



**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE #2020-06

REFUNDING BOND ORDINANCE OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE BOROUGH TO ACHIEVE DEBT SERVICE SAVINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough") issued \$3,522,000 General Improvement Bonds, Series 2011 dated February 24, 2011, \$2,292,000 of which are currently outstanding and maturing on or after February 1, 2021 and which bonds are subject to redemption on or after February 1, 2020 at a redemption price equal to 100% of the par amount to be redeemed (the "Refunded Bonds"); and

WHEREAS, the Borough Council has determined that refunding bonds can be issued to refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate net present value debt service savings to the Borough equal to or greater than three percent (3%), which savings is the minimum amount required to obtain approval for such refunding from the Local Finance Board, Division of Local Government Services, Department of Community Affairs of the State of New Jersey (the "Local Finance Board"); and

WHEREAS, the Borough Council has determined to provide for the refunding of the Refunded Bonds through the issuance by the Borough of not to exceed \$2,500,000 aggregate principal amount of General Improvement Refunding Bonds, Series 2020.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LEBANON, IN THE COUNTY OF

HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs of issuance associated therewith, the Borough is hereby authorized to issue the General Improvement Refunding Bonds in an aggregate principal amount not to exceed \$2,500,000 (the "Refunding Bonds"), to be issued in one or more issues, all in accordance with the requirements of N.J.S.A. 40A:2-51, and to appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Improvement Refunding Bonds, Series 2020", with such other designation as may be necessary to identify such bonds, including each series thereof.

SECTION 3. The purposes for which the Refunding Bonds are to be issued are to achieve debt service savings for the Borough by refunding all or a portion of the callable principal amount of the Refunded Bonds, including the payment of interest accrued thereon on each interest payment date to the dates fixed for redemption for the applicable series of Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$900,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance premiums, advertising, paying agent and escrow fees, verification agent fees, rating agency fees, accounting, municipal advisory, legal and other expenses in connection therewith.

SECTION 5. The purpose of the issuance of the Refunding Bonds is to realize net present value interest cost savings for property taxpayers residing in the Borough ("net" meaning savings after payment of all costs of issuance of the Refunding Bonds). Applicable State requirements mandate that such net present value interest cost savings equal at least 3% of the principal amount of the Refunded Bonds. In addition, the issuance of the Refunding Bonds shall comply with the provisions of N.J.A.C. 5:30-2.5, including that within 10 days of the date of the closing on the Refunding Bonds, the Clerk shall file a report with the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs setting forth (a) a comparison of the Refunding Bonds' debt service and the Refunded Bonds' debt service which comparison shall set forth the present value savings achieved by the issuance of the Refunding Bonds; (b) a summary of the issuance of the Refunding Bonds; (c) an itemized accounting of all costs of issuance in connection with the issuance of the Refunding Bonds and (d) a certification of the Clerk that (i) all of the conditions of section (b) of N.J.A.C. 5:30- 2.5 have been met and (ii) a resolution authorizing the issuance of the Refunding Bonds, adopted pursuant N.J.S.A. 40A:2-51(c), was approved by a two-thirds vote of the full membership of the Borough Council..

SECTION 6. The Supplemental Debt Statement relating to the Refunding Bonds, required by the Local Bond Law, has been duly made and filed in the Office of the Clerk of the Borough, and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance, and will be decreased by the amount of the Refunded Bonds.

SECTION 7. To the extent that the Refunding Bonds are issued as federally tax exempt obligations, the Borough Council hereby covenants on behalf of the Borough 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, and investment of the proceeds of the Refunding Bonds, and the timely reporting and rebate of investment earnings on such proceeds as may be required thereunder.

SECTION 8. This Refunding Bond Ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: July 15, 2020

KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon

ADOPTED ON SECOND READING

DATED: August 19, 2020

KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon

APPROVAL BY THE MAYOR ON THIS 19 DAY OF August , 2020

JAMES J. PITTINGER, Mayor

BOROUGH COUNCIL OF THE BOROUGH OF LEBANON
PUBLIC NOTICE
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 Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), on July 15, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council to be held at the Borough's Municipal Building, 6 High Street, Lebanon, New Jersey on August 19, 2020 at 7:30 p.m. Information regarding remote access to the meeting may be found on the Borough's website at www.lebanonboro.com. 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 Office of the Clerk of the Borough for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: REFUNDING BOND ORDINANCE OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE BOROUGH TO ACHIEVE DEBT SERVICE SAVINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

