

ORDINANCE #2024-22

BOND ORDINANCE AUTHORIZING VARIOUS WATER SYSTEM IMPROVEMENTS BY THE WATER UTILITY IN AND FOR THE BOROUGH OF BEACH HAVEN, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY APPROPRIATING \$2,450,000 THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$2,450,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED by the Borough Council of the Borough of Beach Haven (the “Governing Body”), in the County of Ocean, New Jersey as follows:

SECTION ONE: Pursuant to the applicable statutes of the State of New Jersey, the following described project in and for the Borough by the Borough Water Utility, together with all work, materials, appurtenances and equipment necessary therefor and incidental thereto, is hereby authorized as follows:

Project	Estimated Project Cost	Maximum Amount of Bonds or Notes	Period of Usefulness (in years)
(i) Structural repairs as well as resurfacing and related improvements to the water reservoir located at the Water Utility’s facilities in the Borough; and	\$ 750,000	\$ 750,000	15 years
(ii) Structural repairs as well as resurfacing and related improvements to the Borough’s water tower located at Engleside Avenue in the Borough.	\$ 1,700,000	\$ 1,700,000	15 years
TOTALS:	\$ 2,450,000	\$ 2,450,000	15 years

SECTION TWO: It is hereby by determined and declared by this Governing Body as follows:

A. The estimated cost and maximum amount of money to be raised from all sources for the several improvements and purposes described in SECTION ONE hereof is: \$2,450,000.

B. The estimated minimum amount of bonds or notes to be issued for the projects or purposes described in SECTION ONE hereof is \$2,450,000. Pursuant to N.J.S.A. 40A:2-7(h), no down payment is necessary because the Borough Water Utility is self-liquidating.

C. An appropriation was or is contained in the Water Utility Operating Fund of the Borough heretofore adopted in the sum of \$2,450,000 for the purposes stated in SECTION ONE hereof.

SECTION THREE: The sum of \$2,450,000 is hereby appropriated for the project or purpose stated in SECTION ONE hereof.

SECTION FOUR: For the purpose of financing the portion of the cost of the purposes described in SECTION ONE hereof the issuance of bonds of the Borough is

hereby authorized in an aggregate principal amount not to exceed TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000) under the provisions of the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey. The rate or rates of interest, maturities, method of sale and other details of said bonds not determined herein shall be determined by subsequent resolution or resolutions adopted by this Governing Body pursuant to law.

SECTION FIVE: Pending the issuance of the bonds authorized in SECTION FOUR hereof, Bond Anticipation Notes of the Borough may be issued pursuant to said Local Bond Law in an aggregate principal amount not to exceed TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000). Such Bond Anticipation Notes shall each be designated "BOND ANTICIPATION NOTE". All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. 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 the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION SIX: It is hereby further determined and declared by this Governing Body as follows:

A. The project or purpose described in SECTION ONE of this Bond Ordinance is not a current expense; it is a project or purpose that the Borough may lawfully undertake as a general improvement.

B. The average period of usefulness of the project or purpose described in SECTION ONE hereof for which the bonds are hereby authorized to be issued) within the limits prescribed by the Local Bond Law is 15 years.

C. All bonds or notes issued pursuant to this Ordinance shall bear interest at a rate not to exceed the maximum rate permitted by law.

D. The Supplemental Debt Statement required by said Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough prior to the passage of this Ordinance on first reading and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services of the State of New Jersey prior to the passage of this Ordinance on final reading, and such statement shows that

the gross debt of the Borough, as defined in N.J.S.A. 40A:2-43, is increased by this Ordinance by \$2,450,000 to and that the issuance of the obligations authorized by this Ordinance will be within an debt limitations contained in the Local Bond Law.

E. The total amount of the proceeds of the obligations authorized by this ordinance to be expended for the interest on the obligations authorized herein, engineering fees, legal expenses and the cost of issuance of the obligations authorized by this Ordinance, including printing, advertisement of ordinances and notices of sale, legal expenses and other expenses as provided in N.J.S.A. 40A:2-20 does not exceed \$500,000.

