwoman Asaro, Councilwoman Warner, Council President Stegman, Mayor DeVecchio.

ABSENT: Councilman Sanders.

[Attach appropriate minutes hereto]

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CERTIFICATE

I, Cynthia L. Ege, Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the City duly called and held on _____, 2010 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

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

Cynthia L. Ege, Acting City Clerk

(SEAL)

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EXTRACT from the minutes of a _____ meeting of the City Council of
the
City of Lambertville, in the County of Hunterdon, New Jersey held at the
_____ in the City on _____, 2010 at _____ o'clock
____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

99999-016 109115.1

CERTIFICATE

I, Cynthia L. Ege, Clerk of the City of Lambertville, in the County of Hunterdon, State of New

Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the

governing body of the City duly called and held on _____, 2010 has been compared by

me with the original minutes as officially recorded in my office in the Minute Book of the governing

body and is a true, complete and correct copy thereof and of the whole of the original minutes so far

as they relate to the subject matters referred to in the extract.

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

Cynthia L. Ege, Clerk

(SEAL)

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CLERK'S CERTIFICATE

I, Cynthia L. Ege, Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey (herein called the "City"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all ordinances and resolutions of the City. The representations made herein are based upon the records of the City.
2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the City on first reading on July 19, 2010 and finally adopted by the governing body on August 16, 2010 and, where necessary, approved by the Mayor on August 16, 2010.
3. On July 19, 2010, a copy of the ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the municipality who requested copies, up to and including the time of further consideration of the ordinance by the governing body, was posted in the principal municipal building of the City at the place where public notices are customarily posted. Copies of the ordinance were made available to all who requested them.
4. A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.
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5. After final passage, the ordinance, a copy of which is attached hereto, was duly published on _____, 2010. No 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 this _____ day of _____, 2010.

Cynthia L. Ege, Clerk
[SEAL]

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 governing body of the City of Lambertville, in the County of Hunterdon, State of New Jersey, on July 19, 2010. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Justice Center, located at 25 South Union Street, in the City on August 16, 2010 starting at 7 o'clock 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 Clerk's office for the members of the general public who shall request the same.

The summary of the terms of such bond ordinance follows: Title: "Bond Ordinance Providing a Supplemental Appropriation of \$27,000 for Funding of the Back Flooding Feasibility Study in and by the City of Lambertville, in the County of Hunterdon, New Jersey and Authorizing the Issuance of \$25,650 Bonds or Notes of the City for Financing Part of the Appropriation."

Purpose(s): Funding of the Back Flooding Feasibility Study for the Ely Creek Region, a portion of the Alexauken Creek Region and Swan Creek

Appropriation: \$27,000

Bonds/Notes Authorized: \$25,650

Section 20 Costs: \$2,700

Useful Life: 15 years

Cynthia L. Ege, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City of Lambertville, in the County of Hunterdon, State of New Jersey on _____, 2010 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows: Title: "Bond Ordinance Providing a Supplemental Appropriation of \$27,000 for Funding of the Back Flooding Feasibility Study in and by the City of Lambertville, in the County of Hunterdon, New Jersey and Authorizing the Issuance of \$25,650 Bonds or Notes of the City for Financing Part of the Appropriation."

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Useful Life: 15 years

Cynthia L. Ege, Clerk