

ORDINANCE #2022-09

BOND ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$200,000 FOR THE IMPROVEMENT OF THE SANITARY SEWERAGE SYSTEM IN AND BY THE BOROUGH HERETOFORE AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH SUPPLEMENTAL APPROPRIATION.

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 improvement described in Section 3 of this bond ordinance has heretofore been and is hereby authorized as a general improvement to be made or acquired by the Borough of Sussex, New Jersey, by the bond ordinances (the “Prior Ordinances”) of the Borough adopted on April 19, 2016 (#2016-05), December 21, 2021 (#2021-23) and May 17, 2022 (#2022-27) and respectively entitled: “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”, “Bond ordinance making a supplemental appropriation of \$625,000 for the improvement of the sanitary sewerage system in and by the Borough heretofore authorized to be undertaken by the Borough of Sussex, in the County of Sussex, New Jersey, and authorizing the issuance of \$521,117 bonds or notes of the Borough for financing such supplemental appropriation” and “Bond ordinance making a supplemental appropriation of \$100,000 for the improvement of the sanitary sewerage system in and by the Borough heretofore authorized to be undertaken by the Borough of Sussex, in the County of Sussex, New Jersey, and authorizing the issuance of \$100,000 bonds or notes of the Borough for financing such supplemental appropriation”. The cost of the improvement described in Section 3(a) of this bond ordinance, estimated in May, 2022, at \$1,925,000 is now estimated at \$2,125,000. By the Prior Ordinances there has been appropriated to payment of the cost of said improvement the aggregate sum of \$1,925,000. It is now necessary for the Borough to raise the additional sum of \$200,000 to meet the remainder of said \$2,125,000 estimated cost of said improvement not provided by the appropriation therefor made by the Prior Ordinances.

Section 2. For the said improvement or purpose stated in Section 3(a) of this bond ordinance, and in addition to the aggregate sum of \$1,925,000 heretofore appropriated therefor by the Prior Ordinances, there is hereby appropriated the further sum of \$200,000. Said additional appropriation of \$200,000 shall be financed and met from the proceeds of negotiable bonds of the Borough which are hereby authorized to be issued in the principal amount of \$200,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$200,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement authorized by Section 3(a) of the Prior Ordinances and by this bond ordinance and purpose for the financing of which said obligations are to be issued is the improvement of the sanitary sewerage system in and by the Borough, including by the construction and rehabilitation of sanitary sewer force mains, together with all catch basins, pipes, pumps, structures, 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 heretofore and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$2,021,117 inclusive of the \$1,821,117 principal amount of bonds or notes of the Borough heretofore authorized for said improvement or purpose pursuant to the Prior Ordinances.

(c) The estimated cost of said purpose is \$2,125,000 inclusive of the sum of \$1,925,000 heretofore appropriated for said improvement by the Prior Ordinances.

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

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and 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 period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) 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 \$200,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$20,000 for interest on said obligations, costs of issuing said obligations 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 additional cost of said improvement and has been included in the foregoing \$200,000 additional estimated cost thereof.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in paragraph (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 paragraph (c) of section 40A:2-44 of said Local Bond Law, from the 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, acting chief financial officer or treasurer of the Borough (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 at not less than par 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 revenues of 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 IS HEREBY GIVEN that the attached Ordinance 2022-09 was introduced at a meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on June 16, 2022 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at a meeting of the Mayor and Council to be held on June 30, 2022 at Borough Hall, 2 Main Street, in the Borough of Sussex at 3:00 p.m. or via the internet, connectivity information available at www.sussexboro.com and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Antoinette Smith, Clerk

Edward Meyer, Mayor

Introduced: June 16, 2022

Adopted: June 30, 2022