

RESOLUTION: 0051-2023

RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,150,000 PRINCIPAL AMOUNT OF PROJECT NOTES RELATING TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK AND DETERMINING VARIOUS MATTERS PERTAINING THERETO

ADOPTED: SEPTEMBER 28, 2023

WHEREAS, the Berkeley Township Municipal Utilities Authority (the “Authority”) is a public body corporate and politic organized and existing under the laws of the State of New Jersey pursuant to the Municipal and County Utilities Authorities Law, Chapter 183 of the Laws of 1957 of the State of New Jersey, as amended and supplemented (the “Act”), and was created by virtue of an ordinance, number 88-4-OAB, of the Township Council of the Township of Berkeley, in the County of Ocean, New Jersey (the “Township”) finally adopted on January 18, 1988; and

WHEREAS, the Authority was formed to undertake water system projects for and on behalf of the Township; and

WHEREAS, the Authority has on July 22, 1993 adopted its resolution entitled “Resolution Authorizing the Issuance of Water Revenue Bonds of the Berkeley Township Municipal Utilities Authority”, as amended and supplemented (the “General Bond Resolution”) providing for, among other things, the acquisition or construction of part or parts of the Water System (as defined therein) and the issuance of obligations to provide for the costs therefor; and

WHEREAS, the Authority has determined to undertake an additional project consisting of the rehabilitation and repainting of the 1.0 MG Hydropillar Northern Boulevard Water Storage Tank, including the replacement of the interior and exterior tank coatings, improvements to the existing tank accessories including ladder and vents, and cathodic protection system, corresponding to New Jersey Infrastructure Bank Project No. 1505323-001, all as more particularly described in plans which are on file in the offices of the Authority, together with all costs thereof as are permitted under the Act, including without limitation the costs of issuance of any obligations of the Authority, capitalized interest, engineering and inspection costs and legal expenses and the cost of financial, professional and other estimates and services (collectively, the “Northern Boulevard Water Tower Project”); and

WHEREAS, the Northern Boulevard Water Tower Project is expected to be financed by the New Jersey Infrastructure Bank (the “I-Bank”) and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the “State”); and

WHEREAS, the Authority expects to permanently finance all or a portion of the cost of the Northern Boulevard Water Tower Project through the issuance of subordinate bonds to the I-

Bank and the State pursuant to the I-Bank's construction financing program (the "Construction Financing Program"); and

WHEREAS, in anticipation of the issuance of such subordinate bonds, the Authority has determined to issue project notes to temporarily finance all or a portion of the cost of the Northern Boulevard Water Tower Project; and

WHEREAS, such project notes shall constitute subordinate debt within the definition thereof contained in the General Bond Resolution and shall be payable from amounts which may be withdrawn from the General Fund created under the General Bond Resolution in accordance with Sections 511 and 618 of the General Bond Resolution; and

WHEREAS, the Act and N.J.S.A. 58:11B-9 each allow for the sale of the project notes to the I-Bank, without any public offering, all pursuant to the terms and conditions set forth therein; and

WHEREAS, inasmuch as the project notes are to be issued through the New Jersey Infrastructure Bank Program, neither findings nor approval is required of the State of New Jersey, Department of Community Affairs, Division of Local Government Services, Local Finance Board; however, approval of the Director of the Division of Local Government Services is required prior to issuance of such project notes; and

WHEREAS, the Northern Boulevard Water Tower Project is included within the definitions of the "Project" and the "System" as contained in the 1989 Service Contract dated February 15, 1990 (the "Service Contract"), between the Authority and the Township; and

WHEREAS, under the terms of the Service Contract, the Township, under certain circumstances, is obligated to pay certain Annual Charges (defined therein) to the Authority in connection with the sale and supplying of water at reasonable rates of service charges, such Annual Charges to include amounts sufficient to provide for the payment of principal of and interest on the said subordinate bonds to the extent the Authority does not have sufficient funds for the payment thereof; and

WHEREAS, any Annual Charges payable by the Township pursuant to the Service Contract constitute direct and general obligations of the Township, for which the Township has the power to levy ad valorem taxes upon all taxable property therein, without limitation as to rate or amount; and

