

R-118-16

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,142,000
BOND ANTICIPATION NOTES OF THE BOROUGH OF WHARTON, IN THE
COUNTY OF MORRIS, NEW JERSEY

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF WHARTON, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to a bond ordinance of The Borough of Wharton, in the County of Morris (the “Borough”) entitled: “Bond ordinance providing for the acquisition of lands (water utility portion) in and by the Borough of Wharton, in the County of Morris, New Jersey, appropriating \$550,000 therefor and authorizing the issuance of \$550,000 bonds or notes of the Borough for financing such appropriation” finally adopted on July 16, 2012 (#15-12), Bond Anticipation Notes of the Borough in a principal amount not exceeding \$348,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of lands (sewer utility portion) in and by the Borough of Wharton, in the County of Morris, New Jersey, appropriating \$550,000 therefor and authorizing the issuance of \$550,000 bonds or notes of the Borough for financing such appropriation” finally adopted on July 16, 2012 (#16-12), bond anticipation notes of the Borough in a principal amount not exceeding \$89,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the improvement of the water supply and distribution system (Fern Avenue - Phase II) in and by the Borough of Wharton, in the County of Morris, New Jersey, appropriating \$375,000 therefor and authorizing the issuance of \$295,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on February 7, 2013 (#1-13), bond anticipation notes of the Borough in a principal amount not exceeding \$290,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the improvement of the water supply and distribution system (Fern Avenue – Phase III) and by the Borough of Wharton, in the County of Morris, New Jersey, appropriating \$175,000 therefor and authorizing the issuance of \$95,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on February 10, 2014 (#01-14), bond anticipation notes of the Borough in a principal amount not exceeding \$95,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 5. Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the improvement of the water supply and distribution system and by the Borough of Wharton, in the County of Morris, New Jersey, appropriating \$450,000 therefor and authorizing the issuance of \$450,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on August 18, 2014 (#15-14), bond

anticipation notes of the Borough in a principal amount not exceeding \$450,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 6. Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of a new dump truck for use by the sewer utility of the Borough of Wharton, in the County of Morris, New Jersey, appropriating \$185,000 therefor and authorizing the issuance of \$185,000 bonds or notes of the Borough for financing such appropriation” finally adopted on October 6, 2014 (#18-14), bond anticipation notes of the Borough in a principal amount not exceeding \$180,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor

Section 7. Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the improvement of the water supply and distribution system (Second Street) in and by the Borough of Wharton, in the County of Morris, New Jersey, appropriating \$350,000 therefor and authorizing the issuance of \$170,000 bonds or notes of the Borough for financing such appropriation” finally adopted on March 23, 2015 (#02-15), bond anticipation notes of the Borough in a principal amount not exceeding \$70,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor

Section 8. Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the improvement of the water supply and distribution system (Church Street) in and by the Borough of Wharton, in the County of Morris, New Jersey, appropriating \$350,000 therefor and authorizing the issuance of \$270,215 bonds or notes of the Borough for financing such appropriation” finally adopted on March 7, 2016 (#05-16), bond anticipation notes of the Borough in a principal amount not exceeding \$270,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor

Section 9. Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the construction of a water tank in and by the Borough of Wharton, in the County of Morris, New Jersey, appropriating \$1,500,000 therefor and authorizing the issuance of \$1,500,000 bonds or notes of the Borough for financing such appropriation” finally adopted on June 13, 2016 (#14-16), bond anticipation notes of the Borough in a principal amount not exceeding \$350,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor

Section 10. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer 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

and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, 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 and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. 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 hereunder 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 11. As an alternative to soliciting interest rate bids for the notes, the chief financial officer of the Borough is hereby authorized to sell the notes from time to time to the Borough in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the Borough upon receipt of payment of the purchase price.

Section 12. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 13. The chief financial officer of the Borough is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 14. All action heretofore taken by officials and professionals of the Borough relating to the sale and award of the notes are hereby ratified, confirmed, adopted and approved.

Section 15. This resolution shall take effect immediately.

Adopted: September 12, 2016

BOROUGH OF WHARTON

ATTEST:

**WILLIAM J. CHEGWIDDEN,
MAYOR**

**Gabrielle Evangelista,
Borough Clerk**