

BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY
ORDINANCE 20-BOND-817

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE CONSTRUCTION PHASE OF THE DECOMMISSIONING AND CONVERSION OF VARIOUS SANITARY SEWER TREATMENT PLANTS TO PUMP STATIONS AND THE CONSTRUCTION OF FORCE MAINS TO CONNECT TO THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY TREATMENT SYSTEM IN, BY AND FOR THE SEWER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$5,500,000 TO PAY THE COST THEREOF, 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.

WHEREAS, the Borough Council of the Borough of Oakland, in the County of Bergen, State of New Jersey (the "Borough") hereby determines that it is necessary to authorize and provide for the financing of the construction phase of the decommissioning and conversion of the Skyview-Hibrook, Chapel Hill and Oakwood Knolls sanitary sewer treatment plants to pumping stations and the construction of force mains to connect to the Northwest Bergen County Utilities Authority ("NBCUA") treatment system in, by and for the Sewer Utility of the Borough; and

WHEREAS, the Borough Council has heretofore authorized the filing of a loan application by the Borough for the financing of allowable costs of the aforesaid improvements with the New Jersey Environmental Infrastructure Financing Program (the "State Program"); NOW, THEREFORE,

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

Section 1. The Borough of Oakland, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake the construction phase of the decommissioning and conversion of the Skyview-Hibbrook, Chapel Hill and Oakwood Knolls sanitary sewer treatment plants to pumping stations and the construction of force mains to connect to the NBCUA treatment system in, by and for the Sewer Utility of the Borough. Said improvements shall include payment of the connection fee to the NBCUA and all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$5,500,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. It is hereby determined and stated that the Borough has heretofore appropriated the sum of \$300,000 for the design phase of said purpose pursuant to ordinance no. 18-775 adopted by the Borough Council of said Borough on November 7, 2018 (the "Prior Ordinance"). No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves environmental infrastructure projects to be funded by loans pursuant to the State Program. Any of said loan funds received shall be applied as set forth in Section 9 hereof. Said improvements have been and shall be made as general

improvements and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$5,800,000, including the sum of \$300,000 appropriated by the Prior Ordinance and the \$5,500,000 appropriated by this ordinance, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$5,800,000, including the \$300,000 authorized by the Prior Ordinance and the \$5,500,000 hereinafter authorized, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$835,000, including the sum of \$300,000 stated in the Prior Ordinance and the sum of \$535,000 hereby stated, which is estimated to be necessary to finance the cost of such purpose, 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 4. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$5,500,000 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 5. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$5,500,000 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 6. Each bond anticipation note issued pursuant to this ordinance and the Prior Ordinance shall be dated on or about the date of its issuance and shall be payable at such times as may be hereafter determined in accordance with the provisions of N.J.S.A. 58:11B-9(e) and within the limitations prescribed by law, 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 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 8. 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 \$5,500,000 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 9. Any funds received from private parties, 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 purpose shall be applied to the payment of the cost of such purpose (except any funds received as loans from the State Program which shall be applied to the payment of the cost of such purpose or to the payment of any outstanding bond anticipation notes, but shall not reduce the amount of bonds authorized for such purpose), or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. 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 11. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 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 12. 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 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Linda H. Schwager, Mayor

ATTEST:

Lisa M. Duncan, Borough Clerk