

**BOROUGH OF BRADLEY BEACH
BOND ORDINANCE NUMBER 2020-3**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE NORTH END OF THE BOARDWALK (A BEACH UTILITY IMPROVEMENT), BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$490,000 THEREFOR (INCLUDING A GRANT FROM THE MONMOUTH COUNTY OPEN SPACE PROGRAM IN THE AMOUNT OF \$210,000) AND AUTHORIZING THE ISSUANCE OF \$280,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a Beach Utility improvement or purpose to be undertaken by the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey (the “Borough”). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$490,000 from the Beach Utility of the Borough, said sum being inclusive of a grant from the Monmouth County Open Space Program in the amount of \$210,000 (the “Grant”) and being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq, as amended and supplemented (the “Local Bond Law”), no down payment is required as the Beach Utility of the Borough is self-liquidating.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$490,000 appropriation not provided for by application hereunder of the Grant, negotiable bonds of the Beach Utility of the Borough are hereby authorized to be issued in the principal amount of \$280,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Beach Utility of the Borough in a principal amount not exceeding \$280,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued are various improvements to the north end of Borough's boardwalk including, but not limited to, replacement of timber decking with composite materials, necessary improvements to the boardwalk's support system and construction and installation, as applicable, of two gazebos and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$280,000.

(c) The estimated cost of said improvement or purpose is \$490,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, is comprised of the Grant in the amount of \$210,000.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. 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 unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such

determinations. All notes issued hereunder may be renewed from time to time in accordance with 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Beach Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Deputy Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose for which the Borough may lawfully undertake as a Beach Utility improvement or purpose, 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 said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Deputy 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, 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 or notes provided for in this bond ordinance by \$280,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$98,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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 bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: February 25, 2020**

**ERICA KOSTYZ,
Deputy Clerk of the Borough of Bradley Beach**

**ADOPTED ON SECOND READING
DATED: March 24, 2020**

**ERICA KOSTYZ,
Deputy Clerk of the Borough of Bradley Beach**

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2020

**GARY ENGELSTAD,
Mayor of the Borough of Bradley Beach**

BOROUGH COUNCIL OF THE BOROUGH OF BRADLEY BEACH

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 governing body of the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey, on February 25, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at Borough Hall, Meeting Room, 701 Main Street, Bradley Beach, New Jersey, on March 24, 2020 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:** BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE NORTH END OF THE BOARDWALK (A BEACH UTILITY IMPROVEMENT), BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$490,000 THEREFOR (INCLUDING A GRANT FROM THE MONMOUTH COUNTY OPEN SPACE PROGRAM IN THE AMOUNT OF \$210,000) AND AUTHORIZING THE ISSUANCE OF \$280,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF
- Purpose(s):** Various Improvements To The North End Of Borough's Boardwalk (A Boardwalk Utility Improvement) Including, But Not Limited To, Replacement Of Timber Decking With Composite Materials, Necessary Improvements To The Boardwalk's Support System And Construction And Installation, As Applicable, Of Two Gazebos
- Appropriation:** \$490,000
- Bonds/Notes Authorized:** \$280,000
- Grants:** \$210,000 Grant Received or Expected to be Received from the Monmouth County Open Space Program
- Section 20 Costs:** \$98,000
- Useful Life:** 15 years

ERICA KOSTYZ,
Deputy Clerk of the Borough of Bradley Beach

BOROUGH COUNCIL OF THE BOROUGH OF BRADLEY BEACH

PUBLIC NOTICE

BOND ORDINANCE STATEMENTS 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 Bradley Beach, in the County of Monmouth, State of New Jersey on March 24, 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, 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: BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE NORTH END OF THE BOARDWALK (A BEACH UTILITY IMPROVEMENT), BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$490,000 THEREFOR (INCLUDING A GRANT FROM THE MONMOUTH COUNTY OPEN SPACE PROGRAM IN THE AMOUNT OF \$210,000) AND AUTHORIZING THE ISSUANCE OF \$280,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose(s): Various Improvements To The North End Of Borough's Boardwalk (A Beach Utility Improvement) Including, But Not Limited To, Replacement Of Timber Decking With Composite Materials, Necessary Improvements To The Boardwalk's Support System And Construction And Installation, As Applicable, Of Two Gazebos

Appropriation: \$490,000

Bonds/Notes Authorized: \$280,000

Grants: \$210,000 Grant Received or Expected to be Received from the Monmouth County Open Space Program

Section 20 Costs: \$98,000

Useful Life: 15 years

ERICA KOSTYZ,
Deputy Clerk of the Borough of Bradley Beach

CERTIFICATE OF INTRODUCTION

I, the undersigned Deputy 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 February 25, 2020 at 7:30 p.m. at 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 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 _____, 2020.

(SEAL)

ERICA KOSTYZ,
Deputy Clerk of the Borough of Bradley Beach

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Deputy 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, 2020, at 6:30 p.m. at 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 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 _____, 2020.

(SEAL)

ERICA KOSTYZ,
Deputy Clerk of the Borough of Bradley Beach

CLERK'S CERTIFICATE

I, ERICA KOSTYZ, DO HEREBY CERTIFY that I am the Deputy Clerk of the Borough of Bradley Beach, in the County of Monmouth (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 hereto is the bond ordinance introduced on February 25, 2020 and finally adopted on March 24, 2020.

2. After introduction, the bond ordinance was published as required by law on _____, 2020 in _____ (the name of the 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. Copies of the bond ordinance were made available to all who requested same.

4. After final passage, the bond ordinance was duly approved by the Mayor on _____, 2020 and was duly published as required by law on _____

___, 2020 in _____ (the name of the 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 or to me or filed in my office within twenty (20) days after said publication 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 ordinance is now in full force and effect.

6. A certified copy of this 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 _____, 2020.

(SEAL)

**ERICA KOSTYZ,
Deputy Clerk of the Borough of Bradley Beach**

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Deputy 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 Joseph Monzo, the Acting Chief Financial Officer, as of February 25, 2020, that such Supplemental Debt Statement was filed in my office on or by February 25, 2020 and with the Director of the Division of Local Government Services prior to March 24, 2020.

ERICA KOSTYZ,
Deputy Clerk of the Borough of Bradley Beach