WHEREAS, the Authority now desires to authorize the issuance of the aforementioned project notes in accordance with Section 26 of the Act;

NOW THEREFORE, BE IT RESOLVED BY THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, as follows:

Section 1. The Authority hereby determines to undertake the construction of the Northern Boulevard Water Tower Project, which has an estimated total cost of \$2,150,000. In

accordance with the Act and N.J.S.A. 58:11B-9, in order to provide funds with which to provide for the temporary financing of the costs of Northern Boulevard Water Tower Project and in anticipation of the application of the proceeds of the issuance and sale of permanent bonds of the Authority to be issued for such purpose, the Authority hereby determines to borrow a sum not to exceed Two Million One Hundred Fifty Thousand Dollars (\$2,150,000) and to issue its negotiable notes, in one or more series, in the aggregate principal amount not exceeding said sum (collectively, the "Notes"). The obligation represented by the Notes is authorized by this Note Resolution, the Act and other applicable law. This resolution (the "Note Resolution") constitutes a "bond resolution" adopted pursuant to N.J.S.A. 40:14B-25.

Section 2. Each such Note shall be designated "Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank," and shall contain such other or additional designation as may be determined by the Executive Director of the Authority (the "Executive Director"). Said Notes may be sold at one time or in blocks from time to time as may be determined by the Executive Director. The Executive Director is hereby authorized to determine pursuant to the terms and conditions of this Note Resolution (i) the final principal amount of the Notes (subject to the maximum limitation set forth in Section 3(a) hereof) and (ii) the dated date of the Notes. Any determination made by the Executive Director pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Notes by the parties authorized pursuant to Section 4 hereof.

Section 3. The Authority hereby determines that certain terms of the Notes shall be as follows:

- (a) The principal amount of the Notes to be issued shall be an amount up to \$2,150,000;
- (b) The maturity date of the Notes shall be as determined by the I-Bank, but shall not be later than June 30, 2027, or such earlier or later date as provided in the Notes;
- (c) The interest rate of the Notes shall be as determined by the I-Bank;
- (d) The purchase price for the Notes shall be par;
- (e) The Notes shall be subject to prepayment prior to their stated maturity in accordance with the terms and conditions of the Notes;
- (f) The Notes shall be issued in a single denomination and shall be numbered "NJWB-CFP-202_-1" (inserting the year of issuance, together with any additional identifying letter or number, if desired); and
- (g) The Notes shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America.

Section 4. The Notes shall be signed in the name of the Authority by the manual or facsimile signature of the Chairman or Vice Chairman of the Authority and shall have the seal of the Authority (or a facsimile thereof) impressed, imprinted or otherwise reproduced thereon and attested by the manual signature of the Secretary or any Assistant Secretary of the Authority.

Section 5. The Notes shall be issued in substantially the form of the Note attached hereto as Exhibit A with such changes therein or variations thereof as the Chairman, Vice Chairman or Executive Director (each, an "Authorized Officer"), in consultation with bond counsel to the Authority ("Bond Counsel"), may deem necessary and advisable. The law firm of Dilworth Paxson LLP is hereby authorized to arrange for the printing of the Notes, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

Section 6. The Notes, as subordinated indebtedness under the General Bond Resolution, shall be special and limited obligations of the Authority, payable from amounts that may be withdrawn from the Authority's General Fund pursuant to Paragraph (2) of Section 511 of the General Bond Resolution. The pledge of amounts that may be withdrawn from the General Fund as aforesaid is and shall be in all respects subordinate to the provisions of the General Bond Resolution and the lien and pledge created by the General Bond Resolution in favor of the bonds issued and to be issued thereunder, and is subject to any agreements the Authority has with holders of any particular notes, bonds or other obligations heretofore issued and pledging specific revenues for the payment thereof. The Authority hereby assigns and pledges for the benefit of the owners from time to time of the Notes all of its rights under the provisions of the Service Contract to receive payments from the Township in respect of said Notes. In addition, without limiting the foregoing obligation, for the punctual payment of the principal of and interest on the Notes, the Authority hereby expressly and irrevocably promises to pay such sums received from the sale of any long-term bonds or other obligations to be issued by the Authority to permanently finance the Northern Boulevard Water Tower Project, as shall be sufficient to pay the principal of and interest on the Notes.

