

**BOROUGH OF SUSSEX**

**ORDINANCE # 2016-05**

**BOND ORDINANCE APPROPRIATING \$1,200,000, AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, FOR THE WATER SUPPLY AND DISTRIBUTION SYSTEM AND THE SANITARY SEWERAGE SYSTEM OF THE BOROUGH.**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Sussex, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,200,000.

Section 2. For the financing of said improvements or purposes and to meet the said \$1,200,000 appropriations, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,200,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,200,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of the sanitary sewerage system and the water supply and distribution system in and by the Borough, including the reconstruction and rehabilitation of sanitary sewer force mains, catch basins, water lines and pipes, and water transmission valves, together with the preparation of asset management plans and all structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$800,000	\$800,000
(b) Improvement of the water supply and distribution system in and by the Borough, including the acquisition, by purchase, and installation of new water meters, together with all structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	<u>400,000</u>	<u>400,000</u>
Totals	\$1,200,000	\$1,200,000

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 31.67 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough 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, and such statement shows that, while the net debt of the Borough determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,200,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$250,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in subsection (h) of section 40A:2-7 of said Local Bond Law, and the said obligations authorized by this bond ordinance are to be issued for a purpose which is “self-liquidating” within the meaning and limitations of section 40A:2-45 of said Local Bond Law and are deductible, pursuant to subsection (c) of section 40A:2-44 of said Local Bond Law, from gross debt of the Borough.

Section 5. 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 the 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 N.J.S.A. 40A:2-8. 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 dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough 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, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from the revenues of the water supply and distribution system and the sanitary sewerage system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the

taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough 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 all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

### **NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Sussex held on April 5, 2016, at 7:30 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on April 19, 2016, at 7:30 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 2 Main Street, Sussex, New Jersey 07461, at which time all persons interested may appear for or against the passage of said Ordinance.

\_\_\_\_\_  
Mark Zschack, RMC

### **CERTIFICATION**

I, Mark Zschack, Clerk of the Borough of Sussex, do hereby certify that the Borough of Sussex Council duly adopted the foregoing Ordinance on the 19<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Mark Zschack  
Administrator/Clerk

\_\_\_\_\_  
Katherine Little  
Mayor

Introduced: April 5, 2016  
Adopted: April 19, 2016

**(TO BE PUBLISHED AFTER INTRODUCTION AND POSTED AT LEAST SEVEN  
DAYS PRIOR TO THE PUBLIC HEARING)**

**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 Sussex, in the County of Sussex, New Jersey, on April 5, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building in said Borough on April 19, 2016 at 7:30 o'clock P.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 in said Municipal Building for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:	Bond ordinance appropriating \$1,200,000, and authorizing the issuance of \$1,200,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Sussex, in the County of Sussex, New Jersey for the water supply and distribution system and the sanitary sewerage system of the Borough
Purpose (s):	Improvement of the sanitary sewerage system and the water supply and distribution system in and by the Borough, including the reconstruction and rehabilitation of sanitary sewer force mains, catch basins, water lines and pipes, and water transmission valves, together with the preparation of asset management plans. Improvement of the water supply and distribution system in and by the Borough, including the acquisition, by purchase, and installation of new water meters.
Appropriation:	\$1,200,000
Bonds/Notes Authorized:	\$1,200,000
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$250,000
Useful Life:	31.67 years

\_\_\_\_\_  
/s/ Mark Zschack  
Borough Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

(TO BE PUBLISHED AFTER FINAL PASSAGE)

**BOND ORDINANCE STATEMENTS AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough of Sussex, in the County of Sussex, New Jersey, on April 19, 2016 and the twenty (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 are available at no cost and during regular business hours at the Clerk's office in the Municipal Building in said Borough for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title:	Bond ordinance appropriating \$1,200,000, and authorizing the issuance of \$1,200,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Sussex, in the County of Sussex, New Jersey for the water supply and distribution system and the sanitary sewerage system of the Borough
Purpose (s):	Improvement of the sanitary sewerage system and the water supply and distribution system in and by the Borough, including the reconstruction and rehabilitation of sanitary sewer force mains, catch basins, water lines and pipes, and water transmission valves, together with the preparation of asset management plans. Improvement of the water supply and distribution system in and by the Borough, including the acquisition, by purchase, and installation of new water meters.
Appropriation:	\$1,200,000
Bonds/Notes Authorized:	\$1,200,000
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$250,000
Useful Life:	31.67 years

