

## **ORDINANCE 2359-06**

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$6,000,000 FOR THE POLICE HEADQUARTERS PROJECT IN AND BY THE TOWNSHIP OF MAPLEWOOD, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$5,700,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP OF MAPLEWOOD, IN THE COUNTY OF ESSEX, 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 Township of Maplewood, in the County of Essex, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$6,000,000, such sum being in addition to the \$12,355,000 appropriated therefor by bond ordinance #2252-04, as supplemented by #2304-05, finally adopted May 18, 2004, as supplemented July 5, 2005, and including the sum of \$300,000 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 \$5,700,000 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 to provide for the Police Headquarters Project, including all work and materials necessary therefor and incidental thereto as more fully described in bond ordinance #2252-04, as supplemented by #2304-05, finally adopted May 18, 2004, as supplemented July 5, 2005.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$18,055,000, including the \$12,355,000 bonds or notes authorized by bond ordinance #2252-04, as supplemented by #2304-05, finally adopted May 18, 2004, as supplemented July 5, 2005 and the \$5,700,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$19,355,000, including the \$12,355,000 appropriated by bond ordinance #2252-04, finally adopted May 18, 2004, the \$1,000,000 appropriated by bond ordinance #2304-05, finally adopted July 5, 2005, all of which was funded by a \$1,000,000 grant from the State of New Jersey Department of the Treasury, and the \$6,000,000 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 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 Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township 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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township 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 20 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 Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,700,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,750,000 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, \$1,850,000 was estimated for these items of expense in bond ordinance #2252-04, as supplemented by #2304-05, finally adopted May 18, 2004, as supplemented July 5, 2005, and an additional \$900,000 is estimated therefor herein.

Section 7. 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 8. The chief financial officer of the Township 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 Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township 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 Township 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 Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township 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 Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.





CERTIFICATE OF DOWN PAYMENT

I, Peter Fresulone, Chief Financial Officer of the Township of Maplewood, in the County of Essex, New Jersey (the "Township") HEREBY CERTIFY that prior to the final adoption on \_\_\_\_\_, 2006 of an ordinance entitled:

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$6,000,000 FOR THE POLICE HEADQUARTERS PROJECT IN AND BY THE TOWNSHIP OF MAPLEWOOD, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$5,700,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION,

there was available as a down payment for the purposes authorized by the ordinance the sum of \$300,000, which amount was appropriated as a down payment by the ordinance and was made available by provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Peter Fresulone,  
Chief Financial Officer

DEBT STATEMENT CERTIFICATE

I, Elizabeth J. Fritzen, Clerk of the Township of Maplewood, in the County of Essex, New Jersey (herein called the "Township"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Township that was prepared as of \_\_\_\_\_, 2006 by Peter Fresulone, who was then chief financial officer of the Township and filed in my office on \_\_\_\_\_, 2006, 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 \_\_\_\_\_, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Elizabeth J. Fritzen, Clerk

(SEAL)

EXTRACT from the minutes of a \_\_\_\_\_ meeting of the Township Committee of the Township of Maplewood, in the County of Essex, New Jersey held at the \_\_\_\_\_ in the Township on \_\_\_\_\_, 2006 at \_\_\_\_\_ o'clock \_\_\_\_m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Elizabeth J. Fritzen, Clerk of the Township of Maplewood, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on \_\_\_\_\_, 2006 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 Township this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Elizabeth J. Fritzen, Clerk

(SEAL)

EXTRACT from the minutes of a \_\_\_\_\_ meeting of the Township Committee of the Township of Maplewood, in the County of Essex, New Jersey held at the \_\_\_\_\_ in the Township on \_\_\_\_\_, 2006 at \_\_\_\_\_ o'clock \_\_\_\_m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Elizabeth J. Fritzen, Clerk of the Township of Maplewood, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on \_\_\_\_\_, 2006 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 Township this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Elizabeth J. Fritzen, Clerk

(SEAL)

CLERK'S CERTIFICATE

I, Elizabeth J. Fritzen, Clerk of the Township of Maplewood, in the County of Essex, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the Township of Maplewood, in the County of Essex, State of New Jersey (herein called the "Township"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all ordinances and resolutions of the Township. The representations made herein are based upon the records of the Township.

2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the Township on first reading on \_\_\_\_\_, 2006 and finally adopted by the governing body on \_\_\_\_\_, 2006 and, where necessary, approved by the Mayor on \_\_\_\_\_, 2006.

3. On \_\_\_\_\_, 2006, 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 Township 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.

5. After final passage, the ordinance, a copy of which is attached hereto, was duly published on \_\_\_\_\_, 2006. 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 Township this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Elizabeth J. Fritzen, 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 Township of Maplewood, in the County of Essex, State of New Jersey, on \_\_\_\_\_, 2006. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the \_\_\_\_\_, in the Township on \_\_\_\_\_, 2006 at \_\_\_\_\_ o'clock a.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 \$6,000,000 for the Police Headquarters Project in and by the Township of Maplewood, in the County of Essex, New Jersey and Authorizing the Issuance of 2,857,000 Bonds or Notes of the Township for Financing Part of the Appropriation."

