

**TOWNSHIP OF BERKELEY
COUNTY OF OCEAN**

BOND ORDINANCE NO. 21-01-OAB

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS
AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT,
APPROPRIATING \$11,670,274 THEREFOR AND AUTHORIZING THE ISSUANCE
OF \$10,697,735 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS
THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF BERKELEY, IN THE
COUNTY OF OCEAN, NEW JERSEY**

JANUARY 4, 2021

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY, IN THE COUNTY OF OCEAN, 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 Township of Berkeley, in the County of Ocean, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$11,670,274, said sum being inclusive of all appropriations heretofore made therefor, including \$8,000 grant funds expected to be received from the New Jersey Department of Environmental Protection (NJDEP), \$401,500 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT), and the sum of \$563,039 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 \$10,697,735, 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) Acquisition of an electric vehicle charging station for the Division of General Administration, with a total appropriation and estimated cost of \$33,172 including \$8,000 grant funds expected to be received from the NJDEP, estimated maximum amount of bonds and notes therefor of \$23,913, and an average period of usefulness of five (5) years;

ii) Acquisition of computers and switches for the Division of Information Technology, with a total appropriation and estimated cost of \$35,266, estimated amount of bonds and notes therefor of \$33,503, and an average period of usefulness of five (5) years;

iii) Acquisition of ceiling mounting speakers and a power shredder for the Division of Municipal Court, with a total appropriation and estimated cost of \$5,038,

estimated amount of bonds and notes therefor of \$4,786, and an average period of usefulness of five (5) years;

iv) Various improvements and equipment acquisitions for the Division of Police including, but not limited to, the reconfiguration of the Police Parking Lot including concrete and paving; chain link fencing around Police Headquarters; a canopy for the exterior stairs/entrance way; interior remodeling of the Police Briefing Room; portable radios; camera projects for Manitou Park and Veterans Park; analog camera upgrade; repeater upgrade in radio container for 800 MHz radio system backup; keyless security access control system upgrade; lockers; expandable ladders; ballistic shields; various computer equipment; five (5) police sport utility vehicles (SUVs); a laser rangefinder with tablet and software; a trailer; traffic cones; cameras and camera accessories; lockout tools; a drone; tablets with cases; radio console upgrades; and various other police equipment, with a total appropriation and estimated cost of \$1,356,116, estimated amount of bonds and notes therefor of \$1,288,310, and an average period of usefulness of 6.72 years;

v) Acquisition of various equipment for the Division of Emergency Medical Services including, but not limited to, laptops, pagers; jackets and automated external defibrillators (AEDs), with a total appropriation and estimated cost of \$69,904, estimated maximum amount of bonds and notes therefor of \$66,409, and an average period of usefulness of five (5) years;

vi) Acquisition of various computer equipment for the Division of Emergency Management Services, with a total appropriation and estimated cost of \$4,480, estimated maximum amount of bonds and notes therefor of \$4,256, and an average period of usefulness of five (5) years;

vii) Document scanning services for the Office of the Tax Collector, with a total appropriation and estimated cost of \$10,076, estimated amount of bonds and notes therefor of \$9,572, and an average period of usefulness of five (5) years;

viii) Acquisition of a municipal vehicle for the Office of the Tax Assessor, with a total appropriation and estimated cost of \$28,212, estimated amount of bonds and notes therefor of \$26,801, and an average period of usefulness of five (5) years;

ix) Acquisition of a front end loader for the Division of Streets and Roads, with a total appropriation and estimated cost of \$362,734, estimated maximum amount of bonds and notes therefor of \$344,597, and an average period of usefulness of five (5) years;

x) Acquisition of various equipment for the Division of Sanitation and Recycling including, but not limited to, a robo garbage truck, a rear loader/garbage truck with plow, and seven hundred (700) robo cans, with a total appropriation and estimated cost of \$614,633, estimated amount of bonds and notes therefor of \$583,901, and an average period of usefulness of 9.71 years;

xi) Various improvements for the Division of Buildings and Grounds including, but not limited to, renovation/new handicap accessible bathrooms for the first floor at Town Hall and new carpet in the Council Chamber Conference Room, Office and Clerk's Office, with a total appropriation and estimated cost of \$124,942, estimated amount of bonds and notes therefor of \$118,695, and an average period of usefulness of fifteen (15) years;