---

/s/ Mark Zschack  
Borough Clerk

## CLERK'S CERTIFICATE

I, **MARK ZSCHACK**, Borough Clerk of The Borough of Sussex, in the County of Sussex, New Jersey (the "Borough"), **HEREBY CERTIFY** as follows that:

1. The attached copy of Ordinance No. 2015-06 (the "Ordinance") of the Borough entitled as set forth below and finally adopted on April 19, 2016, has been compared by me with the original thereof officially recorded in the Ordinance Book of the Borough and is a true and correct copy thereof and of the whole of the original Ordinance. The title of the Ordinance is as follows:

**BOND ORDINANCE APPROPRIATING \$1,200,000, AND  
AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR  
NOTES OF THE BOROUGH, FOR VARIOUS  
IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE  
UNDERTAKEN BY THE BOROUGH OF SUSSEX, IN THE  
COUNTY OF SUSSEX, NEW JERSEY FOR THE WATER  
SUPPLY AND DISTRIBUTION SYSTEM AND THE  
SANITARY SEWERAGE SYSTEM OF THE BOROUGH.**

2. The Ordinance was introduced and passed on first reading at a **regular** meeting of the Borough Council duly called and held on April 5, 2016 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of the Borough Council, at a **regular** meeting thereof duly called and held on April 19, 2016 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard. Notice of such meetings was given in accordance with the provisions of the Open Public Meetings Act.

3. The Ordinance, or a summary thereof, was published after first reading, on **April 7, 2016**, in "*The New Jersey Herald*", a newspaper published in the county in which the Borough is located and circulating in the Borough, together with a notice of pending ordinance, containing the date of introduction and the time and place of further consideration of the Ordinance (a true and correct copy of the affidavit of publication of the Ordinance is attached hereto).

4. On **April 6, 2016**, the Ordinance, or a summary thereof, was posted on the bulletin board or other place upon which public notices are customarily posted in the principal municipal building of the Borough, together with notice of the availability of copies of the Ordinance at the office of the Borough Clerk, and such copies of the Ordinance were made available to all members of the general public requesting the same.

5. After final passage, the Ordinance, or a summary thereof, was duly published, together with a notice of adoption and statutory estoppel statement, on **April 22, 2016** in "*The New Jersey Herald*", a newspaper published in the county in which the Borough is located and circulating in the Borough, and no protest by any person against making the improvement or issuing the indebtedness authorized in the Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the

governing body or to me or filed in my office nor has any such action or proceeding questioning the validity of the Ordinance been commenced within twenty (20) days after such publication (a true and correct copy of the affidavit of publication of the Ordinance is attached hereto).

6. The Ordinance when introduced was complete in the form in which it was finally adopted and remained on file in the office of the Borough Clerk for public inspection from the date of introduction to the date of final adoption.

7. The attached copy of a Supplemental Debt Statement has been compared by me with the original Supplemental Debt Statement of the Borough, prepared as of April 5, 2016, and sworn to on April 5, 2016, by Gail D. Magura, who was then the Chief Financial Officer of the Borough, and filed in the office of the Borough Clerk on April 5, 2016, and that the same is a true and complete copy of said original Supplemental Debt Statement.

8. An electronically complete, executed duplicate of the said original Supplemental Debt Statement was duly filed electronically (before final adoption of the Ordinance) in the Office of the Director of the Division of Local Government Services of the State of New Jersey on April 5, 2016. Attached is a copy of the e-mail transmitting the Supplemental Debt Statement or a copy of the automated e-mail acknowledging receipt of the Supplemental Debt Statement.

**IN WITNESS WHEREOF** I have hereunto set my hand and affixed the corporate seal of the Borough this \_\_\_\_ day of \_\_\_\_\_, 2016.

**(SEAL)**

---

Mark Zschack  
Borough Clerk

**Bond ordinance appropriating \$1,200,000, and authorizing the issuance of \$1,200,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Sussex, in the County of Sussex, New Jersey, for the water supply and distribution system and the sanitary sewerage system of the Borough (Useful Life: 31.67 years)**

**ATTACHMENTS**

- A. Ordinance #2016-05
- B. Extract of minutes of April 5, 2016 Borough Council meeting at which the Ordinance was introduced
- C. Extract of minutes of April 19, 2016 Borough Council meeting at which the Ordinance was finally adopted
- D. Affidavit of First Publication of the Ordinance after introduction (“*The New Jersey Herald*” – April 7, 2016)
- E. Affidavit of Second Publication of the Ordinance after final adoption (“*The New Jersey Herald*” – April 22, 2016)
- F. Supplemental Debt Statement (with transmittal or acknowledgment e-mail)