

ORDINANCE NO. 1148-24

AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$3,496,403 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,982,761 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, 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 Borough of Demarest, in the County of Bergen, New Jersey (the "Borough") 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 \$3,496,403, including the aggregate sum of \$130,693 as the several down payments for the improvements or purposes required by the Local Bond Law, \$112,840 expected to be received from the New Jersey Department of Transportation's Fiscal Year 2023 Municipal Aid Program for the improvements set forth in Section 3(a) of this ordinance and \$270,109 expected to be received from the New Jersey Department of Transportation's Fiscal Year 2024 Municipal Aid Program for the improvements set forth in Section 3(b) of this ordinance. 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 or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,982,761 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:

- (a) Purpose: Madison Avenue Roadway Project 02, including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$467,050
<u>Maximum amount of Bonds or Notes:</u>	\$354,210
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Grant:</u>	\$112,840
<u>Amount of Down Payment:</u>	\$0

- (b) Purpose: Road Improvements for Stewart Street and Stelfox Street 02, including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$415,000
<u>Maximum amount of Bonds or Notes:</u>	\$144,891
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Grant:</u>	\$270,109
<u>Amount of Down Payment:</u>	\$0

- (c) Purpose: Reconstruction of unimproved roads in the Borough and including all work and materials necessary therefor and incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$500,000
<u>Maximum Amount of Bonds or Notes:</u>	\$475,000
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$25,000

- (d) Purpose: Reconstruction and repaving of various roads and properties in the Borough, including Mayforth Terrace (Stelfox to E. Terminus), Broad St (Piermont to E. Terminus), Duck Pond Rd (Deerhill to Municipal Border),

Duck Pond Rd (Deerhill to Cul-de-sac), Pine Terrace (Anderson to W. Terminus), Lauren Pond Ct (County Rd to W. Terminus) and Van Horn St (Madison to N. Terminus) in connection with the Borough's participation in the Riverside Co-Op Road Improvement Program and including all work and materials necessary therefor and incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$362,500
<u>Maximum Amount of Bonds or Notes:</u>	\$344,400
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$18,100

- (e) Purpose: GIS mapping for storm sewer system including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$76,500
<u>Maximum Amount of Bonds or Notes:</u>	\$72,675
<u>Period or Average Period of Usefulness:</u>	7 years
<u>Amount of Down Payment:</u>	\$3,825

- (f) Purpose: Pine Terrace drainage improvements, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$246,133
<u>Maximum Amount of Bonds or Notes:</u>	\$233,826
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$12,307

- (g) Purpose: Acquisition of information technology and telecommunications equipment, including items with a unit cost of less than \$5,000, including, but not limited to, Phone upgrades and security cameras for municipal building, and technology upgrade and computer replacement for Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$102,000
<u>Maximum Amount of Bonds or Notes:</u>	\$96,900
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$5,100

- (h) Purpose: Acquisition of information technology and telecommunications equipment, including items with a unit cost of \$5,000 or greater, including, but not limited to, license plate readers and camera and recording system for the Police Department and thermal imaging camera and mobile data terminals for Fire Company, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$150,960
<u>Maximum Amount of Bonds or Notes:</u>	\$143,412
<u>Period or Average Period of Usefulness:</u>	7 years
<u>Amount of Down Payment:</u>	\$7,548

- (i) Purpose: Acquisition of equipment, including, but not limited to, Leaf Vacuum Machine, Tag-along leaf vacuum, Chipper Box and Chipper for the Department of Public Works and weapons for the Police Department, and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$439,620
<u>Maximum Amount of Bonds or Notes:</u>	\$417,639
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$21,981

- (j) Purpose: Acquisition of turn out gear for Fire Company and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$25,500
<u>Maximum Amount of Bonds or Notes:</u>	\$24,225
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$1,275

- (k) Purpose: Acquisition of sport utility vehicles for Chief of Fire Company and for Police Department and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$211,140
<u>Maximum Amount of Bonds or Notes:</u>	\$200,583
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$10,557

- (l) Purpose: Hydro raking of Duck Pond and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$500,000
<u>Maximum Amount of Bonds or Notes:</u>	\$475,000
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$25,000

(m) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(n) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

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 bond 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 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 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 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 notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.17 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 Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,982,761, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$366,046 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 improvements or purposes.