Section 7. The Authority hereby appoints TD Bank, National Association, Cherry Hill, New Jersey, as the trustee, paying agent and registrar for the Notes (the "Paying Agent"). The proceeds derived from the sale of the Notes shall be deposited with and held by the Paying Agent in an account or subaccount herein created and established with the Paying Agent (the "Project Note Account"). Monies so deposited in said Project Note Account shall be used and applied solely for the purpose of (i) paying the costs of the Project (including reimbursement to the Authority for costs previously paid by the Authority) and (ii) paying the costs of issuance of the Notes. Monies shall be withdrawn from the Project Note Account from time to time for any of such purposes upon checks, drafts or orders for payments therefrom, signed by an Authorized Officer.

Pending the application of the monies deposited in the Project Note Account to fund the Project, to the extent any funds are advanced prior to payment, such monies shall be held or invested by the Paying Agent on behalf of the Authority, to the extent permitted by law, in (i) direct obligations of the United States of America or the State of New Jersey, or obligations the principal of and interest on which are guaranteed by the United States of America or agencies of the United States of America or (ii) a deposit account, provided further that such deposit account shall permit

the monies so placed to be available for use at the times provided with respect to the investment or reinvestment of such monies; and provided further that all monies in such deposit account shall, except to the extent of federal deposit insurance, be continuously and fully secured in accordance with the Governmental Unit Deposit Protection Act, N.J.S.A. 17:9-48 et seq. The monies in the Project Note Account to be so invested, and the maturity date or dates, or date or dates of redemption at the option of the holders of such obligations, shall be such as an Authorized Officer shall direct the Paying Agent in writing.

On the business day immediately preceding the maturity date of any Note, and unless payment thereof is to be provided from proceeds of a permanent financing (whether through the I-Bank or otherwise), the Authority shall cause to be deposited into the Project Note Account a sum sufficient to pay all principal and interest payable in respect of such Note on such maturity date. The amount so deposited shall be applied to the payment of such principal and interest on such maturity date.

Section 8. With respect to the Notes, the Authority covenants and agrees as follows:

(1) It shall neither take any action nor fail to take any action which, if either taken or not taken, would adversely affect the exclusion of the interest on the Notes from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), or any permanent bonds, as if issued on a tax-exempt basis. To the extent permitted by law, however, nothing contained herein shall prevent the Authority from issuing bonds, the interest on which is not excluded from gross income for federal income tax purposes, provided that such issuance will not adversely affect such exclusion of interest on any Note issued hereunder (as if issued on a tax-exempt basis).

(2) The Authority shall not use or permit the use of any proceeds of the Notes or any other funds of the Authority directly or indirectly, to acquire securities or obligations, and shall not use or permit the use of any amounts received by the Authority in any manner, and shall not permit to be taken any other action or actions, which would cause any Note to be an "arbitrage bond" within the meaning of Section 148 of the Code if the Notes are issued with the expectation that interest will be excludable from gross income. In order to assure compliance with the rebate requirements of Section 148 of the Code, the Authority further covenants that it will establish such accounting procedures as are necessary to adequately determine, account for and pay over any amount or amounts required to be paid to the Treasury Department of the United States in a manner consistent with the requirements of Section 148 of the Code.

(3) The Authority shall not be required to comply with any provision in this Section 8 in the event the Authority receives an opinion of nationally recognized bond counsel (a "Bond Counsel's Opinion") that compliance therewith is not required to maintain the exclusion from gross income for federal income tax purposes of interest on the Notes, or in the event the Authority receives a Bond Counsel's Opinion that compliance with some other requirement in lieu of a requirement specified herein will be sufficient to maintain the exclusion from gross income for federal income tax purposes of interest on the Notes, in which case compliance with such other requirement specified in the Bond Counsel's Opinion shall constitute compliance with the requirement specified in this Section.

