

ORDINANCE 56-2019

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$1,272,000 FOR THE FUNDING OF A PORTION OF THE COST OF THE IMPROVEMENT OF THE MADISON-CHATHAM JOINT MEETING'S MOLITOR WATER POLLUTION CONTROL FACILITY BY AND FOR THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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WHEREAS, the Borough of Madison, in the County of Morris, State of New Jersey (the "Borough"), and the Borough of Chatham, in the County of Morris, State of New Jersey, jointly operate a sanitary sewerage treatment system as members of the Madison-Chatham Joint Meeting (the "Joint Meeting"), with each municipality being financially responsible for a proportionate share of the cost and debt service for the improvement hereinafter described - Madison's share being 63.6% and Chatham's being 36.4%; and

WHEREAS, the Borough Council of the Borough has heretofore authorized and provided for financing the improvement of the Molitor Water Pollution Control Facility located in the Borough of Chatham and owned and operated by the Joint Meeting and appropriated the sum of \$4,770,000 therefor (with Chatham funding \$2,730,000 of the \$7,500,000 total original estimated project costs) pursuant to ordinance no. 50-2018 adopted by the Borough Council of the Borough on November 26, 2018; and

WHEREAS, the Borough Council now finds and determines that the additional sum of \$1,272,000 of the total additional estimated project costs of \$2,000,000 (with Chatham funding the

\$728,000 balance) is required to be funded for such improvement;  
and

WHEREAS, the Joint Meeting has heretofore authorized the filing of a loan application for the financing of allowable costs of the aforesaid project with the New Jersey Environmental Infrastructure Financing Program (the "State Program"); NOW, THEREFORE,

BE IT ORDAINED by the Borough Council of the Borough of Madison, in the County of Morris, State of New Jersey, as follows:

Section 1. The additional sum of \$1,272,000 is hereby appropriated to the payment of the Borough's share of the cost of the improvement (the "purpose") authorized by ordinance no. 50-2018 adopted by the Borough Council of the Borough on November 26, 2018 (the "Prior Ordinance"). Said additional appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves an environmental infrastructure project to be funded by loans pursuant to the State Program. Any of said loan funds received shall be applied as set forth in Section 8 hereof. Said improvement has been and shall be made as a general improvement and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 2. It is hereby determined and stated that (1) the making of such improvement is not a current expense of the

Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$6,042,000, including the sum of \$4,770,000 appropriated by the Prior Ordinance and the \$1,272,000 appropriated by this ordinance, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$6,042,000, including the \$4,770,000 authorized by the Prior Ordinance and the \$1,272,000 hereinafter authorized, and (5) the cost of such purpose includes the aggregate amount of \$959,600, including the sum of \$896,000 stated in the Prior Ordinance and the sum of \$63,600 hereby stated, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 3. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$1,272,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 4. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$1,272,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 5. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell

said notes, is hereby delegated to the Chief Financial Officer, who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 6. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 7. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,272,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 8. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (except any funds received as loans from the State Program, which shall be applied to the payment of the cost of such purpose or to the payment of any outstanding bond anticipation notes, but shall not reduce the amount of bonds authorized for such purpose), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the

amount of bonds authorized for such purpose shall be reduced accordingly.

Section 9. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 10. The Borough intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinance and described herein. If the Borough or the Joint Meeting incurs such costs prior to the issuance of such bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this ordinance.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. This ordinance shall take effect twenty days after the first publication thereof after final passage.

ADOPTED AND APPROVED

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ROBERT H. CONLEY, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk