

BOND ORDINANCE 14-2021

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$9,246,446 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,461,124 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$9,246,446, said sum being inclusive of all appropriations heretofore made therefor, including \$340,000 grant funds expected to be received from, the State of New Jersey Department of Transportation ("NJDOT") and the sum of \$445,322 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$8,461,124, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

i) the 2021 Road Program, including, but not limited to miscellaneous sidewalk, paving, and road repairs, ADA ramp upgrades, improvements to Industrial Way West and Pinebrook Road and road analysis and sewer repair, with a total appropriation and estimated cost of \$650,500 including \$340,000 grant funds expected to be received from the NJDOT for said improvements to Industrial Way West, estimated amount of bonds and notes therefor of \$294,975, and an average period of usefulness of 16.82770 years;

ii) acquisition of various machinery and equipment, including, but not limited to, Borough wide phone system; stand on blower for the Borough Park/Tree Division; command center for OEM vehicle, traffic devices for Borough DPW/OEM trailer for the Borough Emergency Management Department; fifty (50) traffic barriers, ballistic vest with rifle plates, replacement flashlights with charger banks, Cellbrite machine, gym equipment and repair, seven (7) office computers and equipment, five (5) mobile video recorders, five (5) getac mobile data terminals, laser fiche document storage and licensing server, shared Borough storage building and portable radar trailer for the Borough Police Department; turnout gear (that exceeds PEOSHA/NFPA requirements), hose replacement, pagers and hydraulic ram for the Borough Fire/Water Department; Stryker chair stairs and LUCAS 3 device for the Borough Emergency Department; stand-alone carrel for new computer, DVD shelving and new media cabinet for the Borough Library; with a total appropriation and estimated cost of \$441,500, estimated amount of bonds and notes therefor of \$419,425, and an average period of usefulness of 11.26742 years;

iii) various improvements to public buildings, grounds, and signs, including, but not limited to, rubber resurfacing of the playground area at the Community Center/Preschool, FOB key system for the Borough Hall main floor, awning over Borough Hall side door, replacement of Borough Hall boiler, installation of a camera/intercom system at 68 Broad Street, acquisition of computer equipment, replacement of carpet in Library main area, repair of the museum building at 75 Broad Street, duct cleaning throughout Borough Hall, modernization of sewer system at 68 Broad Street, Husky Brook Park rubber and resurfacing under proposed outdoor fitness area, acquisition of new playground equipment for Husky Brook Park, installation of solar outdoor lighting fixture and 6 foot link chain fence at Nicodemus Recreation Center, and installation of a sound system, speakers and permanent flat screen and acquisition of outdoor deck table, chairs and umbrella for the Borough Senior Center, and improvements to recycle plant at Lewis Street, Borough firehouse tank work and Pinebrook Tank work – DPW Garage, with a total appropriation and estimated cost of \$441,846, estimated amount of bonds and notes therefor of \$419,754, and an average period of usefulness of 13.25208 years;

iv) acquisition of municipal vehicles and various equipment, including, but not limited to, two (2) hooklift trucks with dump body, plow and spreader, switch diffusion coupler for loaders and brush/leaf claw-rockland for the Borough Road Division; Mason dump truck for the Borough Park/tree Division; service truck with air compressor, automotive updates, forklift attachment and forklift for the Borough Auto Shop; vehicle for the Borough Inspections of Buildings Division and two (2) vehicles for the Borough Police Department, with a total appropriation and estimated cost of \$766,600, estimated amount of bonds and notes therefor of \$728,270, and an average period of usefulness of 13.15825 years; and

v) improvements to the Borough property located at Fort Monmouth and contained within Block 301, Lot 1 on the Borough Tax Map, including all work and materials necessary therefor or incidental thereto, with a total appropriation and estimated cost of \$6,946,000, estimated amount of bonds and notes therefor of \$6,598,700 and an average period of usefulness of 20 years,

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$8,461,124, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$9,246,446, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$9,246,446 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$445,322 down payment for said purposes and the \$340,000 grant funds expected to be received from the NJDOT.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who 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. 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 such notes occurs, such report shall 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 5. 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 a current expense and are improvements or purposes that the Borough 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 the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 18.53288 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough 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 the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$8,461,124 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,096,500 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

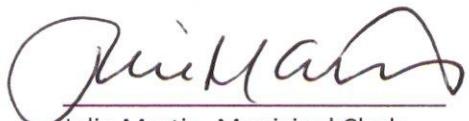
Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATE INTRODUCED: June 23, 2021
DATE ADOPTED: July 14, 2021

ATTEST :



Julie Martin, Municipal Clerk
Date: 07-19-2021

APPROVED:



Anthony Talerico, Jr., Mayor