

Township of West Milford

Passaic County, New Jersey

~ Resolution 2011 – 099 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$10,377,523 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Township of West Milford, in the County of Passaic (herein called “local unit”) entitled: “Bond ordinance providing for the improvement of various roads in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$4,688,250 therefor and authorizing the issuance of \$4,465,000 bonds or notes of the Township for financing such appropriation”, finally adopted on March 28, 2007 (#2007-06), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,888,673 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 local unit entitled: “Bond ordinance appropriating \$3,342,360, and authorizing the issuance of \$3,175,242 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey”, finally adopted on September 3, 2008 (#2008-40), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,331,300 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3(a) (to the extent of \$2,175), Section 3(b) (to the extent of \$2,264,287 and Section 3(c) (\$64,838), 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 local unit entitled: “Bond ordinance providing for the improvement of Magnolia Road in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$235,000 therefor, directing a special assessment of the cost thereof, and authorizing the issuance of \$175,000 bonds or notes of the Township for financing the same”, finally adopted on September 24, 2008 (#2008-45), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$152,000 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 local unit entitled: “Bond ordinance appropriating \$3,322,778, and authorizing the issuance of \$2,863,550 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey”, finally adopted on August 26, 2009 (#2009-017), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,863,550 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 local unit entitled: “Bond ordinance appropriating \$1,675,000, and authorizing the issuance of \$1,142,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey”, finally adopted on December 15, 2010 (#2010-016), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,142,000 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 the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 5 described, shall be combined into a single and combined issue of bonds in the principal amount of \$10,377,523.

Section 7. The following matters in connection with said Bond Anticipation Notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the treasurer or the chief financial officer of the local unit (the "chief financial officer"), provided that no note issued pursuant to Sections 1 to 5 hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

(c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

Section 8. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

Section 9. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale 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 purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 10. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit'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 11. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 12. The chief financial officer of the local unit is hereby authorized to execute and deliver all documents and to do all matters useful, convenient or desirable in connection with the sale, issuance and delivery of said notes, including without limitation, if necessary, (a) the preparation, delivery, distribution and execution of a "deemed final" preliminary official statement and a final official statement of the local unit relating to said notes, (b) the execution and delivery of an arbitrage and use of proceeds

certificate in a form approved by bond counsel, (c) the execution and delivery of a continuing disclosure undertaking in a form approved by bond counsel and (d) the preparation, distribution and publication, if desirable, of a notice of sale with respect to said notes.

Section 13. This resolution shall take effect immediately.

Adopted: March 16, 2011

Adopted this 16th day of March, 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk