

**BOROUGH OF BRADLEY BEACH
COUNTY OF MONMOUTH**

BOND ORDINANCE 2026-14

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2025-26 ADOPTED ON SEPTEMBER 2, 2025, PROVIDING FOR SANITARY SEWER SYSTEM IMPROVEMENTS, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE 5TH AVENUE AND PARK PLACE AVENUE SEWER REPLACEMENT AND ROAD RESURFACING, AND TO INCREASE THE APPROPRIATION THEREFOR BY \$1,600,000 FOR A TOTAL APPROPRIATION OF \$3,600,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$1,040,079 FOR A TOTAL DEBT AUTHORIZATION OF \$3,040,079, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Bradley Beach, in the County of Monmouth, New Jersey (the “Borough”) finally adopted Bond Ordinance No. 2025-26 on September 2, 2025 (the “Prior Ordinance”) providing for sanitary sewer system improvements within the Borough; and

WHEREAS, the Borough has determined that the project description set forth in the Prior Ordinance needs to be amended to include 5th Avenue and Park Place Avenue sewer replacement and road resurfacing; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefor; and

WHEREAS, the Borough has determined that the \$2,000,000 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$300,000 to an aggregate amount of \$2,300,000.

NOW, THEREFORE, BE IT ORDAINED 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 improvements described in Section 3 of this bond ordinance are hereby authorized as Sewer Utility improvements to be undertaken in and by the Borough of Bradley Beach, in the County of Monmouth, New Jersey (the “Borough”) and were previously authorized

by the Borough by the Prior Ordinance. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,600,000 in addition to the \$2,000,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor, including grant funds expected to be received from the New Jersey Water Bank Technical Assistance Planning and Design (NJWB Technical Assistance) Grant Program in the amount of \$2,000,000 and grant funds expected to be received from the New Jersey Department of Transportation (NJDOT) in the aggregate amount of \$559,921 (\$271,820 for Improvements to 5th Avenue and Park Place Avenue and \$288,101 for 5th Avenue Improvements – Phase II). No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law, as this bond ordinance authorizes obligations solely for purposes which are self-liquidating and deductible from the gross debt of the Borough as set forth in N.J.S.A. 40A:2-7h. Additionally, the improvements authorized herein and authorized by the Prior Ordinance are intended to be funded through the New Jersey Infrastructure Bank Financing Program.

Section 2. In order to finance the costs of said improvements or purposes, \$1,040,079 negotiable bonds are hereby authorized to be issued in addition to the \$2,000,000 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$3,040,079 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 bonds are to be issued consist of sewer and related road improvements, including, but not limited to, 5th Avenue and Park Place Avenue sewer replacement and road resurfacing, and the planning and design effort associated with the improvement of the sanitary sewerage systems in and of the Borough, including, without limitation, the repair of the existing aging sewer systems, the installation of new sanitary sewers and structures throughout the Borough, and all work and materials necessary therefor or incidental thereto, for the areas deemed most favorable by the Borough, with said planning and design efforts to include, without limitation, funding assistance, survey and inspection, conditional assessment, preliminary engineering design and planning, permitting, and final engineering design, all of which will result in the construction of the aforementioned sewer improvements, in accordance with the Sanitary Sewer Map Phase Plan on file in the office of the Borough Clerk, 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 \$3,040,079 including the \$1,040,079 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$3,600,000, which is equal to the amount of the \$1,600,000 supplemental appropriation herein made therefor and the \$2,000,000 appropriation made by the Prior Ordinance. The excess of the appropriation of \$3,600,000 over the estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of said \$559,921 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 Sewer Utility 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 thirty (30) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal 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 not increased by the authorization of the \$1,040,079 bonds and notes provided in this bond ordinance because the purposes authorized herein are self-liquidating and are deductible from the Borough's gross debt in accordance with N.J.S.A. 40A:2-44c and the obligations authorized herein will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$2,300,000, including \$300,000 authorized hereby and \$2,000,000 authorized by the Prior Ordinance, 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. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

(f) This bond ordinance authorizes obligations of the Borough solely for purposes described in subparagraph (h) of §40A:2-7 of the Local Bond Law, and the obligations authorized herein are to be issued for purposes which are self-liquidating within the meaning and limitation of N.J.S.A. 40A:2-45 of said Law and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44c and N.J.S.A. 40A:2-47(a) of said Law.

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 Municipal 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 or to payment of the obligations issued pursuant to this

Appropriation: \$3,600,000

Bonds/Notes Authorized: \$3,040,079

Section 20 Costs: \$2,300,000

Grants Appropriated: \$2,000,000 NJWB Technical Assistance; \$559,921 NJDOT

Useful Life: 30 Years

Erica Kostyz
Municipal Clerk

Alan Gubitosi
Mayor

Introduced: March 3, 2026

Date of Hearing and Adoption: March 17, 2026