

ORDINANCE #1179-21

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW FIRE TRUCK, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF OLD TAPPAN, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,570,000 TO PAY THE COST THEREOF, TO APPROPRIATE BOROUGH TRUST FUND MONEYS, VARIOUS GRANTS AND A CONTRIBUTION FROM RIVER VALE, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Old Tappan, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Old Tappan, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment and a new fire truck, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment, the Borough Trust Fund moneys, the various grants and the contribution from River Vale appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the moneys from the Borough Trust Funds hereinafter appropriated, and (3) the amount of each sum which is to be provided by the various grants hereinafter appropriated, and (4) the amount of each sum which is to be provided by the contribution from River Vale hereinafter appropriated, and (5) the amount of each sum which is to be provided by the down

payment hereinafter appropriated to finance such purposes, and (6) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (7) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of various infrastructure improvements, including, but not limited to, road, sidewalk, curb, drainage, parking, pedestrian safety, foot path and bridge improvements. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 652,619
Down Payment Appropriated	\$ 31,079
Bonds and Notes Authorized	\$ 621,540
Period of Usefulness	10 years

B. Undertaking of the following road improvements: DeWolf Road (Sections 5 and 6), Russell Avenue (Sections 4 and 5), Irving Street (Sections 4 and 5), Howard Drive (Sections 3 and 4), Pearl Court (Sections 3 and 4) and Phyllis Drive (Sections 3 and 4). It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 484,920
State Grants Appropriated	\$ 444,000
Down Payment Appropriated	\$ 1,950
Bonds and Notes Authorized	\$ 38,970
Period of Usefulness	10 years

C. Undertaking of the Perry Street Drainage Project.

Appropriation and Estimated Cost	\$ 156,250
State Grant Appropriated	\$ 125,000
Down Payment Appropriated	\$ 1,490
Bonds and Notes Authorized	\$ 29,760
Period of Usefulness	40 years

D. Replacement of the concrete at the Department of Public Works Yard fuel pumps.

Appropriation and Estimated Cost	\$ 50,000
River Vale Contribution Appropriated	\$ 25,000
Down Payment Appropriated	\$ 1,200
Bonds and Notes Authorized	\$ 23,800
Period of Usefulness	15 years

E. (i) Undertaking of improvements to sidewalks and curbs at various locations and (ii) acquisition and installation of signs at various locations.

Appropriation and Estimated Cost	\$ 53,000
Borough Sidewalk Trust Fund Appropriated	\$ 30,000
Down Payment Appropriated	\$ 1,100
Bonds and Notes Authorized	\$ 21,900
Period of Usefulness	10 years

F. Acquisition of a new engine/rescue fire truck, including original apparatus and equipment.

Appropriation and Estimated Cost	\$ 925,000
Down Payment Appropriated	\$ 44,050
Bonds and Notes Authorized	\$ 880,950
Period of Usefulness	10 years

G. Acquisition of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Fire Department consisting of (i) turnout gear, (ii) radios and (iii) fire hose/appliances.

Appropriation and Estimated Cost	\$ 25,000
Down Payment Appropriated	\$ 1,200
Bonds and Notes Authorized	\$ 23,800
Period of Usefulness	5 years

H. Acquisition of new additional or replacement equipment and machinery consisting of various equipment for police vehicles for the use of the Police Department.

Appropriation and Estimated Cost	\$ 29,000
Down Payment Appropriated	\$ 1,400
Bonds and Notes Authorized	\$ 27,600
Period of Usefulness	5 years

I. Acquisition of new communication and signal systems equipment and new additional or replacement equipment and machinery for the use of the Police Department consisting of (i) radios and (ii) a fingerprint scanner.

Appropriation and Estimated Cost	\$ 61,711
Down Payment Appropriated	\$ 2,941
Bonds and Notes Authorized	\$ 58,770
Period of Usefulness	10 years

J. Acquisition of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Old Tappan First Aid Corps

consisting of (i) equipment for a first responder vehicle, (ii) a digital radio, (iii) turnout gear and (iv) pagers and radios.

Appropriation and Estimated Cost	\$ 54,000
Down Payment Appropriated	\$ 2,580
Bonds and Notes Authorized	\$ 51,420
Period of Usefulness	5 years

K. Acquisition of new additional or replacement equipment and machinery consisting of a utility cart with sprayer for the use of Old Tappan Golf Course.

Appropriation and Estimated Cost	\$ 29,500
Down Payment Appropriated	\$ 1,860
Bonds and Notes Authorized	\$ 27,640
Period of Usefulness	5 years

L. Construction of new cart paths at the Old Tappan Golf Course.

Appropriation and Estimated Cost	\$ 49,000
Municipal Open Space Trust Fund Appropriated	\$ 23,000
County Grant Appropriated	\$ 23,000
Down Payment Appropriated	\$ 150
Bonds and Notes Authorized	\$ 2,850
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$2,570,000
Borough Sidewalk Trust Fund Moneys Appropriated	\$ 30,000
Municipal Open Space Trust Fund Moneys Appropriated	\$ 23,000
Aggregate Grants Appropriated	\$ 592,000
River Vale Contribution Appropriated	\$ 25,000
Aggregate Down Payment Appropriated	\$ 91,000
Aggregate Amount of Bonds and Notes Authorized	\$1,809,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$150,789 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The aggregate sum of \$444,000 received or to be received as grants from the State of New Jersey Department of Transportation ("NJDOT") is hereby

appropriated to the payment of the cost of the road improvements authorized in Section 4.B hereof.

Section 7. The sum of \$125,000 received or to be received as a grant from the NJDOT is hereby appropriated to the payment of the cost of the drainage improvement authorized in Section 4.C hereof.

Section 8. The sum of \$25,000 received or to be received as a contribution from the Township of River Vale is hereby appropriated to the payment of the cost of the fuel pump improvement authorized in Section 4.D hereof.

Section 9. The sum of \$30,000 available in the Borough Sidewalk Trust Fund is hereby appropriated to the payment of the cost of the sidewalk improvements authorized in Section 4.E hereof.

Section 10. The sum of \$23,000 available in the Municipal Open Space Trust Fund is hereby appropriated to the payment of the cost of the improvement to Old Tappan Golf Course authorized in Section 4.L hereof.

Section 11. The sum of \$23,000 received or to be received as a grant from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund is hereby appropriated to the payment of the cost of the improvement to Old Tappan Golf Course authorized in Section 4.L hereof.

Section 12. It is hereby determined and stated that moneys exceeding \$91,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$91,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 13. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,809,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 14. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,809,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so

issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 15. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 16. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.20 years computed from the date of said bonds.

Section 17. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,809,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 18. Any funds received from private parties, other municipalities, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the various grants and the River Vale contribution hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to

the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 19. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 20. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 21. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 22. This ordinance shall take effect twenty days after the first publication thereof after final passage.