

## ORDINANCE #1932

**A BOND ORDINANCE AUTHORIZING ROAD RESURFACING AND THE ACQUISITION OF A COMPUTER SERVER FOR THE POLICE DEPARTMENT IN, BY AND FOR THE TOWNSHIP OF WYCKOFF, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,340,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,265,000 OF BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED by the TOWNSHIP COMMITTEE of the TOWNSHIP OF WYCKOFF, in the COUNTY OF BERGEN, NEW JERSEY, THAT:

**SECTION 1.** There is hereby authorized, pursuant to the applicable statutes of the State of New Jersey, the capital improvements set forth below in, by and for the Township of Wyckoff, County of Bergen, State of New Jersey (the "Township"), together with other purposes necessary, appurtenant or incidental thereto or thereof (collectively, the "Authorized Projects"):

<u>Item</u>	<u>Available Funds</u>	<u>Debt Authorized</u>	<u>Period of Usefulness</u>
Road Resurfacing Project	\$65,000 Source: Capital Improvement Fund	\$1,235,000	5 years
Acquisition of Computer Server for Police Department	\$10,000 Source: Capital Improvement Fund	\$30,000	7 years
Total:	\$75,000	\$1,265,000	

TOTAL APPROPRIATION: \$1,340,000.

**SECTION 2.** It is hereby determined and declared by this Township Committee as follows:

A. The estimated aggregate maximum amount of money to be raised from all sources for the Authorized Projects described in Section 1 is \$1,340,000.

B. The estimated aggregate maximum amount of bonds or notes to be issued for the Authorized Projects described in Section 1 is \$1,265,000.

C. The Township expects to use funds available in the Capital Improvement Fund in the amount of \$75,000 for the Authorized Projects described in Section 1, such sums being inclusive of the required down payment for said purposes or improvements in the aggregate amount of \$63,250 as required by Section 11 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available in accordance with the requirements of Section 11 of the Local Bond Law.

**SECTION 3.** The sum of \$1,340,000, including said down payment of \$63,250, is hereby appropriated for the Authorized Projects described in Section 1.

**SECTION 4.** For the purpose of financing part of the cost of the Authorized Projects described in Section 1, exclusive of said down payment and other available funds described in Section 2, the issuance of bonds of said Township in an aggregate principal amount not exceeding One Million Two Hundred Sixty-Five Thousand Dollars (\$1,265,000) is hereby authorized pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. 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 Township Committee pursuant to law.

**SECTION 5.** Pending the issuance of the bonds authorized in Section 4 hereof, bond anticipation notes of the Township may be issued pursuant to said Local Bond Law in an aggregate principal amount not exceeding One Million Two Hundred Sixty-Five Thousand Dollars (\$1,265,000). Each such bond anticipation note shall 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 Township; provided that no note shall mature later than one year from its date. All such bond anticipation notes may be executed in the name of the Township by the manual or facsimile signatures of the Mayor and Chief Financial Officer or such other official of the Township as may hereafter be designated by resolution or otherwise as provided by law and shall be under the seal of the Township and attested by the Township Clerk. The notes shall bear interest at such rate or rates and shall 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 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 N.J.S.A. 40A:2-8.1. 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 such notes to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest, if any, from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Committee at the meeting next succeeding the date when any sale or delivery of notes pursuant to this 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 or purchasers thereof.

**SECTION 6.** It is hereby further determined and declared by this Township Committee as follows:

A. The Authorized Projects described in Section 1 are not current expenses; they are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

B. The weighted average period of usefulness of the Authorized Projects described in Section 1 for which the bonds are hereby authorized to be issued, within the limits prescribed by the Local Bond Law, is 5.047 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 Township Clerk 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 in the Department of Community Affairs 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 said Township, as defined in N.J.S.A. 40A:2-43, is increased by this ordinance by \$1,265,000 and that the issuance of the obligations authorized by this ordinance will be within all debt limitations contained in the Local Bond Law.

E. The aggregate amount of the proceeds of the obligations authorized by this ordinance to be expended for interest on the obligations authorized herein, engineering and inspection costs, legal expenses, and the costs of issuance of the obligations authorized by this ordinance, including printing, advertisement of ordinances and notices of sale and legal expenses, and other expenses as provided in N.J.S.A. 40A:2-20 does not exceed \$0.

