

HAWKINS

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August 30, 2024

Borough of Sussex,
in the County of Sussex, New Jersey

Mr. Michael Marceau
Chief Financial Officer
Municipal Building
2 Main Street
Sussex, New Jersey 07461-2397

Dear Mike:

With the information provided, I have prepared and am attaching a draft bond ordinance appropriating \$102,300 for the improvement of the water supply and distribution system in and by the Borough. This draft authorizes through the issuance of \$20,000 bonds or notes, does not provide for a down payment as it is our understanding that the water utility continues to be self-liquidating and appropriates the expected \$82,300 CDBG grant. **Please note that Section 4(e) indicates that the utility is “self-liquidating” and that Section 4(c) indicates that the net debt of the Borough is not increased by this bond ordinance.**

Attached also are (a) the notice of pending ordinance and summary to be published at least seven days prior to the public hearing, (b) the bond ordinance statements and summary to be published after final adoption and (c) a certificate that should be completed and returned (e-mail is best), together with the indicated attachments, after the ordinance is finally adopted.

The supplemental debt statement should be filed electronically as of the date of introduction of the ordinance with the Division of Local Government Services (please forward a copy of the e-mail submission to our attention) and in the office of the Borough Clerk.

Very truly yours,



Michelle A. Loucopolos

MAL:if
Attachments
cc w/atts.: Ms. Antionette Smith
E-mail only

ORDINANCE # 2024-19

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM IN AND BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$102,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$20,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH 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 is hereby authorized as a general improvement to be made or acquired by the Borough of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$102,300, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$82,300 received or expected to be received by the Borough from the Sussex County Community Development Block Grant Program as a grant-in-aid of financing said improvement or purpose.

Section 2. For the financing of said improvement or purpose, including for the purpose of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$102,300 appropriation not provided for by application hereunder of said grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$20,000 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 \$20,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of the water supply and distribution system in and by the Borough, by the upgrade of the water tank power supply system including the installation of electrical conduits, wiring, and a new panel, together with all permits, insurance costs, construction facilities, 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.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$20,000.

(c) The estimated cost of said purpose is \$102,300, the excess thereof over said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said grant.

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 benefitted 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 \$20,000, 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 cost of said improvement and is included in the foregoing estimate thereof.

(e) This bond ordinance authorized 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 of (c) of section 40A:2-44 of said Local Bond Law, from the gross debt of the Borough.

Section 5. The funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the 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 at not less than par 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 7. 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 8. 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 9. 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 attached Ordinance 2024-19 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on September 3, 2024 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on September 17, 2024 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. and/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, RMC,
Clerk/Administrator

**(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 September 3, 2024. 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 September 17, 2024 at 7:00 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 providing for the improvement of the water supply and distribution system in and by the Borough of Sussex, in the County of Sussex, New Jersey, appropriating \$102,300 therefor and authorizing the issuance of \$20,000 bonds or notes of the Borough for financing such appropriation
Purpose(s):	The improvement of the water supply and distribution system in and by the Borough, by the upgrade of the water tank power supply system including the installation of electrical conduits, wiring, and a new panel.
Appropriation:	\$102,300
Bonds/Notes Authorized:	\$20,000
Grants (if any) Appropriated:	\$82,300
Section 20 Costs:	\$20,000
Useful Life:	40 years

/s/ Antionette Smith
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 September 17, 2024 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 providing for the improvement of the water supply and distribution system in and by the Borough of Sussex, in the County of Sussex, New Jersey, appropriating \$102,300 therefor and authorizing the issuance of \$20,000 bonds or notes of the Borough for financing such appropriation
Purpose(s):	The improvement of the water supply and distribution system in and by the Borough, by the upgrade of the water tank power supply system including the installation of electrical conduits, wiring, and a new panel.
Appropriation:	\$102,300
Bonds/Notes Authorized:	\$20,000
Grants (if any) Appropriated:	\$82,300
Section 20 Costs:	\$20,000
Useful Life:	40 years

/s/ Antionette Smith
Borough Clerk

CLERK'S CERTIFICATE

I, **ANIONETTE SMITH**, 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. _____ (the "Ordinance") of the Borough entitled as set forth below and finally adopted on September 17, 2024, 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 PROVIDING FOR THE
IMPROVEMENT OF THE WATER SUPPLY AND
DISTRIBUTION SYSTEM IN AND BY THE BOROUGH OF
SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY,
APPROPRIATING \$102,300 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$20,000 BONDS OR
NOTES OF THE BOROUGH FOR FINANCING SUCH
APPROPRIATION.**

2. The Ordinance was introduced and passed on first reading at a **regular** meeting of the Borough Council duly called and held on September 3, 2024 (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 September 17, 2024 (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 September 6, 2024, 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 September 4, 2024, 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 September 20, 2024 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 September 3, 2024, and sworn to on September 3, 2024, by Michael Marceau, who was then the Chief Financial Officer of the Borough, and filed in the office of the Borough Clerk on September 3, 2024, and that the same is a true and complete copy of said original Supplemental Debt Statement.

8. A 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 September 3, 2024.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2024.

(SEAL)

Antionette Smith
Borough Clerk

Bond ordinance providing for the improvement of the water supply and distribution system in and by the Borough of Sussex, in the County of Sussex, New Jersey, appropriating \$102,300 therefor and authorizing the issuance of \$20,000 bonds or notes of the Borough for financing such appropriation (Useful Life: 40 years)

ATTACHMENTS

- A. Ordinance #2024-__
- B. Extract of minutes of September 3, 2024, Borough Council meeting at which the Ordinance was introduced
- C. Extract of minutes of September 17, 2024, Borough Council meeting at which the Ordinance was finally adopted
- D. Affidavit of First Publication of the Ordinance after introduction (“*The New Jersey Herald*” – September 6, 2024)
- E. Affidavit of Second Publication of the Ordinance after final adoption (“*The New Jersey Herald*” – September 20, 2024)
- F. Supplemental Debt Statement (with transmittal or acknowledgment e-mail)