

**BOROUGH OF HOPATCONG
ORDINANCE #26-2015**

**BOND ORDINANCE AMENDING AND RESTATING BOND
ORDINANCE NUMBER 15-2015 (WHICH PROVIDES FOR
VARIOUS 2015 SEWER UTILITY IMPROVEMENTS)
HERETOFORE FINALLY ADOPTED BY THE BOROUGH
COMMON COUNCIL OF THE BOROUGH OF
HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF
NEW JERSEY, ON MAY 6, 2015**

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

SECTION 1. The bond ordinance of the Borough of Hopatcong, in the County of Sussex, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Common Council thereof on May 6, 2015, numbered 15-2015 and entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS 2015 SEWER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$206,000 THEREFOR FROM THE SEWER UTILITY OF THE BOROUGH AND AUTHORIZING THE ISSUANCE OF \$197,600 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF" (the "Original Ordinance"), is hereby amended and restated as follows:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Sewer Utility of the Borough of Hopatcong, in the County of Sussex, State of New Jersey (the "Borough"). as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the principal amount of \$208,000 from the Sewer Utility of the Borough, said sum being inclusive of a down payment in the aggregate amount of \$10,400 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$208,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Sewer Utility of the Borough are hereby authorized to be issued in the aggregate principal amount not exceeding \$197,600 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Sewer Utility of the Borough in an aggregate principal amount not exceeding \$197,600 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are various improvements to the Sewer Utility, including but not limited to, the acquisition, installation or construction, as applicable, of grinder pumps, a new sewer bay and vac capital repair equipment, including all necessary equipment and apparatus thereof, and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Borough and available for public inspection and hereby approved.

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$197,600.

(c) The aggregate estimated cost of said improvements or purposes is \$208,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes in the amount of \$10,400.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Sussex make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Sussex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Sussex shall be received

by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) 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 of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body 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, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Sewer Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, 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 improvements or purposes 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 12.59 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$197,600 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 \$41,200 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of

intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission⁴ (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.”

SECTION 2. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 3. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: August 5, 2015**

**CATHERINE SCHULTZ,
Clerk of the Borough of Hopatcong**

**ADOPTED ON SECOND READING
DATED: September 2, 2015**

**CATHERINE SCHULTZ,
Clerk of the Borough of Hopatcong**

APPROVAL BY THE MAYOR ON THIS 22nd DAY OF SEPTEMBER, 2015.

**SYLVIA PETILLO,
Mayor of the Borough of Hopatcong**

BOROUGH COMMON COUNCIL OF THE BOROUGH OF HOPATCONG
PUBLIC NOTICE
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 regular meeting of the governing body of the Borough of Hopatcong, in the County of Sussex, State of New Jersey on August 5, 2015. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Municipal Building, 111 River Styx Road, Borough of Hopatcong, in said County on September 2, 2015 at 7:30 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 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 AMENDING AND RESTATING BOND ORDINANCE NUMBER 15-2015 (WHICH PROVIDES FOR VARIOUS 2015 SEWER UTILITY IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, ON MAY 6, 2015

Purpose(s): Amending Bond Ordinance 15-2015 To Address A Clerical Addition Correction Set Forth Therein

Additional Appropriation: \$2,000 (From \$206,000 To \$208,000 – Clerical Addition Correction)

Additional Bonds/Notes Authorized: No additional bonds/notes authorized (\$197,600)

Additional Down Payment: No additional down payment (\$10,400)

Additional Section 20 Costs: No additional Section 20 costs (\$41,200)

Useful Life: No Change (12.59 years)

CATHERINE SCHULTZ,
Clerk of the Borough of Hopatcong

BOROUGH COMMON COUNCIL OF THE BOROUGH OF HOPATCONG

PUBLIC NOTICE

BOND ORDINANCE STATEMENTS AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by Borough Common Council of the Borough of Hopatcong, in the County of Sussex, State of New Jersey on September 2, 2015 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 for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AMENDING AND RESTATING BOND ORDINANCE NUMBER 15-2015 (WHICH PROVIDES FOR VARIOUS 2015 SEWER UTILITY IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, ON MAY 6, 2015

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Additional Down Payment: No additional down payment (\$10,400)

Additional Section 20 Costs: No additional Section 20 costs (\$41,200)

Useful Life: No Change (12.59 years)

**CATHERINE SCHULTZ,
Clerk of the Borough of Hopatcong**

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Hopatcong, in the County of Sussex, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Borough Common Council of the Borough duly called and held on August 5, 2015 at 7:30 p.m. at the Borough's Municipal Building and that the following was the roll call:

Present: Bunce, Francis, Galate, Padula, Schindelar, Young

Absent: None

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Borough Common Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this 6th day of August, 2015.

(SEAL)

CATHERINE SCHULTZ,
Clerk of the Borough of Hopatcong

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Hopatcong, in the County of Sussex, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Borough Common Council of the Borough duly called and held on September 2, 2015 at 7:30 p.m. at the Borough's Municipal Building and that the following was the roll call:

Present: Bunce, Francis, Galate, Padula, Schindelar, Young

Absent: None

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Borough Common Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Borough as of this 3rd day of September, 2015.

(SEAL)

CATHERINE SCHULTZ,
Clerk of the Borough of Hopatcong

CLERK'S CERTIFICATE

I, CATHERINE SCHULTZ, DO HEREBY CERTIFY that I am the Clerk of the Borough of Hopatcong, in the County of Sussex, State of New Jersey (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on August 5, 2015 and finally adopted on September 2, 2015 and approved by the Mayor on September 22, 2015.

2. After introduction, the bond ordinance was published as required by law on August 9, 2015 in the New Jersey Herald.

3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

4. After final passage, the ordinance was duly approved by the Mayor of the Borough and published as required by law on _____, 2015 in the New Jersey Herald (name of newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, 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 within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The ordinance has not been amended, added to, altered, or repealed and said ordinance is now in full force and effect.

6. A certified copy of the ordinance and a copy of the amended capital budget form have been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Borough as of this 22nd day of September, 2015.

(SEAL)

CATHERINE SCHULTZ,
Clerk of the Borough of Hopatcong