Purpose(s): The refunding of certain outstanding general improvement bonds of the Borough to achieve debt service savings on the Borough's existing debt, and authorizing the issuance of not to exceed \$2,500,000 general improvement refunding bonds of the Borough to effect such refunding

Appropriation: Not to Exceed \$2,500,000

Grants Appropriated: None

Bonds/Notes Authorized: Not to Exceed \$2,500,000

Section 20 Costs: \$900,000

Useful Life: N/A

KAREN M. ROMANO,
Clerk of the Borough of Lebanon

BOROUGH COUNCIL OF THE BOROUGH OF LEBANON
PUBLIC NOTICE
BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey on August 19, 2020 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, *N.J.S.A. 40A:2-1 et seq.*, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Office of the Clerk of the Borough for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

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Appropriation: Not to Exceed \$2,500,000

Grants Appropriated: None

Bonds/Notes Authorized: Not to Exceed \$2,500,000

Section 20 Costs: \$900,000

Useful Life: N/A

KAREN M. ROMANO,
Clerk of the Borough of Lebanon

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on July 15, 2020 at 7:30 p.m. at the Borough's Municipal Building, 6 High Street, Lebanon, New Jersey, and that the following was the roll call:

Present: Burton, Berger, Junge, Harris, Baldinger

Absent: Saharic

I FURTHER CERTIFY that the foregoing extract 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 Borough this _15th day of ___July, 2020.

(SEAL)

**KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon**

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on August 19, 2020 at 7:30 p.m. at the Borough's Municipal Building, 6 High Street, Lebanon, New Jersey, and that the following was the roll call:

Present: Burton, Berger, Junge, Harris, Baldinger

Absent: Saharic

I FURTHER CERTIFY that the foregoing extract 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 Borough this 19 day of August 2020.

(SEAL)

KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Jennifer Mooney, the Chief Financial Officer of the Borough as of July 15, 2020, that such Supplemental Debt Statement was filed in my office on or by July 15, 2020 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on August 12, 2020.

KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon

CLERK'S CERTIFICATE

I, KAREN M. ROMANO, DO HEREBY CERTIFY that I am the Clerk of the Borough of Lebanon, in the County of Hunterdon (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached here is the bond ordinance introduced on July 15, 2020 and finally adopted on August 19, 2020, and approved by the Mayor, as applicable, on August 19, 2020.

2. After introduction, the bond ordinance was published as required by law in Hunterdon Democrat on July 23, 2020.

3. Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the public place in the principal municipal building of the Borough where the Borough Council customarily holds its meetings, a copy of said bond ordinance and a notice that copies of the bond ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body. Copies of the bond ordinance were made available to all who requested same.

4. After final passage, the bond ordinance was approved by the Mayor on August 19, 2020 and was duly published as required by law in__ (name of the Hunterdon Democrat on August 20, 2020. No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication after final adoption or at any other time after the final passage thereof.

5. The bond ordinance has not been amended, added to, altered or repealed and said bond ordinance is now in full force and effect.

6. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this 21 day of August 21, 2020.

(SEAL)

**KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon**

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Administrator/Clerk

Richard J. Burton, Council President

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on July 15, 2020 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on August 19, 2020 at 7:30 p.m. in the Municipal Building, 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC
Borough Administrator/Clerk

Vote after public hearing and upon final adoption:

Burton 1

Saharic 0

Junge 1

Harris 1

Berger 1

Baldinger 1

Ordinance approved by the Governing Body
and presented to the Mayor on:

Veto in Whole or Part:

Approved:

James J Pittinger, Mayor
Date:

James J Pittinger, Mayor
Date: August 19, 2020

Returned to Borough Clerk with
statement attached on _____

Introduced: July 15, 2020
Adopted August 19, 2020

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE 2020-06**

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LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF
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CERTAIN OUTSTANDING GENERAL IMPROVEMENT
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AMOUNT OF GENERAL IMPROVEMENT REFUNDING
BONDS OF THE BOROUGH TO EFFECT SUCH
REFUNDING AND APPROPRIATING THE PROCEEDS
THEREFOR**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 15th day of July 2020, and the same came up for final passage at a meeting of the said Borough Council on the 19th day of August, 2020 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC
Borough Administrator/ Clerk

INTRODUCED: July 15, 2020
ADOPTED: August 19, 2020

