

ORDINANCE 251

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS ON THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$26,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$187,846 BONDS OR NOTES OF THE VILLAGE TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TRUSTEES OF THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, NEW JERSEY AS FOLLOWS:

Section 1. The several improvements described in section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Village of Loch Arbour, New Jersey, as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvements or purpose, such sums amounting in the aggregate to \$266,934, including the aggregate sum of \$9,888 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$187,846 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 with the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness for each improvement are as follows:

| Purpose | Appropriation And Estimated Cost | Estimated Maximum Amount of Bonds or Notes | Period or Average Period of Usefulness |
|---|--|--|---|
| (a) Construction of a new beach club building on Block 6 Lot 1 of the Village tax map to replace the building destroyed by storm, and including all work and materials necessary therefor or incidental thereto, the appropriation for which includes \$69,200 of insurance proceeds. | \$247,184 (including \$69,200 as insurance proceeds) | \$169,084 | 20 years |
| (b) Repair of the streets described as follows: intersection of Ocean | \$ 11,250 | \$ 10,687 | 10 years |

Avenue and Euclid Avenue;
 intersection of Ocean Avenue
 and Edgemont Drive; easterly
 end of Elberon Avenue, and
 including all work and
 materials necessary therefore
 or incidental thereto.

| | | | |
|---|----------|----------|----------|
| (c) Repair of Deal Lake Bulkhead, and including all work and materials necessary therefore or incidental thereto. | \$ 8,500 | \$ 8,075 | 10 Years |
|---|----------|----------|----------|

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|-------|-----------|-----------|--|
| Total | \$266,934 | \$187,846 | |
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The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the down payment for each purpose and the insurance proceeds referred to in Section 3(a).

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that 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 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 N.J.S.A. 40A:2-8(a). 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 of delivery of the notes pursuant to this 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 of the village of Loch Arbour 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 Clerk and available there for inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purpose described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Village 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, computed on the basis of the respective amounts of obligations authorized for each

purpose and the reasonable life thereof with the limitations of the Local Bond Law, is 19 years.

- (c) The Supplemental Debt Statement required by Local Bond Law has been duly prepared and filed in the office of the 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 Village as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this ordinance by \$187,846, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$10,000 for items of expense not listed in and permitted under N.J.S.A/ 40A:2-20 is included in the estimate costs indicated herein for the purposes or improvements.

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 improvements 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 so used.

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

Section 9. The Village reasonably expects to reimburse any expenditures towards the cost of the improvements or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds and notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the village, or any member of the same "control Group" as the Village, within the meaning of Treasury Regulations section 1,150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Village's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulations section 1.103-13(j) or 1.148-9(g) to avoid, in whole or part, arbitrage yield restrictions or arbitrage rebate requirements.

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.

STATEMENT

The Bond Ordinance published herewith has been finally adopted on March 8, 1993 and the twenty 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.