Section 7. The Borough hereby declares the intent of the Borough 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. Except for the grants described in Section 9, any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 9. As a portion of the total appropriation of \$3,496,403 made in Section 1 hereof, there is herein appropriated for the improvement or purpose described in Section 3(a) hereof the sum of \$112,840 expected to be received from the New Jersey Department of Transportation's Fiscal Year 2023 Municipal Aid Program and there is herein appropriated for the improvement or purpose described in Section 3(b) hereof the sum of \$270,109 expected to be received from the New Jersey Department of Transportation's Fiscal Year 2024 Municipal Aid Program.

Section 10. The full faith and credit of the Borough is 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 Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. The chief financial officer of the Borough 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 Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough 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 Borough 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 Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced: **August 12, 2024**

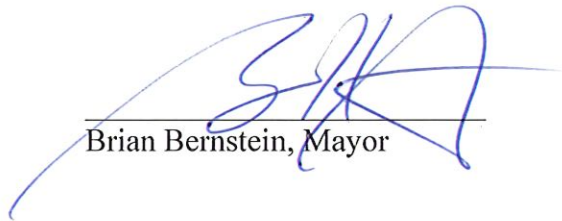
Adopted: August 26, 2024

Attest:



Julie Falkenstern, Acting Borough Clerk

Approved August, 26, 2024



Brian Bernstein, Mayor

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Demarest, in the County of Bergen, State of New Jersey, on _____, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at its meeting room in the Borough Hall, 118 Serpentine Road, Demarest, New Jersey on _____, 2024 at ___ o'clock _M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:

AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$3,496,403 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,982,761 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

Purposes:

- (a) Madison Avenue Roadway Project 02;
- (b) Road Improvements for Stewart Street and Stelfox Street 02;
- (c) Reconstruction of unimproved roads in the Borough;
- (d) Reconstruction and repaving of various roads and properties in the Borough, including Mayforth Terrace (Stelfox to E. Terminus), Broad St (Piermont to E. Terminus), Duck Pond Rd (Deerhill to Municipal Border), Duck Pond Rd (Deerhill to Cul-de-sac), Pine Terrace (Anderson to W. Terminus), Lauren Pond Ct (County Rd to W. Terminus) and Van Horn St (Madison to N. Terminus) in connection with the Borough's participation in the Riverside Co-Op Road Improvement Program;;
- (e) GIS mapping for storm sewer system
- (f) Pine Terrace drainage improvements;
- (g) Acquisition of information technology and telecommunications equipment, including items with a unit cost of less than \$5,000, including, but not limited to, Phone upgrades and security cameras for municipal building, and technology upgrade and computer replacement for Police Department;
- (h) Acquisition of information technology and telecommunications equipment, including items with a unit cost of \$5,000 or greater, including, but not limited to, license plate readers and camera and recording system for the Police Department and thermal imaging camera and mobile data terminals for Fire Company;
- (i) Acquisition of equipment, including, but not limited to, Leaf Vacuum Machine, Tag-along leaf vacuum, Chipper Box and Chipper for the Department of Public Works and weapons for the Police Department;
- (j) Acquisition of turn out gear for Fire Company;

- (k) Acquisition of sport utility vehicles for Chief of Fire Company and for Police Department;
- (l) Hydro raking of Duck Pond; and including all work and materials necessary therefor or incidental thereto.

Appropriation:	\$3,496,403
Bonds/Notes Authorized:	\$2,982,761
Section 20 Costs:	\$366,046
Useful Life:	11.17 years

Julie Falkenstern, Acting Borough Clerk

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the governing body of the Borough of Demarest, in the County of Bergen, State of New Jersey, on August 26, 2024 and the 20-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. Copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

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- (f) Pine Terrace drainage improvements;
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- (i) Acquisition of equipment, including, but not limited to, Leaf Vacuum Machine, Tag-along leaf vacuum, Chipper Box and Chipper for the Department of Public Works and weapons for the Police Department;
- (j) Acquisition of turn out gear for Fire Company;
- (k) Acquisition of sport utility vehicles for Chief of Fire Company and for Police Department;
- (l) Hydro raking of Duck Pond; and including all work and materials necessary therefor or incidental thereto.

Appropriation: \$3,496,403

Bonds/Notes Authorized: \$2,982,761

Section 20 Costs: \$366,046

Useful Life: 11.17 years

Julie Falkenstern, Acting Borough Clerk