xii) Various acquisitions for the Division of Equipment Maintenance including, but not limited to, tools and software, with a total appropriation and estimated cost of \$17,633, estimated maximum amount of bonds and notes therefor of \$16,751, and an average period of usefulness of five (5) years;

xiii) Various improvements and acquisitions for the Division of Parks and Beaches including, but not limited to, lighting upgrades and playground equipment for various parks, with a total appropriation and estimated cost of \$302,278, estimated amount of bonds and notes therefor of \$287,164, and an average period of usefulness of fifteen (15) years;

xiv) Various improvements and acquisitions for the Department of Recreation including, but not limited to, various sports equipment; field lights for Leiter Baseball Complex – Field 3; new restrooms/concession stand for Veterans Park Stage area; dog park fencing; a beach vehicle/quad; various surf rescue equipment and supplies; and an inflatable screen system for drive-in movies, with a total appropriation and estimated cost of \$1,035,807, estimated amount of bonds and notes therefor of \$984,017, and an average period of usefulness of 15.37 years;

xv) Acquisition of various equipment for the volunteer fire companies, including the Bayville Volunteer Fire Company, Manitou Volunteer Fire Company, and Pinewald Volunteer Fire Company, with a total appropriation and estimated cost of \$598,144, estimated amount of bonds and notes therefor of \$568,237, and an average period of usefulness of five (5) years;

xvi) Acquisition of various equipment for the volunteer first aid companies, including Bayville First Aid, Silver Ridge, Holiday Heights and Holiday City at Berkeley, with a total appropriation and estimated cost of \$80,607, estimated amount of bonds and notes therefor of \$76,577, and an average period of usefulness of five (5) years; and

xvii) Various road and engineering projects including, but not limited to, the reconstruction of Butler Boulevard; milling and overlay; gravel roadway; and dredging and drainage improvements, with a total appropriation and estimated cost of \$6,991,232, including \$401,500 grant funds expected to be received from the NJDOT for said reconstruction of Butler Boulevard, estimated amount of bonds and notes therefor of \$6,260,246, and an average period of usefulness of 10.96 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 Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$10,697,735, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$11,670,274, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$11,670,274 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$563,039 down payment for said purposes, the \$8,000 grant funds expected to be received from the NJDEP, and the \$401,500 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 Township, 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 Township 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 10.29 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township 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 Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$10,697,735 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,795,000 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.

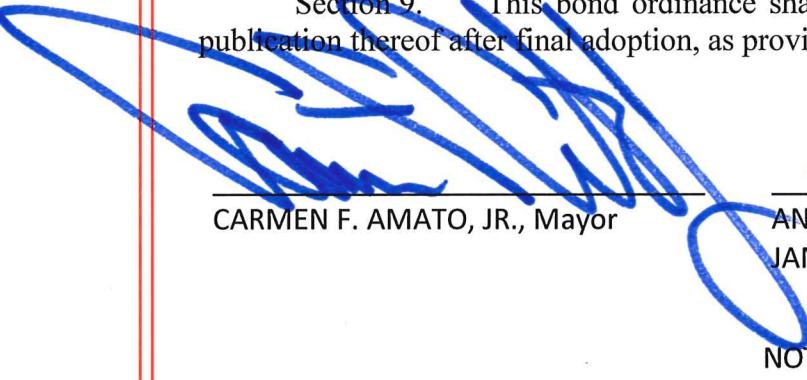
(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

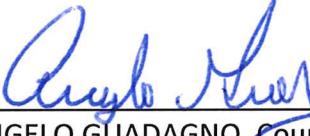
Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved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

Section 7. Any grant or similar moneys from time to time received by the Township 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 Township 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 Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township 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.


CARMEN F. AMATO, JR., Mayor


ANGELO GUADAGNO, Council President
JAMES J. BYRNES, Council Vice Pres.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on January 4, 2021 and will be considered for second reading and final passage at the regular meeting of said Township Council to be held on the day of *January 26, 2021*, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.


BEVERLY M. CARLE, RMC
TOWNSHIP CLERK