SECTION SEVEN: The Borough Water Utility capital budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith, and the resolution 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 EIGHT: In the event moneys are lawfully received from the County of Ocean, the State of New Jersey, the United States of America, or any other agency of any of the foregoing for the purposes provided in this Ordinance, such monies shall be used for the improvements authorized herein and to reduce the amount of bonds or notes authorized to be issued by this Ordinance by the amount so received, or if monies are received after the issuance of the bonds or notes authorized by this Ordinance, such money shall be used solely for the payment of the debt service of said bonds or notes as the same become due and payable.

SECTION NINE: The full faith and credit of the Borough are hereby pledged for the payment of the principal of and interest on all bonds and notes issued pursuant to this Ordinance, and as long as such bonds or notes are outstanding there shall be levied in each year ad valorem taxes on all taxable property within the Borough without limitation as to rate or amount sufficient to pay principal of and interest on such bonds and notes maturing in said year.

SECTION TEN: This Ordinance shall take effect twenty (20) days after the first publication thereof after the final adoption, in the manner provided by law

SECTION ELEVEN: The Governing Body of the Borough hereby finds, that, in the event expenditures are made for the purposes set forth in SECTION ONE hereof prior to the issuance of the bonds or notes authorized hereunder, the Borough reasonably expects to reimburse itself for any such expenditures from the proceeds of bonds or notes when issued, and will deposit such proceeds into the fund or account from which such expenditure was originally paid. For the purposes of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended, this SECTION ELEVEN constitutes a declaration of official intent.

NOTICE

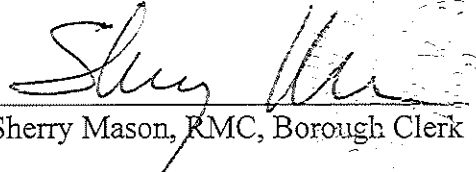
Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a public meeting of the Borough Council of the Borough of Beach Haven, County of Ocean, State of New Jersey, held on June 27, 2024 at 4:00 p.m. A copy of the ordinance can be obtained, without cost, by any member of the general public, at the Office of the Municipal Clerk, 300 Engleside Avenue, Beach Haven, New Jersey 08008 Monday through Friday, 9:00 a.m. to 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a public meeting of the Borough Council to be held on July 25, 2024 at 4:00 p.m. at the Beach Haven Municipal Building, 300 Engleside Avenue, Beach Haven, New Jersey 08008.

CERTIFICATION

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted by the Borough Council of the Borough of Beach Haven at a public meeting held on the 27th day of June 2024, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 27th day of June 2024.


Sherry Mason, RMC, Borough Clerk

<i>Introduction:</i>	<i>June 27, 2024</i>
<i>First Publication:</i>	<i>July 5, 2024</i>
<i>Adoption:</i>	<i>July 25, 2024</i>
<i>Second Publication:</i>	<i>August 1, 2024</i>
<i>Effective Date:</i>	<i>August 14, 2024</i>

State of New Jersey
 Department of Community Affairs
Supplemental Debt Statement

Local Government: Beach Haven Borough Prepared As Of: 6/27/2024

Budget Year Ending December 31 (Month D-D) 2024 (Year)

Name: Sharon Boehler Phone: _____
 Title: Chief Financial Officer Email: finance@beachhaven-nj.gov
 Address: 300 Engleside Avenue N-909
Beach Haven, NJ 08008 CFO Cert #: _____

Sharon Boehler, Being duly sworn, deposes and says: Deponent is the Chief Financial Officer of Beach Haven Borough here and in the statement hereinafter mentioned called the local unit. The Supplemental Debt Statement annexed hereto and hereby made a part hereof is a true statement of the debt condition of the local unit as of the date therein stated and is computed as provided by the Local Bond Law of New Jersey.

	Decrease	Increase	
Net Debt as per Annual Debt Statement	(Since December 31, last past)		Net Debt
Bonds and Notes for School Purposes	\$0.00	\$	\$0.00
Bonds and Notes for Self-Liquidating Purposes	\$0.00	\$2,553,000.00	\$0.00
Other Bonds and Notes	\$13,133,887.61	\$1,240,000.00	\$13,278,887.61

2 Net Debt at the time of this statement is \$13,278,887.61

The amounts and purposes separately itemized of the obligations about to be authorized, and any deductions which may be made on account of each such item are: (see Note "C" below)

Bond Ordinance	Purposes	Amount	Deduction	Net
2024-22	Water System Improvements - Water Utility	\$2,450,000.00	\$2,450,000.00	\$0.00
		\$2,450,000.00	\$2,450,000.00	\$0.00

4 The net debt of the local unit determined by the addition of the net debt amounts stated in items 2 and 3 above is: \$13,278,887.61

5 Equalized valuation basis (the average of the equalized valuations of real estate, including improvements and the assessed valuation of class II railroad property of the local unit for the last 3 preceding years) as stated in the Annual Debt Statement or the revision thereof last filed.

	Year		
(1)	2021	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$2,589,752,580.00
(2)	2022	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$3,143,620,523.00
(3)	2023	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$3,691,558,778.00

6 Equalized Valuation Basis – Average of (1), (2) and (3)..... \$3,141,643,960.33

7 Net Debt (Line 4 Above) expressed as a percentage of such equalized valuation basis (Line 6 above) is: 0.423%

Notes

- A If authorization of bonds or notes is permitted by an exception to the debt limit, specify the particular paragraph of N.J.S.A. 40A:2-7 or other section of law providing such exception.
- B This form is also to be used in the bonding of separate (not Type I) school districts as required by N.J.S.A. 18A:24-16, and filed before the school district election. In such case pages 3 and 4 should be completed to set forth the computation supporting any deduction in line 3 above.
- C Only the account of bonds or notes about to be authorized should be entered. The amount of the "down payment" provided in the bond ordinance should not be included nor shown as a deduction.

**COMPUTATION AS TO INDEBTEDNESS FOR IMPROVEMENT OR EXTENSION OF AN
EXISTING MUNICIPAL PUBLIC UTILITY, N.J.S.A. 40A:2-7(h); NJSA 40A:2-47(a)**

- 1. Annual Debt Statement, excess in revenues of utility
- 2. Less Interest and principal computed as provided in N.J.S.A. 40A:2-47(a) for all obligations authorized but not issued to the extent not already charged to income in the annual debt statement.
- 3. Excess revenue prior to authorizing proposed obligations = (column 1 minus column 2)
- 4. Interest and principal calculated for proposed obligations N.J.S.A. 40A:2-47(a)
 - (a) Interest for one year at 4 1/2%
 - (b) First installment of serial bonds legally issuable
 - (c) Total charges (Items (a) and (b))

	1	2	3	4(a)	4(b)	4(c)
Municipal Public Utility	ADS Excess In Revenues of Utility	Less Interest and Principal	Excess Revenue	Interest for One Year	1 st Installment of Serial Bonds Legally Issuable	Total Charges
Water	854,528.75		854,528.75	110,250.00	84,500.00	194,750.00

Note: If line 3 equals or exceeds line 4, obligations may be authorized under the provisions of N.J.S.A. 40A:2-7(h) as limited by N.J.S.A. 40A:2-47(a).

**COMPUTATION OF SCHOOL INDEBTEDNESS AND DEDUCTIONS
UNDER PROVISIONS OF N.J.S.A. 18A: 24-17**

<u>N.J.S.A. 18A:24-19 (Lines 1 to 7)</u>		
1	Average of equalized valuations (page 1, line 3)	\$3,141,643,960.33
2	Gross School District Debt outstanding and authorized but not issued (not including proposed issue)	\$
3	Less: Sinking funds held for payment of School Debt, by Sinking Fund Commission	\$
4	Net debt for school purposes (line 2, minus line 3)	\$0.00
5	Debt deduction for school purposes' % (as per line below)	%
	(a) 2½% Kindergarten or Grade 1 through Grade 6	
	(b) 3 % Kindergarten or Grade 1 through Grade 8	
	(c) 3½% Kindergarten or Grade 1 through Grade 9	
	(d) 4 % Kindergarten or Grade 1 through Grade 12	
6	Available debt deduction (excess, if any, of line 5 over line 4)	\$0.00
7	School Bonds about to be authorized	\$
	Note: Omit lines 8 to 13, if line 6 equals or exceeds line 7. or if shown on line 17	

