

RESOLUTION CONFIRMING THE DETAILS OF THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2018, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$522,151 OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, IN THE COUNTY OF OCEAN, NEW JERSEY, TO THE NEW JERSEY INFRASTRUCTURE BANK (F/K/A THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST) AND TO THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, PURSUANT TO THE STATE FISCAL YEAR 2018 NEW JERSEY WATER BANK FINANCING PROGRAM

WHEREAS, the Berkeley Township Municipal Utilities Authority (the "Local Unit"), in the County of Ocean, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the Project (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2018 New Jersey Water Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2018A, to the I-Bank in an aggregate principal amount not to exceed \$130,000 (the "I-Bank Loan Bond") and General Obligation Bonds, Series 2018B, to the State in an aggregate principal amount not to exceed \$392,151 (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law, the Escrow Agreement dated March 12, 2018 (the "Escrow Agreement") by and among the I-Bank, the State, the Local Unit and the escrow agent named therein, the Fund Loan Agreement dated March 12, 2018, and the I-Bank Loan Agreement dated May 1, 2018; and

WHEREAS, N.J.S.A. 40A:2-27(a) (2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank, without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, on March 12, 2018, the Local Unit delivered the Fund Loan Bond to the State; and

WHEREAS, in accordance with the terms of the Escrow Agreement, the I-Bank has sold its bonds to fund the I-Bank Loan, thereby enabling the Local Unit to confirm the exact aggregate principal amount of and debt service schedule for the I-Bank Loan Bond.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The sale of the I-Bank Loan Bond to the I-Bank and the Fund Loan Bond to the State is hereby confirmed. The I-Bank Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount, interest rates and maturity schedule set forth in **Schedule A** attached hereto and made a part hereof. The issuance of the Fund Loan Bond with the principal amount and maturity schedule set forth in **Schedule B** attached hereto and made a part hereof is hereby ratified and confirmed.

Section 2. This resolution shall take effect immediately.

Section 3. Upon the adoption hereof, the Secretary of the Local Unit shall forward certified copies of this resolution to Meghan Bennett Clark, Esq., GluckWalrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Recorded Vote


	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Michael W. Hale, Chairman	✗			
Karen Davis, Vice Chairwoman				✗
Edward F. Cammarato, Secretary	✗			
Samuel J. Cammarato, Treasurer	✗			
Lloyd G. Mullikin, Commissioner	✗			
Richard W. Elliott, Alt. Commissioner				
Jerome F. Bollettieri, Alt. Commissioner	✗			

CERTIFICATE

I, Edward F. Cammarato, Secretary of the Berkeley Township Municipal Utilities Authority, in the County of Ocean, State of New Jersey, HEREBY CERTIFY that the foregoing is a true and compared copy of an original resolution now on file and of record in my office which was duly adopted at a meeting of the Berkeley Township Municipal Utilities Authority, on the 15th day of May, 2018.

I DO HEREBY CERTIFY that said Authority consists of five regular members and two alternate members. FURTHER, that 6 members thereof were present at said meeting and that 5 members voted affirmatively for the adoption of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Authority this 15th day of May, 2018.



Edward F. Cammarato, Secretary

(SEAL)

RESOLUTION NO. 0031 -2018

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
REGARDING ENTERING INTO AN AGREEMENT WITH JERSEY CENTRAL
POWER & LIGHT FOR ELECTRIC DISTRIBUTION FACILITIES FOR WELL #4**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has constructed a new well known as Well #4 for production of water for the Authority’s needs; and

WHEREAS, this well project is nearing completion by Montana Construction, the successful bidder on the project; and

WHEREAS, it is necessary to provide power to this project for the pumping of water and other needs; and

WHEREAS, Jersey Central Power & Light requires an agreement for installation of electric distribution facilities:

NOW, THEREFORE, BE IT RESOLVED, this 15th day of May, 2018, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:


1. The Authority is hereby authorized to enter into an agreement with Jersey Central Power & Light entitled Agreement for Installation of Electric Distribution Facilities Utilizing a “Refundable Customer Contribution” for providing power to Well #4 in the form of agreement attached hereto as **Exhibit “A”**.
2. The Authority hereby authorizes and directs the Chairperson, Secretary, Executive Director and Authority Attorney to execute any and all necessary documents in order to implement the intent of this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:


- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. Jersey Central Power & Light; and
- d. Berry, Sahradnik, Kotzas & Benson.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at a regular meeting held on the 15th day of May 2018, a quorum being present and voting in the majority.



