

A NEW YORK LIMITED LIABILITY PARTNERSHIP

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*NEW YORK BAR ONLY

July 9, 2021

Borough of Kinnelon, in the
County of Morris, New Jersey

Mr. Charles J. Daniel
Chief Financial Officer
Municipal Building
130 Kinnelon Road
Kinnelon, New Jersey 07405

Dear Charlie:

In accordance with our conversation, I have prepared and am attaching a draft bond ordinance appropriating 1,370,000 for various improvements to be undertaken in and by the Borough. This draft authorizes the issuance of a maximum \$1,304,000 in bonds or notes and provides for application of a \$66,000 down payment understood to be presently available.

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,



Robert H. Beinfield

RHB:sp

Attachments

cc w/atts: Edward J. Buzak, Esq.
Ms. Karen M. Iuele
Mr. Raymond Sarinelli
Mr. Raymond Sarinelli, Jr.

E-mail only

ORDINANCE #

BOND ORDINANCE APPROPRIATING 1,370,000, AND AUTHORIZING THE ISSUANCE OF \$1,304,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, 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 Kinnelon, in the County of Morris, 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 sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to 1,370,000 including the aggregate sum of \$66,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision 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 and to meet the part of said 1,370,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,304,000 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 \$1,304,000 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) Acquisition by purchase of new and additional equipment including, but not limited to, one (1) backhoe for use by the Department of Public Works of the Borough, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$130,000	\$123,800
(b) Improvement of various roads in and by the Borough, by the reconstruction and resurfacing thereof to provide a roadway pavement of at least equal in useful life or durability to a roadway pavement of Class B reconstruction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including without limitation, Round Hill Road, Round Hill Terrace, Dixon Terrace, Alize Drive, Stone House Road and Birch Road/Seabirt Lane, together with all drainage facilities, landscaping, equipment, site work, 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	360,000	342,200
(c) Improvement of the water supply and distribution system and the sanitary sewerage collection system in and by the Borough, including the installation of new pipes, laterals and mains in and along Walnut Land to the site of the proposed Emergency Shelter/Community Center, together with all structures, equipment, site work, 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	650,000	619,000
(d) Acquisition of new and additional of vehicular equipment including, but not limited to, one (1) dump		

truck and one (1) rolloff truck for use by the Department of the Public Works of the Borough, together with all attachments, appurtenances and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

230,000

219,000

Totals

1,370,000

\$1,304,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

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 23.87 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 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 \$1,304,000, 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 \$200,000 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.

Section 5. 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 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 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.

**(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 Kinnelon, in the County of Morris, New Jersey, on July 15, 2021. 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 August 19, 2021 at 8:00 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 appropriating 1,370,000, and authorizing the issuance of \$1,304,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Kinnelon, in the County of Morris, New Jersey

Purpose(s): Acquisition by purchase of new and additional equipment including, but not limited to, one (1) backhoe for use by the Department of Public Works of the Borough. Improvement of various roads in and by the Borough, by the reconstruction and resurfacing thereof, including without limitation, Round Hill Road, Round Hill Terrace, Dixon Terrace, Alize Drive, Stone House Road and Birch Road/Seabirt Lane. Improvement of the water supply and distribution system and the sanitary sewerage collection system in and by the Borough, including the installation of new pipes, laterals and mains in and along Walnut Land to the site of the proposed Emergency Shelter/Community Center. Acquisition of new and additional of vehicular equipment including, but not limited to, one (1) dump truck and one (1) rolloff truck for use by the Department of the Public Works of the Borough.

Appropriation: 1,370,000
Bonds/Notes Authorized: \$1,304,000
Grants (if any) Appropriated: \$0
Section 20 Costs: \$200,000
Useful Life: 23.87 years

/s/ Karen Iuele
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 Kinnelon, in the County of Morris, New Jersey, on August 19, 2021 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 1,370,000, and authorizing the issuance of \$1,304,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Kinnelon, in the County of Morris, New Jersey
Purpose(s):	Acquisition by purchase of new and additional equipment including, but not limited to, one (1) backhoe for use by the Department of Public Works of the Borough. Improvement of various roads in and by the Borough, by the reconstruction and resurfacing thereof, including without limitation, Round Hill Road, Round Hill Terrace, Dixon Terrace, Alize Drive, Stone House Road and Birch Road/Seabirt Lane. Improvement of the water supply and distribution system and the sanitary sewerage collection system in and by the Borough, including the installation of new pipes, laterals and mains in and along Walnut Land to the site of the proposed Emergency Shelter/Community Center. Acquisition of new and additional of vehicular equipment including, but not limited to, one (1) dump truck and one (1) rolloff truck for use by the Department of the Public Works of the Borough.
Appropriation:	1,370,000
Bonds/Notes Authorized:	\$1,304,000
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$200,000
Useful Life:	23.87 years

/s/ Karen Iuele
Borough Clerk

CLERK'S CERTIFICATE

I, **KAREN IUELE**, Borough Clerk of the Borough of Kinnelon, in the County of Morris, 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 August 19, 2021, 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 1,370,000, AND
AUTHORIZING THE ISSUANCE OF \$1,304,000 BONDS OR
NOTES OF THE BOROUGH, FOR VARIOUS
IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE BOROUGH OF KINNELON, IN
THE COUNTY OF MORRIS, NEW JERSEY.**

2. The Ordinance was introduced and passed on first reading at a **regular** meeting of the Borough Council duly called and held on July 15, 2021 (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 August 19, 2021 (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 July 21, 2021, in the "*Suburban Trends*", 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 (true and correct copies of the affidavits of publication of the Ordinance are attached hereto).

4. On July 16, 2021, 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 August 25, 2021 in the "*Suburban Trends*", 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 July 15, 2021, and sworn to on July 15, 2021, by Charles J. Daniel, who was then the Chief Financial Officer of the Borough, and filed in the office of the Borough Clerk on July 15, 2021, 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 July 15, 2021. 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 _____, 2021.

(SEAL)

Karen Iuele
Borough Clerk

Bond ordinance appropriating 1,370,000, and authorizing the issuance of \$1,304,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Kinnelon, in the County of Morris, New Jersey (Useful life: 23.87 years)

ATTACHMENTS

- A. Ordinance #_____
- B. Extract of minutes of July 15, 2021, Borough Council meeting at which the Ordinance was introduced
- C. Extract of minutes of August 19, 2021, Borough Council meeting at which the Ordinance was finally adopted
- E. Affidavit of First Publication of the Ordinance after introduction (“*Suburban Trends*” – July 21, 2021)
- F. Affidavit of Second Publication of the Ordinance after final adoption (“*Suburban Trends*” – August 25, 2021)
- G. Supplemental Debt Statement (with acknowledgement or transmittal e-mail)