

BOND ORDINANCE PROVIDING FOR VARIOUS 2019
CAPITAL IMPROVEMENTS, BY AND IN THE COUNTY OF
SOMERSET, STATE OF NEW JERSEY; APPROPRIATING
\$13,263,794 THEREFOR AND AUTHORIZING \$12,632,179
BONDS OR NOTES OF THE COUNTY TO FINANCE PART
OF THE COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the County of Somerset, State of New Jersey (the "County") as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$13,263,794, said sum being inclusive of the amount of \$631,615 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"). The down payment is now available therefor by virtue of either provisions or a provision in a previously adopted budget or budgets of the County for down payment or for capital improvement purposes or from moneys actually held by the County.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$13,263,794 appropriation not provided for by application hereunder of the down payment, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$12,632,179 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the County in a principal amount not exceeding \$12,632,179 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Administration</u> – Improvements To Various County Facilities In Compliance With The Americans With Disabilities Act;	\$200,000	\$190,476	\$9,524	5 years
(ii) <u>Facilities and Services (DPW)</u> – Various General Capital Improvements And Acquisition And Installation, As Applicable, Of Various Equipment And Non-Passenger Vehicles Including, But Not Limited To, A Street Sweeper (Grounds); A Pick Up Truck (GM); A Utility Truck (Carpentry); A Utility Truck (HVAC); Electrical Capital Program Improvements; Office Improvements; Gate And Lock Improvements And HVAC Improvements At 40 N. Bridge Street;	\$359,000	\$341,904	\$17,096	7.15 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(iii) <u>Roads (DPW)</u> – Acquisition And Installation, As Applicable, Of Various Equipment And Non-Passenger Vehicles Including, But Not Limited To, A Crew Mason Dump Truck; A Dump Truck With Plow; Three (3) Pick-Up Trucks With Plow; Two (2) Flail Mowers; A Rack Truck With Liftgate; Two (2) Backhoes With Trailers; Two (2) Roll-Off Containers; Raised Pavement Markers; Two (2) Air Compressors; Two (2) Mowers; And Traffic Control Boxes;	\$1,360,189	\$1,295,418	\$64,771	8.41 years
(iv) <u>Bridges (DPW)</u> - Acquisition And Installation, As Applicable, Of Various Equipment And Non-Passenger Vehicles Including, But Not Limited To, Two (2) Utility Body Pick Up Trucks With Plow; A Utility Truck; A Roll-Off Truck With Spreader; A Mason Dump Truck With Spreader; And An Air Compressor;	\$503,000	\$479,047	\$23,953	8.08 years
(v) <u>Engineering (DPW)</u> - Various General Capital Improvement Projects, And/Or Acquisition And Installation Of Equipment, As Applicable Including, But Not Limited To, Highway Improvements Including, But Not Limited To, Amwell Road (CR514), Township Of Franklin From Wortman Street To Elizabeth Avenue Including, But Not Limited To, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, Resetting Utility Castings, Drainage Work And Traffic Signal Improvements; Various Traffic Safety Improvements Including, But Not Limited To, Traffic Equipment Improvements And Improvements To Griggstown Causeway; Various Bridge Improvements Including, But Not Limited To, Improvements To County Bridge No. E1002, Meadow Road (Bedminster And Bridgewater); County Bridge No. G0601, Old Mettlers Road (Franklin); County Bridge No. D1302, Pottersville Road (CR512) (Peapack And Gladstone); County Bridge No. L1014, Stirling Road	\$5,172,055	\$4,925,766	\$246,289	17.1 1 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(Warren); And Various County-Wide Bridge Improvements; Acquisition Of Right Of Ways For Various Roads and Bridges Throughout the County; Building Improvements Including, But Not Limited To, Elevator Improvements At 40 N. Bridge Street; Roof Access Improvements At 73 E. High Street And At Bound Brook (DPW); Sewerage Ejector Pump Improvements At The Jail; HVAC Improvements At Richard Hall Community Mental Health Center; Improvements To Various Rooftop HVAC Units Including, But Not Limited To, Recycling; Improvements To South County Voting/Prosecutor Building; Roof Improvements At The Vehicle And Equipment Building; And Acquisition Of Various Non-Passenger Vehicles;				
(vi) <u>Vehicle Maintenance (DPW)</u> – Acquisition And Installation, As Applicable, Of Two (2) Charging Stations For Electric Cars And A Tire Machine;	\$30,000	\$28,571	\$1,429	5 years
(vii) <u>Transportation (DPW)</u> – Acquisition Of Various Non-Passenger Vehicles Including, But Not Limited To, Two (2) WC Buses; Hot Shot Trucks; A Sports Utility Vehicle; A Door Security Locking System And Computer Hardware (Laptop) And Associated Software;	\$717,550	\$683,380	\$34,170	9.01 years
(viii) <u>Recycling (DPW)</u> – Acquisition Of Various Non-Passenger Vehicles Including, But Not Limited To, Four (4) Curbside Recycling Trucks; Recycling Containers; A Pick-Up Truck; A Baler Reline; And A Sweeper;	\$3,095,000	\$2,947,619	\$147,381	8.97 years
(ix) <u>Rutgers Cooperative Extension</u> – Acquisition Of A Non-Passenger Vehicle For The Motorpool;	\$36,000	\$34,285	\$1,715	5 years
(x) <u>911 Communications Center (PH&S)</u> – Various Improvements And/Or Acquisition And Installation, As Applicable, Of Equipment Including, But Not Limited To, Positron System Improvements; Portable Radios; Electronics And 24/7 Usage	\$631,000	\$600,952	\$30,048	10 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Improvements; UPS Batteries; UPS Improvements At 40 N. Bridge Street; Simulcast Paging System; A Radio Tower At Pill Hill Road And Tower Site Improvements;				
(xi) <u>Emergency Services Training Academy (PH&S)</u> – Acquisition and Installation, As Applicable, Of Various Equipment Including, But Not Limited To, Air Cylinders/SKA-Pak/Self-Contained Breathing Apparatus; And A Burn Building Garage Mock Up;	\$380,000	\$361,904	\$18,096	9.73 years
(xii) <u>Prosecutor</u> – Computer Improvements For The Prosecutor’s Office Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Computer Hardware And Software; And	\$150,000	\$142,857	\$7,143	7 years
(xiii) <u>Jail (Sheriff)</u> – Security Improvements And Acquisition And Installation, As Applicable, Of Various Equipment For The Jail Including, But Not Limited To, Radios And Related Equipment; Security Cameras And Other Security Equipment; And Electronic Medical Records Improvements.	\$630,000	\$600,000	\$30,000	7 years
TOTALS	<u>\$13,263,794</u>	<u>\$12,632,179</u>	<u>\$631,615</u>	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$12,632,179.

