

**BOROUGH OF EDGEWATER  
ORDINANCE 2024-010**

**AN ORDINANCE OF THE BOROUGH OF EDGEWATER, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING ORDINANCE NO. 2021-007 OF THE BOROUGH FINALLY ADOPTED ON JUNE 21, 2021, AS AMENDED BY ORDINANCE NO. 2021-010 AND ORDINANCE NO. 2023-004, PROVIDING FOR VARIOUS ACQUISITIONS AND IMPROVEMENTS IN AND FOR THE BOROUGH OF EDGEWATER AND APPROPRIATING \$5,278,047 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$5,014,144 IN BONDS OR NOTES OF THE BOROUGH OF EDGEWATER TO FINANCE THE SAME**

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

Ordinance No. 2021-007 of the Borough of Edgewater, in the County of Bergen, New Jersey, finally adopted on June 21, 2021, as amended by Ordinance No. 2021-007 finally adopted on October 18, 2021, and Ordinance No. 2023-004 finally adopted June 19, 2023 (collectively, the "Prior Ordinance"), is hereby amended in full to read as follows:

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Edgewater, in the County of Bergen, New Jersey (the "Borough"), as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$5,278,047 (representing an increase of \$525,000 from the \$4,753,047 appropriated by the Prior Ordinance), including the sum of \$263,903 (representing an increase of \$26,250 from the \$237,653 provided in the Prior Ordinance) as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets. There is also appropriated herein \$230,000 expected to be received from the County of Bergen from the Open Space Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund under the County's 2017 Municipal Program Park Improvement Program, \$124,937 expected to be received from the County of Bergen from the 2020 Bergen County Open Space Trust Fund and \$115,000 expected to be received from the State of New Jersey Department of Environmental Protection Green Acres Program for the improvements to Old Borough Hall Park as set forth in Section 3(d) of this ordinance, \$34,620 expected to be received from the County of Bergen from the Open Space Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund under the County's 2018 Municipal Program Park Improvement Program for the improvements to Memorial Park as set forth in Section 3(e) of this ordinance and \$122,500 expected to be received from the County of Bergen from the 2020 Bergen County Open Space Trust Fund for the acquisition of 1531 and 1541 River Road as set forth in Section 3(g) of this ordinance

Section 2. In order to finance the cost of the improvements or purposes not otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$5,014,144 (representing an increase of \$498,750 from the \$4,515,394 authorized by the Prior Ordinance) pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, 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 improvements hereby authorized and the purposes for which the bonds or notes 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 of each improvement are as follows:

- (a) Purpose: Acquisition of equipment, including, without limitation, back hoe and excavator, including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost:

\$214,047

Amount of Down Payment:

\$10,703

Estimated Maximum amount of Bonds or Notes:

\$203,344

Period or Average Period of Usefulness:

15 years

- (b) Purpose: Acquisition of vehicles (excluding passenger cars and station wagons), including, without limitation, mason dump truck and sports utility vehicle for Fire Chief, including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost:

\$285,000

Amount of Down Payment:

\$14,250

Estimated Maximum amount of Bonds or Notes:

\$270,750

Period or Average Period of Usefulness:

5 years

- (c) Purpose: Acquisition of ladder truck for Fire Department, including apparatus and equipment, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost:

\$1,366,000

Amount of Down Payment:

\$68,300

Estimated Maximum amount of Bonds or Notes:

\$1,297,700

Period or Average Period of Usefulness:

10 years

- (d) Purpose: Improvements to Old Borough Hall Park, including, without limitation, redevelopment of park, new tennis court, stormwater management improvements, benches, landscaping and playground, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost:

\$1,551,000

(representing an increase of \$500,000 from the Prior Ordinance)

Amount of Down Payment: \$77,550

(representing an increase of \$25,000 from the Prior Ordinance)

Estimated Maximum amount of Bonds or Notes:

\$1,473,450

(representing an increase of \$475,000 from the Prior Ordinance)

Period or Average Period of Usefulness: 15 years

- (e) Purpose: Improvements to Memorial Park, including, without limitation, repainting, landscaping and irrigation, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost:

\$337,000

(representing an increase of \$25,000 from the Prior Ordinance)

Amount of Down Payment: \$16,850

(representing an increase of \$1.250 from the Prior Ordinance)

Estimated Maximum amount of Bonds or Notes:

\$320,150

(representing an increase of \$23,750 from the Prior Ordinance)

Period or Average Period of Usefulness: 15 years

- (f) Purpose: Fiber optic project including, without limitation, installation of fiber optic cables between municipal buildings, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost:

**\$1,225,000**

Amount of Down Payment: \$61,250

Estimated Maximum amount of Bonds or Notes:

\$1,163,750

Period or Average Period of Usefulness: 7 years

- (g) Purpose: Acquisition of 1531 and 1541 River Road, including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost:  
\$300,000  
Amount of Down Payment: \$15,000  
Estimated Maximum amount of Bonds or Notes:  
\$285,000  
Period or Average Period of Usefulness: 40 years

(h) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(i) The estimated cost of the 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 a current expense. 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 12.73 (representing an increase of 0.25 years from the Prior Ordinance.)

(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 \$5,014,144 (representing an increase of \$498,750 from the Prior Ordinance), and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$250,000 (representing no increase from the Prior Ordinance) 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. 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 bond ordinance.

Section 8. 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 real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. 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 10. 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**Introduced: March 18, 2024**

**Adopted: April 15, 2024**

**Re-Adoption: October 21, 2024**

COUNCILPERSON	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
GUTIERREZ						
LAWLOR						
MONTE						
VIDAL						
MARTIN						
BARTOLOMEO						
MAYOR						

**ATTEST:**

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**STEPHANIE EVANS, RMC**  
**BOROUGH CLERK**

\_\_\_\_\_  
**MICHAEL MCPARTLAND**  
**MAYOR**