

BOND ORDINANCE 2015-05
REFUNDING BOND ORDINANCE AUTHORIZING THE
ISSUANCE OF NOT TO EXCEED \$2,200,000 AGGREGATE
PRINCIPAL AMOUNT OF GENERAL OBLIGATION
REFUNDING BONDS BY THE BOROUGH OF BRADLEY
BEACH, IN THE COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, TO THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY (THE “MCIA”) FOR THE
PURPOSE OF REFUNDING CERTAIN BONDS
HERETOFORE ISSUED BY THE BOROUGH TO THE MCIA

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), on December 13, 2007, the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey (the “Borough”), had previously issued \$5,446,000 aggregate principal amount of General Obligation Bonds (the “2007 Bonds”) to the Monmouth County Improvement Authority (the “MCIA”) in connection with the MCIA’s 2007 Pooled Governmental Loan Program; and

WHEREAS, \$1,751,000 of such 2007 Bonds dated December 13, 2007 (the “Refunded Bonds”) are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable; and

WHEREAS, the MCIA and the Borough have determined that refunding bonds can be issued to defease or refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate a debt service savings to the Borough; and

WHEREAS, the Borough has determined to provide for the defeasance or refunding of the Refunded Bonds through its issuance of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$2,200,000 to the MCIA, as provided in this refunding bond ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. In order to finance the purposes described in Section 2 hereof, negotiable refunding bonds of the Borough hereby designated as General Obligation Refunding Bonds (the “Refunding Bonds”) are hereby authorized to be issued to the MCIA in an aggregate principal amount not to exceed \$2,200,000. The proceeds of the Refunding Bonds are hereby appropriated to the purposes described in Section 2 hereof.

Section 2. (a) The purposes for which the Refunding Bonds are to be issued are (i) defeasing or refunding the principal amount of Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption or defeasance, as applicable, and the redemption

price thereof, if applicable, and (ii) paying the cost of the issuance relating to the Refunding Bonds, including printing, advertising, accounting, financial and legal expenses, rating agency fees, underwriter's discount, bond insurance premium of credit enhancement fees, if any, and MCIA costs of issuance, which may include any of the foregoing set forth in this Section 2(a)(ii).

(b) The aggregate cost of issuing the Refunding Bonds, as provided by N.J.S.A. 40A:2-51(b) (which amount includes all items described in Section 2(a)(ii) hereof) will not exceed \$65,000. Such amount is included in the maximum authorized principal amount set forth in Section 1 hereof.

(c) The Refunded Bonds shall be defeased or called for redemption, as applicable, prior to maturity thereof as provided in the Refunded Bond certificates. A portion of the proceeds from the sale of the Refunding Bonds shall be deposited in trust by the MCIA to provide for the payment and retirement of the Refunded Bonds. Any moneys held in trust by the MCIA may be invested in accordance with law.

Section 3. Any further provisions as to terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the Refunding Bonds, and matters in connection therewith, shall be determined by resolution of the Borough adopted prior to the issuance of the Refunding Bonds.

Section 4. The Borough Council hereby delegates to the Chief Financial Officer of the Borough the power to sell the Refunding Bonds at private sale to the MCIA, to determine the terms of the Refunding Bonds and to perform such other actions and make such other determinations.

Section 5. The Borough Council hereby authorizes and delegates to the Chief Financial Officer, in consultation with Archer & Greiner P.C., Red Bank, New Jersey ("Bond Counsel") and David A. Kaplan, CPA, of Wiss & Company LLP, Livingston, New Jersey (the "Borough Auditor"), the authority to negotiate and execute on behalf of the Borough any document for the purchase and sale of the Refunding Bonds to the MCIA.

Section 6. All other matters relating to the Refunding Bonds shall be performed or determined pursuant to a resolution of the Borough, or the performance or determination thereof shall be delegated by resolution of the Borough to an official or officer of the Borough, Bond Counsel or the Borough Auditor.

Section 7. A certified copy of this refunding bond ordinance, as introduced and adopted upon first reading, shall be filed with (i) the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs prior to final adoption hereof, together with the statement signed by the Chief Financial Officer of the Borough required by N.J.S.A. 40A:2-55, and (ii) the MCIA.

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 Refunding Bonds authorized by this refunding bond ordinance. The Refunding Bonds 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 Refunding Bonds and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this refunding bond ordinance, the Borough Clerk is hereby authorized and directed to publish a summary of this refunding bond ordinance, together with a Notice of Pending Bond Ordinance, at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance.