Purpose: The Police Headquarters Project, including all work and materials necessary therefor and incidental thereto as more fully described in bond ordinance #2252-04, as supplemented by #2304-05, finally adopted May 18, 2004, as supplemented July 5, 2005.

Appropriation: \$6,000,000

Bonds/Notes Authorized: \$5,700,000

Grants Appropriated: N/A

Section 20 Costs: \$2,750,000

Useful Life: 20 years

Elizabeth J. Fritzen, 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 Township of Maplewood, in the County of Essex, State of New Jersey on \_\_\_\_\_, 2006 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 \$6,000,000 for the Police Headquarters Project in and by the Township of Maplewood, in the County of Essex, New Jersey and Authorizing the Issuance of \$5,700,000 Bonds or Notes of the Township for Financing Part of the Appropriation."

Purpose: The Police Headquarters Project, including all work and materials necessary therefor and incidental thereto as more fully described in bond ordinance #2252-04, as supplemented by #2304-05, finally adopted May 18, 2004, as supplemented July 5, 2005.

Appropriation: \$6,000,000

Bonds/Notes Authorized: \$5,700,000

Grants Appropriated: N/A

Section 20 Costs: \$2,750,000

Useful Life: 20 years

Elizabeth J. Fritzen, Clerk

# McMANIMON & SCOTLAND, L.L.C.

ATTORNEYS AT LAW

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(973) 622-1800

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NEWARK, NEW JERSEY 07102-5408

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May 11, 2006

DIRECT DIAL # 973/622-5028

Peter Fresulone  
Chief Financial Officer  
Township of Maplewood  
574 Valley Street  
Maplewood, New Jersey 07040

**Re: \$6,000,000/\$5,700,000 Supplemental Bond Ordinance**

Dear Peter:

In accordance with your request, I have prepared and enclose herewith a form of bond ordinance providing a supplemental appropriation for the Police Headquarters Project. The ordinance should be adopted in accordance with the procedure set forth below for your convenience.

A Supplemental Debt Statement must be prepared and filed with the Clerk as of the date of introduction of the bond ordinance. After the introduction, it must then be forwarded to Trenton and filed with the Division of Local Government Services prior to final adoption of the ordinance. In order to comply with the capital budget regulations, the bond ordinance contains a provision amending the capital budget to the extent of any inconsistency with the bond ordinance and it should be sent to Trenton and filed along with the Supplemental Debt Statement and the resolution of the governing body in the form required by the Local Finance Board showing the details of the amended capital budget. It will not be necessary to publish the resolution.

The ordinance may be introduced and read by title only and adopted by a majority of the members of the governing body present, assuming a quorum. **After introduction, the Notice of Pending Bond Ordinance and Summary must be published in the local newspaper, a form of which I have enclosed for your use. Also, the ordinance should be posted on the bulletin board customarily used for notices, together with the Notice of Pending Bond Ordinance and Summary, and copies of the ordinance should be made available to anyone who requests them of the Clerk after introduction.**

**The bond ordinance can be considered for final adoption not less than ten days after introduction and not less than seven days after the publication of the Notice of Pending Bond Ordinance and Summary.** If the ordinance has been posted and copies made available as indicated above, the ordinance can be read at the second hearing by title only. If the ordinance posting procedure has not been followed, the ordinance must be read in full at the second hearing. After the ordinance is read for the second time, the governing body should hold a public hearing and should give all members of the public a chance to be heard on the ordinance. After the public hearing, the ordinance can be finally adopted by the affirmative vote of not less than two-thirds of the full membership of the governing body. **After final adoption, the Bond Ordinance Statement and Summary must be published, a copy of which I have enclosed for your use.** Note that if the approval of an officer is required to make the ordinance effective, the ordinance must be approved by that officer, or passed over veto, before it is published after final adoption.

After the ordinance is finally adopted, it will be necessary for us to establish a record of proceedings documenting the proper adoption of the bond ordinance. In order to do this, we will need one completely executed set of the documents enumerated on the attached checklist. By copy of this letter, I am sending the Clerk a copy of the checklist along with a copy of the ordinance. With the exception of the Affidavits of Publication, I am also sending the Clerk the necessary certificates to be completed, executed and returned to us along with the necessary attachments to provide us with this documentation. It should be noted that the Clerk's Certificate must be executed no sooner than 21 days following the final publication in order to attest that there has been no protest within the statutory twenty-day protest period.

If you or the Clerk have any questions about the form of the ordinance, the adoption procedure or the form of the certificates, please call me.

Thank you for this opportunity to have been of assistance.

Very truly yours,

*Edward J. McManimon, III*

Edward J. McManimon, III

Enclosures

cc: Elizabeth J. Fritzen, Clerk, w/encl.

Roger Desiderio, Esq., w/encl.

Joseph Faccone, C.P.A., w/encl.