

**Ord. #13-2011**

**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS, NEW JERSEY PROVIDING FOR THE CURRENT REFUNDING OF THE 2013 MATURITY DUE ON THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST SEWER UTILITY BONDS, SERIES 1993, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$700,000 SEWER UTILITY REFUNDING BONDS OR SEWER UTILITY BOND ANTICIPATION NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The Township of Mount Olive, in the County of Morris, New Jersey (the "Township") is hereby authorized to current refund \$700,000 of the aggregate \$1,920,957 principal payment due on February 1, 2013 on its New Jersey Environmental Infrastructure Trust Sewer Utility Trust and Fund Loan Bonds, Series 1993, originally issued in the principal amount of \$21,024,543 (\$11,225,000 Trust Loan and \$9,799,543 Fund Loan), dated October 15, 1993 (the "Refunded Bonds").

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in one or more series in the aggregate principal amount not exceeding \$700,000 pursuant to the Local Bond Law of the State of New Jersey. In anticipation of the issuance of the Refunding Bonds, negotiable bond anticipation notes (the "Bond Anticipation Notes" and, together with the Refunding Bonds, the "Obligations") are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. 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 4. The Township desires to provide for the refunding of the principal amount of the Refunded Bonds in order to spread the debt service on such amount over an additional five year period to better accommodate the cessation of connection fee/assessment revenue in the Assessment Trust Fund established for the projects financed with the 1993 Bonds.

Section 5. No amount is included for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b). Such costs will be funded from the Sewer Utility operating accounts or otherwise.

Section 6. While 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 although the gross debt of the Township is increased by the authorization of the Obligations provided in this refunding bond ordinance by \$700,000, and that same amount equal to \$700,000 will be deductible from gross debt since there is no increase in the Township's debt. The Obligations authorized herein will be within all debt limitations prescribed by that law.

Section 7. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Section 8. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, 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 ordinance as finally adopted.

ATTEST:

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Lisa M. Lashway  
Mount Olive Township Clerk

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Phil Tobey  
Mount Olive Twp. Council President