Section 10. After final adoption of this refunding bond ordinance by the Borough Council, the Borough Clerk is hereby directed to publish a summary of this refunding bond ordinance, as finally adopted, together with a Bond Ordinance Statement (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. 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, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. The purpose of the issuance of the Refunding Bonds is to effect a debt service savings to the Borough.

Section 13. The supplemental debt statement required by the Local Bond Law has been duly made 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 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 bond ordinance and the said bonds and notes authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 14. The Chief Financial Officer of the Borough is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the Borough Bond Counsel and the Auditor, and the manual or facsimile signature of the Chief Financial Officer of the Borough upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer of the Borough, the Borough Clerk and any other Borough official, officer or professional, including but not limited to, Bond Counsel and the Auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, including, if applicable, the refunding report required to be filed pursuant to N.J.A.C 5:30-2.5,

and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with Bond Counsel and the Auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

Section 15. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided herein and the Local Bond Law, but, if applicable, not prior to the time that the consent of the Local Finance Board, Division of Local Government Services in the New Jersey Department of Community Affairs has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

ADOPTED ON FIRST READING
DATED: March 24, 2015

MARY ANN SOLINSKI,
Borough Clerk

ADOPTED ON SECOND READING
DATED: April 14, 2015

MARY ANN SOLINSKI,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2015.

GARY ENGELSTAD,
Mayor

Intro Published: _____

Final Published: _____

**BOROUGH OF BRADLEY BEACH
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY PUBLICATION**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey, on March 24, 2015. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Hall Meeting Room, 701 Main Street, Bradley Beach, in said County on Tuesday, April 14, 2015 at 6:30 p.m. 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 Clerk's office 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 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,200,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE BOROUGH TO THE MCIA

Purpose(s): To Generate Debt Service Savings To The Borough

Appropriation: Not To Exceed \$2,200,000

Bonds/Notes Authorized: Not To Exceed \$2,200,000

Grants Appropriated: None

Section 20 Costs/Costs of Issuance: \$65,000

Useful Life: N/A

**MARY ANN SOLINSKI
Clerk of the Borough of Bradley Beach**

**BOROUGH OF BRADLEY BEACH
PUBLIC NOTICE
BOND ORDINANCE STATEMENT AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the governing body of the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey on Tuesday, April 14, 2015, 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, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,200,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE BOROUGH TO THE MCIA

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Bonds/Notes Authorized: Not To Exceed \$2,200,000

Grants Appropriated: None

Section 20 Costs/Costs of Issuance: \$65,000

Useful Life: N/A

**MARY ANN SOLINSKI
Clerk of the Borough of Bradley Beach**

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey, 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 March 24, 2015 at 6:30 p.m. at the Borough Hall Meeting Room, 701 Main Street, Bradley Beach, in said County, and that the following was the roll call:

Present:

Absent:

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 of the Borough 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 ____ day of _____, 2015.

(SEAL)

**MARY ANN SOLINSKI,
Clerk of the Borough of Bradley Beach**

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey, 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 April 14, 2015 at 6:30 p.m. at the Borough Hall Meeting Room, 701 Main Street, Bradley Beach, in said County, and that the following was the roll call:

Present:

Absent:

I DO 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 of the Borough 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 ____ day of _____, 2015.

(SEAL)

MARY ANN SOLINSKI,
Clerk of the Borough of Bradley Beach

CLERK'S CERTIFICATE

I, MARY ANN SOLINSKI, DO HEREBY CERTIFY that I am the Clerk of the Borough of Bradley Beach, in the County of Monmouth (the "Borough"), 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 hereto is the bond ordinance introduced on March 24, 2015 and finally adopted on April 14, 2015 and approved by the Mayor, as applicable, on _____, 2015.

2. After introduction, the bond ordinance was published as required by applicable law on _____, 2015 in the _____
(name of newspaper).

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 principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said bond ordinance or a summary thereof 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 of the Borough. Copies of the bond ordinance were made available to all who requested same.

4. After final adoption, the bond ordinance was duly approved by the Mayor of the Borough (if applicable) and duly published as required by law on _____, 2015 in the _____ (name of newspaper). 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 of the Borough or to me or filed in my office within twenty (20) days after said publication or at any other time after the final adoption 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 ____ day of _____, 2015.

(SEAL)

MARY ANN SOLINSKI,
Clerk of the Borough of Bradley Beach

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Joyce Wilkins, the Chief Financial Officer as of March 24, 2015, that such Supplemental Debt Statement was filed in my office on March 24, 2015 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on _____, 2015.

MARY ANN SOLINSKI,
Clerk of the Borough of Bradley Beach