ORDINANCE NO. 2017-05

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY PROVIDING FOR THE INSTALLATION OF A WELL AND RELATED IMPROVEMENTS, AND APPROPRIATING $1,125,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,125,000 BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE COST THEREOF

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, 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 to be undertaken by the Borough of Harvey Cedars, in the County of Ocean, New Jersey (the “Borough”), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $1,125,000. No down payment is required hereunder as this ordinance involves an environmental infrastructure project to be funded by loans pursuant to the New Jersey Environmental Infrastructure Financing Program.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of $1,125,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 improvement hereby authorized and the purpose for which the bonds are to be issued is for the installation of a well and related water mains and the construction of a well house, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that, except as provided in N.J.S.A. 58:11B-9(e), no note shall mature later than one year from its date. 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 notes issued pursuant to this bond ordinance, and the chief financial officer’s signature upon the notes shall be conclusive.
evidence as to all such determinations. All notes issued hereunder may be renewed from time to
time subject to 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 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 the notes pursuant to this bond ordinance is made. Such report must 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 capital budget or temporary capital budget (as applicable) 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 and amendment, the resolution
in the form promulgated by the Local Finance Board showing full detail of the amended capital
budget or amended temporary capital budget (as applicable) 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 6. 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. It is an improvement or purpose the Borough may lawfully undertake as
an improvement of a municipal public utility, and no part of the cost thereof has been or shall be
specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the
limitations of the Local Bond Law, according to the reasonable life thereof computed from the
date of the bonds authorized by this bond ordinance, is forty (40) 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 $1,125,000 and the issuance of the
obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding $285,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is 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 the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON: February 21, 2017