<u>N.J.S.A. 18A:24-22 (Lines 8 to 13)</u>		
8	Excess of line 7 over line 6	\$0.00
9	Municipal Debt Limit (3½% of line 1 above)	\$109,957,538.61
10	Net Debt	\$13,278,887.61
11	Available Municipal Borrowing Margin (excess, if any, of line 9 over line 10)	\$96,678,651.00
12	Use of Municipal Borrowing Margin (line 8 not exceeding line 11)	\$0.00
13	Remaining Municipal Borrowing Margin after authorization of proposed School Bonds (line 11 minus line 12)	\$96,678,651.00
	Note: Omit lines 14 to 16, if line 11 equals or exceeds line 8, or if shown on line 17	

<u>N.J.S.A. 18A:24-24 (lines 14 to 16)</u>		
14	Amount of line 7	\$
15	Amount of Deduction:	
	(a) Amount of line 6	\$0.00
	(b) Amount of line 11	\$96,678,651.00
	Total	\$96,678,651.00
16	Excess of line 14 over line 15	\$0.00

Computation of Regional School Indebtedness

Municipality	1		2		3	4	5
	Average Equalized Valuations 40A:2-43		Percentage				
	Amount		Percentage		Amount Apporportionment of Proposed Bond Issue	Total Apporportionment of Previous Bonds Issued or Authorized plus Apporportionment Proposed Bond Issue (Column 3 plus 4)	
Barnegat Light Borough	\$1,388,005,602.00		4.62583067%	0.00	0.00	0.00	0.00
Beach Haven Borough	\$3,141,643,960.33		10.47021206%	0.00	0.00	0.00	0.00
Harvey Cedars Borough	\$1,737,549,830.00		5.79076287%	0.00	0.00	0.00	0.00
Long Beach Township	\$12,678,416,565.00		42.25358180%	0.00	0.00	0.00	0.00
Ship Bottom Borough	\$2,008,338,089.67		6.69322360%	0.00	0.00	0.00	0.00
Stafford Township	\$6,406,526,659.67		21.35114404%	0.00	0.00	0.00	0.00
Surf City Borough	\$2,645,062,077.00		8.81524489%	0.00	0.00	0.00	0.00
Totals	\$30,805,542,783.67		100.00%				

SPECIAL DEBT STATEMENT

BORROWING POWER AVAILABLE UNDER N.J.S.A. 40A:2-7(f)

1	Amount of accumulated debt incurring capacity under RS 40:1-16(d) as shown on the latest Annual Debt Statement.		\$
2	Obligations heretofore authorized in excess of debt limitation and pursuant to:		
	(a) N.J.S.A. 40A:2-7(d)	\$	
	(b) N.J.S.A. 40A:2-7(f)	\$	
	(c) N.J.S.A. 40A:2-7(g)	\$	
	Total		\$0.00
3	Available debt incurring capacity (N.J.S.A. 40A:2-7(f))		\$
4	Obligations about to be authorized pursuant to N.J.S.A. 40A :2-7(f) (If item 3 equals or exceeds item 4, obligations may be authorized)		\$

BORROWING POWER AVAILABLE UNDER N.J.S.A. 40A:2-7(g)

1	Total appropriations made in local unit budget for current fiscal year for payment of obligations of local unit included in Annual Debt Statement or revision thereof last filed as of preceding December 31, 2023		\$
2	Less the amount of such obligations which constitute utility and assessment obligations:		\$
3	Excess of item 1 over item 2:		\$0.00
4	Amount raised in the tax levy of the current fiscal year by the local unit for the payment of bonds or notes of any school district		\$
5	Amount equal to 2/3 of the sum of item 3 and item 4		\$0.00
6	(a) Amount of obligations heretofore authorized under N.J.S.A. 40A:2-7(g) in current fiscal year	\$	
	(b) Amount of authorizations included in 6(a) which were heretofore repealed	\$	
	(c) Excess of item 6(a) over item 6(b)		\$0.00
7	Excess of item 5 over item 6(c)		\$0.00
8	Obligations about to be authorized		\$
9	Borrowing capacity still remaining after proposed authorization		\$0.00

(item 7 less item 8) (If item 7 equals or exceeds item 8, obligations may be authorized)