

ORDINANCE NO. 24-11

BOND ORDINANCE TO AMEND THE TITLE AND SECTIONS 4, 5, 6, 7, 8, 10 AND 11 OF THE BOND ORDINANCE (ORD. NO. 23-08) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS DUE TO DAMAGE FROM TROPICAL STORM IDA IN, BY AND FOR THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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," ADOPTED ON JUNE 12, 2023.

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

Section 1. The title of Ordinance No. 23-08 originally entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS DUE TO DAMAGE FROM TROPICAL STORM IDA IN, BY AND FOR THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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"

adopted by the Borough Council of the Borough of Woodcliff Lake, in the County of Bergen, New Jersey (the "Borough") on June 12, 2023 (the "Prior Ordinance") is hereby amended to increase the amount appropriated by the ordinance from \$3,000,000 to \$5,700,000 (an increase of \$2,700,000), and shall hereafter read as follows:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS DUE TO DAMAGE FROM TROPICAL STORM IDA IN, BY AND FOR THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$5,700,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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."

Section 2. Section 4 of the Prior Ordinance is hereby amended to (A)(i) increase the appropriation and estimated cost in Section 4.B. from \$2,246,000 to \$4,946,000 (an increase of \$2,700,000); (ii) increase the down payment appropriated in Section 4.B. from \$107,000 to \$236,000 (an increase of \$129,000); and (iii) increase the bonds and notes authorized in Section 4.B. from \$2,139,000 to \$4,710,000 (an increase of \$2,571,000); and (B)(i) increase the aggregate appropriation and estimated cost for Section 4 from \$3,000,000 to \$5,700,000 (an increase of \$2,700,000); (ii) increase the aggregate down payment appropriated for Section 4 from \$143,000 to \$272,000 (an increase of \$129,000); and (iii) increase the aggregate amount of bonds and notes authorized in Section 4 from \$2,857,000 to \$5,428,000 (an increase of \$2,571,000); and shall hereafter read as follows:

"Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and

Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the following infrastructure improvements due to damage from Tropical Storm Ida: (i) reconstruction of various stormwater outfalls; and (ii) various sidewalk, guide rail, embankment, fencing, stormwater pipe, spillway and riprap wall improvements in the vicinity of the Old Mill Complex entranceway.

Appropriation and Estimated Cost	\$ 754,000
Down Payment Appropriated	\$ 36,000
Bonds and Notes Authorized	\$ 718,000
Period of Usefulness	10 years

B. Replacement of the Werimus Lane Sanitary Sewer Pump Station due to damage from Tropical Storm Ida, including site improvements and related sanitary sewer improvements.

Appropriation and Estimated Cost	\$4,946,000
Down Payment Appropriated	\$ 236,000
Bonds and Notes Authorized	\$4,710,000
Period of Usefulness	40 years

Aggregate Appropriation and Estimated Cost	\$5,700,000
Aggregate Down Payment Appropriated	\$ 272,000
Aggregate Amount of Bonds and Notes Authorized	\$5,428,000."

Section 3. Section 5 of the Prior Ordinance is hereby amended to increase the estimated amount of statutorily permitted expenses included in the amount appropriated from \$790,000 to \$990,000 (an increase of \$200,000), and shall hereafter read as follows:

"Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$990,000 which is estimated to be necessary to finance the cost of such purposes, 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law")."

Section 4. Section 6 of the Prior Ordinance is hereby amended to increase the down payment appropriated from \$143,000 to \$272,000 (an increase of \$129,000), and shall hereafter read as follows:

"Section 6. It is hereby determined and stated that moneys exceeding \$272,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$272,000 is hereby appropriated from such moneys to the payment of the cost of said purposes."

Section 5. Section 7 of the Prior Ordinance is hereby amended to increase the amount of bonds authorized from \$2,857,000 to \$5,428,000 (an increase of \$2,571,000), and shall hereafter read as follows:

"Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$5,428,000 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 6. Section 8 of the Prior Ordinance is hereby amended to increase the amount of bond anticipation notes authorized from \$2,857,000 to \$5,428,000 (an increase of \$2,571,000), and shall hereafter read as follows:

"Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$5,428,000 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 7. Section 10 of the Prior Ordinance is hereby amended to increase the average period of usefulness of the purposes authorized from 32.46 years to 36.03 years (an increase of 3.57 years), and shall hereafter read as follows:

"Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 36.03 years computed from the date of said bonds."

Section 8. Section 11 of the Prior Ordinance is hereby amended to increase the amount of gross debt of the Borough shown on the Supplemental Debt Statement filed for the ordinance, as amended, from \$2,857,000 to \$5,428,000 (an increase of \$2,571,000), and shall hereafter read as follows:

"Section 11. 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 \$5,428,000 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. The capital budget is hereby amended to conform with the provisions of this amendatory bond 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 10. This ordinance shall take effect twenty days after the first publication thereof after final passage.