

BOROUGH OF MANVILLE  
ORD. NO. 2015-1162

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION AND DEMOLITION OF FLOOD-PRONE PROPERTIES FOR OPEN SPACE PURPOSES IN, BY AND FOR THE BOROUGH OF MANVILLE, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,032,880 TO PAY THE COST THEREOF, TO APPROPRIATE A PORTION OF A COUNTY GRANT TO SERVE AS THE DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

-----

BE IT ORDAINED by the Borough Council of the Borough of Manville, in the County of Somerset, New Jersey, as follows:

Section 1. The Borough of Manville, in the County of Somerset, New Jersey (the "Borough") is hereby authorized to acquire and demolish flood-prone properties for open space purposes in, by and for the Borough. Said improvement shall include real estate transaction expenses, site restoration and all work, materials and appurtenances necessary and suitable therefor. The properties to be acquired consist of the following parcels described by their street address and legal description on the Tax Assessment Map of the Borough:

<u>Street Address</u>	<u>Block</u>	<u>Lot</u>
645 Huff Avenue	176	31
201 Knopf Street	34	36
627 Boesel Avenue	177	49
255 North Second Avenue	34	40

Section 2. The sum of \$1,032,880 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and a \$50,000 portion of a \$103,288 grant from the County of Somerset Municipal Flood Mitigation Funding Program (the "County Program") appropriated to

serve as a down payment, by this ordinance. It is anticipated that the following government grants shall be received by the Borough to finance the cost of the improvement: (A) \$929,592 from the Federal Emergency Management Agency ("FEMA"); and (B) \$53,288 from the County Program (in addition to the \$50,000 from the County Program hereinafter appropriated to serve as a down payment). Said grant funds shall be applied as set forth in Section 10 hereof. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said 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 \$1,032,880, and (4) \$50,000 of said sum is to be provided by the portion of the grant from the County Program hereinafter appropriated to serve as the down payment, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$982,880, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$300,000 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 4. It is hereby determined and stated that the sum of \$50,000 received as a grant from the County Program is now on hand with the Borough and available to serve as the down payment on such purpose. The sum of \$50,000 is hereby appropriated from such moneys to the payment of the cost of such purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$982,880 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 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$982,880 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 7. 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 notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue 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 8. 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 9. 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 said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$982,880 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 10. Any funds received from private parties, the County of Somerset, 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 (other than the \$50,000 portion of the grant from the County Program hereinbefore appropriated to serve as the down payment,

which shall be applied to the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), 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 11. 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 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the 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 bond ordinance.

Section 13. 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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Borough of Manville,



Angelo Corradino, Mayor

ATTEST:



Patricia A. Zamorski, Borough Clerk

**ORDINANCE #2015-1162**

**FIRST READING:**

**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ONDERKO	√			
		ASHER	√			
		CAMACHO	√			
√		GREGOR	√			
		SKIRKANISH	√			
	√	SZABO	√			
		MAYOR CORRADINO				

**PASSED** this 15<sup>th</sup> day of June, 2015.

*Patricia A. Zamorski*

Attest:

Patricia A. Zamorski, Borough Clerk

**SECOND READING:**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ONDERKO	√			
	√	ASHER	√			
		CAMACHO	√			
		GREGOR	√			
√		SKIRKANISH	√			
		SZABO	√			
		MAYOR CORRADINO				

**ADOPTED** this 13<sup>th</sup> day of July, 2015

*Patricia A. Zamorski*

Attest:

Patricia A. Zamorski, Borough Clerk