

TOWNSHIP OF PENNSAUKEN, NEW JERSEY

ORDINANCE 2024 - 11

BOND ORDINANCE AUTHORIZING, RATIFYING AND CONFIRMING SUPPLEMENTAL FUNDING FOR ROUTE 130 REDEVELOPMENT AREA IMPROVEMENTS, INCLUDING THE DEVELOPMENT AND CONSTRUCTION OF THE MUNICIPAL BUILDING/LIBRARY COMPLEX FACILITIES, IN AND FOR THE TOWNSHIP OF PENNSAUKEN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$15,630,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF PENNSAUKEN, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$15,630,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

WHEREAS, on March 17, 2022, the Township Committee ("Township Committee") of the Township of Pennsauken, County of Camden, New Jersey ("Township"), adopted Ordinance 2022.07 ("Prior Ordinance") authorizing and approving supplemental funding (including the issuance of bonds or bond anticipation notes) for the development and construction of certain improvements as part of the Township's Route 130 Redevelopment Plan, including, but not limited to, the development and construction of the new municipal building and library complex facilities; and

WHEREAS, it was subsequently discovered that the notice published between introduction and adoption of the Prior Ordinance included a typographical error that incorrectly stated the date upon which the Township Committee would consider the Prior Ordinance for final adoption (and upon which public comments would be accepted in connection therewith); and

WHEREAS, as a result of the forgoing, the Township Committee has determined formally re-authorize, ratify and confirm the improvements authorized by, and the issuance of bonds or bond anticipation notes to finance the costs of such improvements under, the Prior Ordinance by the adoption of this ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented, *N.J.S.A. 40A:2-1 et seq.* ("Local Bond Law"), the Local Redevelopment and Housing Law, constituting Chapter 79 of the Laws of 1992 of the State of New Jersey, as amended and supplemented and *N.J.S.A. 40A:12A-37*, as follows:

Section 1. The purposes described in Section 7 hereof are hereby re-authorized, ratified and confirmed as general improvements to be made or acquired by the Township.

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$15,630,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$15,630,000.

Section 3. The sum of \$13,800,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$15,630,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$15,630,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$3,000,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the maximum amount of obligations to be issued for each said purpose; the maximum rate of interest the obligations are to bear; and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Amount of Obligations</u>	<u>Maximum Rate of Interest on Obligations</u>	<u>Period of Usefulness</u>
A. Supplemental Funding for the Development and Construction of Improvements as part of the Route 130 Redevelopment Plan, including, but not limited to, the development and construction of the new Municipal	\$15,630,000	\$15,630,000	8.5%	30 years

Building/Library Complex Facilities, together with the completion of all work necessary therefor or related thereto, all as more particularly set forth in the information on file with the Township Administrator

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 30 years.

Section 9. Grants or other monies received from any governmental entity including, but not limited to, the State of New Jersey by and through the New Jersey Library Trust Fund, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. A supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof was 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. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, remains unchanged resulting from the reduction of the gross debt as previously reported in connection with the Prior Ordinance and the subsequent increase of the gross debt authorized by this Bond Ordinance.

Section 11. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the Township is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 14. To the extent all, or a portion of the purposes described in Section 7 above are determine to be for a tax-exempt purpose, the Township hereby covenants as follows with respect to those purposes:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. By adoption of the Bond Ordinance is hereby repealed in its entirety.

Section 17. Any moneys expended or any expenses incurred pursuant to appropriations made by the Prior Ordinance, if any, shall be accounted and deemed to have been issued, expended or incurred pursuant to this Bond Ordinance.

Section 18. All other ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 19. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: April 4, 2024

Date of Adoption: April 18, 2024

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 Township Committee of the Township of Pennsauken, in the County of Camden, State of New Jersey, on April 4, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held at the Pennsauken Township Municipal Building, 5605 North Crescent Boulevard, Pennsauken, New Jersey on April 18, 2024 at _____ o'clock __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 Township 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 AUTHORIZING, RATIFYING AND CONFIRMING SUPPLEMENTAL FUNDING FOR ROUTE 130 REDEVELOPMENT AREA IMPROVEMENTS, INCLUDING THE DEVELOPMENT AND CONSTRUCTION OF THE MUNICIPAL BUILDING/LIBRARY COMPLEX FACILITIES, IN AND FOR THE TOWNSHIP OF PENNSAUKEN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$15,630,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF PENNSAUKEN, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$15,630,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

	<u>Estimated Total Cost</u>	<u>Amount of Obligations</u>	<u>Maximum Rate of Interest on Obligations</u>	<u>Period of Usefulness</u>
A. Supplemental Funding for the Development and Construction of Improvements as part of the Route 130 Redevelopment Plan, including, but not limited to, the development and construction of the new Municipal Building/Library Complex Facilities, together with the completion of all work necessary therefor or related thereto, all as more particularly set forth in the information on file with the Township Administrator	\$15,630,000	\$15,630,000	8.5%	30 years

Appropriation: \$15,630,000
 Bonds/Notes Authorized: \$15,630,000
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$3,000,000
 Useful Life: 30 years

PAMELA SCOTT-FORMAN, Township Clerk

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

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township Committee of the Township of Pennsauken, in the County of Camden, State of New Jersey on April 18, 2024 and the twenty (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 Township 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 AUTHORIZING, RATIFYING AND CONFIRMING SUPPLEMENTAL FUNDING FOR ROUTE 130 REDEVELOPMENT AREA IMPROVEMENTS, INCLUDING THE DEVELOPMENT AND CONSTRUCTION OF THE MUNICIPAL BUILDING/LIBRARY COMPLEX FACILITIES, IN AND FOR THE TOWNSHIP OF PENNSAUKEN, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$15,630,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF PENNSAUKEN, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$15,630,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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A. Supplemental Funding for the Development and Construction of Improvements as part of the Route 130 Redevelopment Plan, including, but not limited to, the development and construction of the new Municipal Building/Library Complex Facilities, together with the completion of all work necessary therefor or related thereto, all as more particularly set forth in the information on file with the Township Administrator	\$15,630,000	\$15,630,000	8.5%	30 years

Appropriation: \$15,630,000
 Bonds/Notes Authorized: \$15,630,000
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$3,000,000
 Useful Life: 30 years

PAMELA SCOTT-FORMAN, Township Clerk

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