

#427-08 (OAL Decision: Not yet available on-line)

IN THE MATTER OF THE APPLICATION :
OF THE BOARD OF EDUCATION OF THE :
BOROUGH OF MILFORD, HUNTERDON : COMMISSIONER OF EDUCATION
COUNTY, FOR AN ORDER DIRECTING : DECISION
ISSUANCE OF BONDS PURSUANT TO :
N.J.S.A. 18A:7G-12. :
_____:

SYNOPSIS

Petitioning Board filed an appeal with the Commissioner seeking an order directing the issuance of bonds for a capital project pursuant to *N.J.S.A. 18A:7G-12*. The project seeks to address health and safety issues in the district's single building, built in 1923, and a gymnasium built in the 1950s. The Board issued three separate referenda over the past two years seeking to address building needs including, *inter alia*, electrical upgrades, installation of a fire alarm system, roof replacement, exit signs and emergency lighting, all of which have been defeated by voters.

Following hearing at the Office of Administrative Law, the ALJ found and concluded that the Board's facilities are in desperate need of repair to address core health, safety and security issues, and that the capital project for which it seeks issuance of school bonds is necessary in order to continue to provide its students with a thorough and efficient education. According, the ALJ ordered that the petition be granted, and that \$800,000 in school bonds be issued for this required school facilities project.

The Commissioner concurred with the ALJ, and authorized the Board to prepare for issuance of bonds in the amount of \$800,000 to fund the local share of the project. The Commissioner further directed that plans and specifications be submitted to the Office of School Facilities, so that the project will proceed as an Authority project pursuant to *N.J.S.A. 18A:7G-12* and the applicable provisions of *N.J.A.C. 6A:26*.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.
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October 24, 2008

OAL DKT. NO. EDU 8320-08
AGENCY DKT. NO. 134-5/08

IN THE MATTER OF THE APPLICATION :
OF THE BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION
BOROUGH OF MILFORD, HUNTERDON : DECISION
COUNTY, FOR AN ORDER DIRECTING :
ISSUANCE OF BONDS PURSUANT TO :
N.J.S.A. 18A:7G-12. :
_____ :

The record of this matter, and the Report and Recommendation of the Administrative Law Judge (ALJ) issued by the Office of Administrative Law following hearing pursuant to *N.J.S.A.* 52:14F-5(o), have been reviewed. No comments were filed by the Board of Education (Board) pursuant to *N.J.A.C.* 6A:26-3.7(i)3i.

Upon review, the Commissioner concurs with the ALJ that the Board has demonstrated the necessity of its proposed project for the provision of a thorough and efficient system of education in the district. The Commissioner, therefore, authorizes the Board to prepare for issuance of bonds in the amount of \$800,000 to fund the local share of such project and directs that detailed plans and specifications be submitted to the Office of School Facilities, where the project shall proceed forthwith as an Authority project pursuant to *N.J.S.A.* 18A:7G-12 and the applicable provisions of *N.J.A.C.* 6A:26.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: October 24, 2008

Date of Mailing: October 24, 2008

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, c. 36.