**SECTION 7.** The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith, 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 of the Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

**SECTION 8.** In the event that any other moneys are lawfully received from any source for the purposes provided in this ordinance, such moneys shall be used for the purposes 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 such other moneys are received after the issuance of the bonds or notes authorized by this ordinance, such moneys shall be used solely for the payment of the debt service on said bonds or notes as the same become due and payable.

**SECTION 9.** The full faith and credit of the Township is 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 said Township without limitation as to rate or amount sufficient to pay the principal of and interest on such bonds and notes maturing in said year.

**SECTION 10.** (a) The Township shall comply with all provisions of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder or applicable thereto (the "Code") applicable to the bonds or notes issued pursuant to this bond ordinance and shall not take any action, or fail to take any action, if any such action or failure to take action would cause interest on the bonds or notes issued pursuant to this bond ordinance to be or become includable in gross income under Section 103 of the Code or cause interest on the bonds or notes issued pursuant to this bond ordinance to be treated as an item of tax preference under Section 57 of the Code. The Township shall not directly

or indirectly use or permit the use of any proceeds of such obligations or any other funds of the Township, or take or omit to take any action, that would cause such obligations to be “arbitrage bonds” within the meaning of Section 148(a) of the Code, and will comply with all requirements of Section 148 of the Code to the extent applicable to the bonds and notes authorized hereby and all proceeds thereof, including without limitation, monitoring compliance with Section 148 of the Code as it applies to the bonds and notes authorized hereby, restricting the yield on the investment of any proceeds or gross proceeds of the bonds or notes to the extent required to comply with Section 148 of the Code, and making payments of the rebate amount, if any, to the United States in the manner and to the extent necessary to comply with Section 148 of the Code.

(b) The Township reasonably expects to reimburse the Township’s expenditure of certain costs of the Authorized Projects described in Section 1 of this bond ordinance (“Project Costs”) incurred and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section is intended to be and hereby is a declaration of the Township’s official intent to reimburse any expenditure of Project Costs incurred and paid prior to the issuance of bonds or notes authorized herein with the proceeds of such bonds or notes in accordance with Treasury Regulations Section 1.150-2(e), and no reimbursement allocation will employ an abusive arbitrage device under Treasury Regulations Section 1.148-10 to avoid the arbitrage restrictions. The maximum principal amount of obligations expected to be issued pursuant to this bond ordinance to pay Project Costs does not exceed \$1,265,000. The Project Costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be “capital expenditures” as defined in Treasury Regulations Section 1.150-1(b), a cost of issuance for the bonds or notes herein authorized or an expenditure described in Treasury Regulations Section 1.148-6(d)(3)(ii)(B). The allocation of proceeds of the bonds or notes issued pursuant to this bond ordinance to reimburse Project Costs incurred prior to the issuance of

such bonds or notes shall be effected no later than 18 months after the later of the date the Project Costs are paid or the date the Authorized Projects are placed in service or abandoned, but in no event more than 3 years after the original Project Costs to be reimbursed are paid.

**SECTION 11.** This ordinance shall take effect twenty days after the first publication hereof after final adoption, in the manner provided by law.

Interpretive Statement:

This binding referendum will authorize the maintaining and continuing of the existing Municipal Open Space Trust Fund. The Municipal Open Space Trust Fund was previously approved by the voters of the Township of Wyckoff on November 7, 2006, and extended on November 8, 2011, and November 8, 2016, and therefore the approval of this referendum would not create a new tax burden on the residents of Wyckoff, but simply continue and extend the previously approved Municipal Open Space Tax. The trust fund would continue to be funded by the existing local property tax in the amount of .005 (1/2 cent) per one hundred (\$100.00) dollars of assessed value. This existing tax would be collected for five (5) years and then expire, unless extended by a public vote of the voters of the Township of Wyckoff. The owner of a home assessed at \$778,100.00 (the average assessed value in Wyckoff) would pay \$38.91 per year, for a period of five (5) years. The total amount the tax would yield each year depending on the total valuation of real property in Wyckoff, would be approximately \$231,045.00 each year. The proceeds of the fund could be used for the acquisition, development, maintenance, or preservation of lands for recreation or conservation purposes, as well as acquisition of farmland for farmland purposes and the preservation or acquisition of historic property or the payment of debt service incurred for any of the above purposes. The proceeds of the fund could also be returned to the taxpayers of the Township of Wyckoff as tax relief.