Edward F. Cammarato, Authority Secretary



Michael W. Hale, Authority Chairperson

Prepared by:

BERRY, SAHRADNIK, KOTZAS & BENSON
212 Hooper Avenue
P.O. Box 757
Toms River, New Jersey 08753

RESOLUTION NO. 0032 -2018

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
FOR SEWER LINE REPAIR**

WHEREAS, the original sewer design for the Berkeley Township Municipal Utilities Authority's (hereinafter referred to as the "Authority") headquarters has created an issue with the internal bathrooms in the Authority's offices; and

WHEREAS, these problems have become progressively worse over the years; and

WHEREAS, it is in the best interest of the Authority to rectify this current situation; and

WHEREAS, it is anticipated that correcting the current problem will not exceed the bid threshold:

NOW, THEREFORE, BE IT RESOLVED, this 15th day of May, 2018, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority's Engineer, CME Associates, are hereby authorized to prepare plans and necessary documents for the alteration/replacement of the sewer line in question.
2. That the Executive Director be authorized to solicit bids for the work to be done once the plans and specifications have been prepared.
3. The Authority hereby authorizes and directs the Chairperson, Secretary, Executive Director and Authority Attorney to execute any and all necessary documents in order to implement the intent of this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

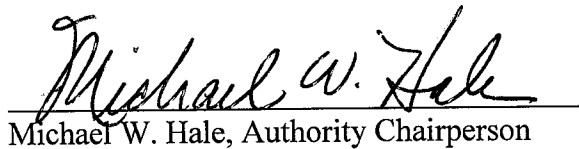
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates; and
- d. Berry, Sahradnik, Kotzas & Benson.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at a regular meeting held on the 15th day of May 2018, a quorum being present and voting in the majority.



Edward F. Cammarato, Authority Secretary



Michael W. Hale, Authority Chairperson

Prepared by:

BERRY, SAHRADNIK, KOTZAS & BENSON
212 Hooper Avenue
P.O. Box 757
Toms River, New Jersey 08753

RESOLUTION NO. 0033 -2018

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
REGARDING ANNUAL AUDIT FOR THE YEAR ENDING DECEMBER 31, 2017**

WHEREAS, N.J.S.A. 40A:5A-5 requires the governing body of each local authority to cause an annual audit of its accounts to be made; and

WHEREAS, the annual audit report for the fiscal year ended December 31, 2017 has been completed and filed with the Local Finance Board of the State of New Jersey pursuant to N.J.S.A. 40A:5A-15; and

WHEREAS, N.J.S.A. 40A:5A-17, requires the governing body of each authority to, within 45 days of receipt of the annual audit, certify by Resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board; and

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit entitled "General Comments" and "Recommendations", in accordance with N.J.S.A. 40A:5A-17:

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Berkeley Township Municipal Utilities Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended December 31, 2017, and specifically has reviewed the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this Resolution.

IT IS HEREBY CERTIFIED THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON MAY 15, 2018.



Edward F. Cammarato, Authority Secretary

5/30/18
Date

Prepared by:

BERRY, SAHRADNIK, KOTZAS & BENSON
212 Hooper Avenue
P.O. Box 757
Toms River, New Jersey 08753

LOCAL AUTHORITIES GROUP AFFIDAVIT FORM

PRESCRIBED BY THE NEW JERSEY LOCAL FINANCE BOARD

AUDIT REVIEW CERTIFICATE

We, the members of the governing body of the Berkeley Township Municipal Utilities Authority, being of full age and being duly sworn according to law, upon our oath depose and say:

1. We are duly appointed members of the Berkeley Township Municipal Utilities Authority.
2. We certify, pursuant to N.J.S.A. 40A:5A-17, that we have each reviewed the annual audit report for the fiscal year ended December 31, 2017, and specifically the sections of the audit report entitled "General Comments" and "Recommendations".

PRINT NAME

SIGNATURE

Michael W. Hale, Chairman

Karen Davis, Vice Chairwoman

Edward F. Cammarato, Secretary

Samuel J. Cammarato, Treasurer

Lloyd G. Mullikin, Commissioner

Richard W. Elliott, Jr.,
Alternate Commissioner #1

Jerome F. Bollettieri,
Alternate Commissioner #2

Michael W. Hale
Karen Davis
E.F. Cammarato
S. Cammarato
Lloyd G. Mullikin
R.W. Elliott, Jr.
Jerome F. Bollettieri

Sworn to and subscribed before me
this 31st day of May, 2018.

Michele Nugent
Notary Public of New Jersey
MICHELE R. NUGENT
NOTARY PUBLIC OF NEW JERSEY
ID # 50034310
My Commission Expires 3/11/2021