

**ORDINANCE NO. 2019-01**

**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,270,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO REFUND CERTAIN OUTSTANDING BONDS DESCRIBED HEREIN, AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE.**

**WHEREAS**, the Township of Bordentown, in the County of Burlington, New Jersey (the “**Township**”) has determined to authorize a refunding program, including the issuance of refunding bonds, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented (the “**Local Bond Law**”);

**WHEREAS**, the Township has previously issued its General Obligation Bonds, Series 2009, dated February 26, 2009, in the original aggregate principal amount of \$4,000,000, of which \$2,120,000 will be outstanding subsequent to February 15, 2019 (the “**2009 Bonds**”);

**WHEREAS**, the Township has determined to provide for the authorization of the refunding of the 2009 Bonds through the issuance by the Township of its General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$2,270,000, as provided in this Refunding Bond Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Bordentown, in the County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

**Section 1.** The Township hereby authorizes a refunding program involving the refunding of the 2009 Bonds to provide net present value savings. In order to finance the costs of the refunding program, negotiable refunding bonds of the Township are hereby authorized to be issued in an aggregate principal amount not to exceed \$2,270,000 (the “**Refunding Bonds**”) pursuant to and within the limitations prescribed by the Local Bond Law. The proceeds of the Refunding Bonds are hereby appropriated to the refunding of the 2009 Bonds and the payment of the costs of issuance of the Refunding Bonds, as further described herein.

**Section 2.** (a) The purposes for which the proceeds of the Refunding Bonds are authorized to be used are (i) refunding all or a portion of the principal amount of the 2009 Bonds, including the payment of principal of and interest on the 2009 Bonds to maturity or earlier redemption and, as applicable, the payment of interest accrued thereon to the date fixed for redemption and the redemption price thereof, and (ii) paying the costs of the issuance relating to the Refunding Bonds.

(b) The aggregate costs of issuing the Refunding Bonds as provided by N.J.S.A. 40A:2-51(b), including underwriter’s discount, will not exceed \$150,000. Such amount is included in the maximum authorized aggregate principal amount set forth in Section 1 hereof.

(c) The 2009 Bonds determined to be refunded shall be called for redemption prior to maturity thereof in the manner provided for by the terms of the 2009 Bonds. Proceeds from the sale of the Refunding Bonds shall be applied immediately to the payment of the 2009

Bonds selected for redemption or shall be deposited in trust to provide for the payment and retirement of such 2009 Bonds. Any moneys in trust may be invested as provided in N.J.S.A. 40A:2-60.

**Section 3.** The Township Committee hereby delegates to the Chief Financial Officer of the Township the power to sell the Refunding Bonds at public or private sale, to determine the terms of the Refunding Bonds, to prepare and file with the Local Finance Board within the Division of Local Government Service in the Department of Community Affairs a summary of the refunding in accordance with N.J.A.C. 5:30-2.5, and to perform such other actions and make such other determinations, subject to the limitations, if any, to be set forth in a subsequent resolution of the Township.

**Section 4.** The Township Committee hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the “**Code**”), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

**Section 5.** The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds authorized by this Refunding Bond Ordinance. The Refunding Bonds 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 Refunding Bonds and the interest thereon without limitation as to rate or amount.

**Section 6.** All other matters with respect to the Refunding Bonds not contained or determined in or pursuant to this Refunding Bond Ordinance shall be determined by resolution of the Township adopted prior to the issuance of the Refunding Bonds.

**Section 7.** 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 shall be 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 prior to final passage hereof. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by \$2,270,000 by the authorization of the Refunding Bonds in this Refunding Bond Ordinance. Upon issuance of the Refunding Bonds and determination of the final amount thereof, if less than the \$2,270,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Township Committee shall, by resolution, approve the cancellation of such amount authorized hereby which has not been issued.

**Section 8.** This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this Refunding Bond Ordinance, as finally adopted as required by N.J.S.A. 40A:2-55, or this Refunding Bond Ordinance qualifies under the requirements set forth in N.J.A.C. 5:30-2.5.

**THE TOWNSHIP OF BORDENTOWN IN THE  
COUNTY OF BURLINGTON, NEW JERSEY**

INTRODUCED: 01/28/19

ADOPTED: 2/11/2019