(c) The aggregate estimated cost of said improvements and purposes is \$13,263,794, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payment in the aggregate amount of \$631,615.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all consulting, engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or a private entity make a loan, contribution or grant-in-aid to the County, for the improvements or purposes authorized hereby and the same shall be received by the County prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or a private entity. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or a private entity shall be received by the County after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Director of Finance and Administration/Chief Financial Officer, provided that no note shall mature later than one (1) year from its date unless such

bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Director of Finance and Administration/Chief Financial Officer. The Director of Finance and Administration/Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Director of Finance and Administration/Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Director of Finance and Administration/Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Director of Finance and Administration/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 bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the County is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs, as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Deputy Clerk of the Board of Chosen Freeholders and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the County may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 11.88 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Deputy Clerk of the Board of Chosen Freeholders of the County and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the County as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$12,632,179 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$3,979,138 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the County, and the County shall be obligated to levy *ad valorem* taxes upon all the taxable property within the County for the payment of the principal of such debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The County hereby declares the intent of the County 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 9 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 10. The Director of Finance and Administration/Chief Financial Officer 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 County and to execute such disclosure document on behalf of the County. The Director of Finance and Administration/Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the County 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 County 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 County fails to comply with its undertaking, the County shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The County is hereby authorized to acquire the right of ways or real property and to negotiate agreements of sale for the aforesaid acquisitions. The Freeholder Director, Director of Finance and Administration/Chief Financial Officer, County Counsel and Deputy Clerk of the Board of Chosen Freeholders and any other County official, officer or professional is each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement(s) of sale and any and all documents necessary to acquire said right of ways or to undertake the improvement or purpose set forth herein and to effectuate any transaction contemplated hereby.

SECTION 12. The County covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 13. This bond ordinance will be considered for final adoption after a public hearing thereon at a meeting of the Board of Chosen Freeholders of the County. The Deputy Clerk of the Board of Chosen Freeholders of the County is hereby authorized and directed to arrange for the publication of this bond ordinance in full after introduction upon first reading and after final adoption in an authorized newspaper of the County, such publications to be in accordance with the requirements of the Local Bond Law.

SECTION 14. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: JULY 9, 2019

KATHRYN QUICK,
Deputy Clerk of the Board of Chosen Freeholders

ADOPTED ON SECOND READING
DATED: JULY 23, 2019

KATHRYN QUICK,
Deputy Clerk of the Board of Chosen Freeholders

I, Kathryn Quick, Deputy Clerk of the Board of Chosen Freeholders of the County of Somerset in the State of New Jersey, do hereby certify that the foregoing is a true copy of a Resolution adopted by said Board of Chosen Freeholders at its regularly convened meeting of July 23, 2019.

Kathryn Quick, Deputy Clerk of the Board