

CITY OF BRIGANTINE

ORDINANCE NO. 16 OF 2023

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE CITY OF BRIGANTINE, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING \$12,495,920 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,871,124 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGANTINE, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the City of Brigantine, in the County of Atlantic, New Jersey (the "City") 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 improvement or purpose, such sums amounting in the aggregate to \$12,495,920, and further including the aggregate sum of \$624,796 as the several down payments for the improvements or purposes required by the New Jersey Local Bond Law (N.J.S.A. 40A:2-1 et seq.) (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 the 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 \$11,871,124 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. 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 therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Administration			
1) The acquisition of servers and information technology equipment, including all related costs and expenditures incidental thereto.	\$28,000	\$26,600	7 years
2) The acquisition of furniture and other equipment, including all related costs and expenditures incidental thereto.	\$26,000	\$24,700	5 years
3) The acquisition of a camera and sound system, including all related costs and expenditures incidental thereto.	\$58,000	\$55,100	10 years

b) **Police**

1)

Server/hardware/software upgrades and the acquisition of information technology equipment and computers, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

\$135,000

\$128,250

7 years

2) The acquisition of conducted energy devices (tasers) and radio upgrades, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

\$90,000

\$85,500

10 years

3) The acquisition of police vehicles and equipment therefor, including all related costs and expenditures incidental thereto.

\$200,000

\$190,000

5 years

c) **Fire**

1) The acquisition of an ambulance (Rescue 3) and a fire prevention vehicle, including all related costs and expenditures incidental thereto.

\$380,000

\$361,000

5 years

2) The acquisition and installation of personnel

lockers, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

\$20,000

\$19,000

15 years

d) **Department of Public Works**

The acquisition and installation of an outfall pike (Elks) and drainpipes at McDermott Place and Sheridan Boulevard, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

\$890,000

\$845,500

40 years

e) **Roads**

Access road drainage and irrigation improvements, the reconstruction of 28th Street (Brigantine Avenue to Revere Boulevard) and improvements to Washington Circle (Circle to Sheridan Boulevard), including all work and materials necessary therefor and incidental thereto.

\$1,770,720

\$1,682,184

10 years

f) **Concrete**

Concrete work to the Fire House apron, 38th Street to Harbor Beach Boulevard, 14th Street (North Well Site) and 14th Street (South Well Site), including all work and materials necessary therefor and incidental thereto.

\$520,800

\$494,760

10 years

g) **Bulkhead**

1) Bulkhead improvements at Pepper Cove and various other locations, including all work and materials necessary therefor and incidental thereto.

\$224,000

\$212,800

15 years

h) **Sanitary Sewer**

1) The construction of a South End lift station and sanitary sewer pump stations, including all work and materials necessary therefor and incidental thereto.

\$1,780,000

\$1,691,000

20 years

2) The replacement of sewer lines at various locations, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

\$572,000

\$543,400

40 years

i) **Public Grounds and Recreation**

The replacement of netting, the construction of batting cages, updates to stadium lights at all fields, improvements to the tennis/pickle ball building and restrooms and the installation of a miniature golf course on 15th Street, including all work and materials necessary therefor and incidental thereto.

\$1,562,400

\$1,484,280

15 years

j) **Building**

1) Improvements to the

<p>beach restrooms, the construction of new restrooms at the golf course, improvements to the Department of Public Works Building and heating, ventilation and air-conditioning improvements to City Hall Complex, Police and Fire Buildings and the Library, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$3,678,000</p>	<p>\$3,494,100</p>	<p>15 years</p>
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<p>2) Various improvements to the fire house, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$130,000</p>	<p>\$123,500</p>	<p>5 years</p>
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k) Equipment/Vehicles

<p>The acquisition of a bucket truck, a trash truck and sport utility vehicles for Public Works, including all related costs and expenditures incidental thereto.</p>	<p>\$310,000</p>	<p>\$294,500</p>	<p>5 years</p>
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l) Beach Patrol

<p>The acquisition of a medic truck, a ranger Polaris, a command vehicle, a waverunner and a lifeguard boat, including all related costs and expenditures incidental thereto.</p>	<p><u>\$121,000</u></p>	<p><u>\$114,950</u></p>	<p>5 years</p>
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<p>Total</p>	<p><u>\$12,495,920</u></p>	<p><u>\$11,871,124</u></p>	
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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 therefor, as above stated, is the amount of the down payment for each purpose.

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 bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation 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 bond anticipation 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 bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital

or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. 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 current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted 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 within the limitations of the Local Bond Law, is 16.62 years.

(c) The Supplemental Debt Statement required by the 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 City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$11,871,124, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,108,920 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 purposes or improvements.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance

and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements 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 bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City 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 City,

and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction: October 18, 2023

Adoption: November 1, 2023

Lynn Sweeney, RMC, City Clerk

Vince Sera, Mayor