Section 9. If the Authority shall pay, or shall deposit in escrow with a bank or trust company, monies or investments in direct obligations of the United States of America, or obligations the principal of and interest on which are guaranteed by the United States of America, the principal of and interest on which when due will provide monies which together with the monies, if any, on deposit in escrow at the same time, shall be sufficient to pay, when due, the principal and interest due and to become due on the Notes on the maturity date thereof, then and in that event, the covenants, agreements and other obligations of the Authority to the holders of the Notes shall be discharged, defeased and satisfied.

Section 10. Nothing contained in the foregoing provisions of this Note Resolution is intended to limit, nor shall be construed as limiting, in any way, the authorization, issuance or securing of any additional notes, bonds or other obligations of the Authority.

Section 11. All covenants, stipulations, promises, agreements and obligations of the Authority contained in this Note Resolution shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the Authority and not of any member, officer or employee of the Authority in his individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Notes or for any claim based thereon or on this Note Resolution against any member, officer or employee of the Authority or any person executing said Notes.

Section 12. The Authorized Officers of the Authority are hereby further authorized to (i) execute and deliver, and the Secretary is hereby further authorized to attest to such execution and to affix the corporate seal of the Authority to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Executive Director or the Secretary, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Authority and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Notes and the participation of the Authority in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, (ii) file a certified copy of this Note Resolution with the Municipal Clerk of the Township in accordance with N.J.S.A. 40:14B-28 and Section 412 of the Service Contract, (iii) publish notice of the adoption of this Note Resolution in accordance with N.J.S.A. 40:14B-28 substantially in the form attached hereto as Exhibit B, and (iv) perform such other actions as the Executive Director and the Secretary deem necessary, desirable or convenient in relation to the execution and delivery of the Notes and the participation of the Authority in the Construction Financing Program. Costs of issuance of the Notes are hereby authorized to be paid in such amounts and to the persons or firms listed on a certificate executed by an Authorized Officer and delivered in connection with the issuance of any Notes.

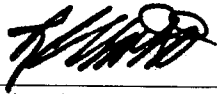
Section 13. Upon the adoption hereof, the Secretary shall forward certified copies of this Note Resolution to Dilworth Paxson LLP, bond counsel to the Authority, and to Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Section 14. Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the General Bond Resolution.

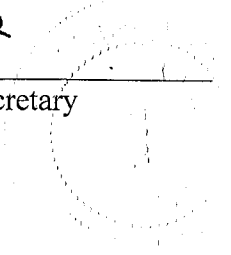
Section 15. This Note Resolution shall take effect immediately.

<u>Commissioner</u>	<u>Recorded Vote</u>			
	<u>AYE</u>	<u>NO</u>	<u>ABST</u>	<u>ABSENT</u>
Michael Hale	X			
Jerome Bollettieri				X
Richard Elliott	X			
Samuel Cammarato	X			
Denise Pellecchia	X			
William McGrath				X
Frederick Bekiarian				X

The foregoing is a true copy of a resolution adopted by the Berkeley Township Municipal Utilities Authority on September 28, 2023.



Richard Elliott, Secretary



RESOLUTION NO. 0052-2022

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$2,150,000
PRINCIPAL AMOUNT OF SUBORDINATED WATER REVENUE
BONDS OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY IN CONNECTION WITH THE NORTHERN BOULEVARD
WATER TOWER PROJECT**

WHEREAS, the Berkeley Township Municipal Utilities Authority (the “Authority”) is a public body corporate and politic organized and existing under the laws of the State of New Jersey pursuant to the Municipal and County Utilities Authorities Law, Chapter 183 of the Laws of 1957 of the State of New Jersey, as amended and supplemented (the “Act”), and was created by virtue of an ordinance, number 88-4-OAB, of the Township Council of the Township of Berkeley, in the County of Ocean, New Jersey (the “Township”) finally adopted on January 18, 1988; and

WHEREAS, the Authority was formed to undertake water system projects for and on behalf of the Township; and

WHEREAS, the Authority has on July 22, 1993 adopted its resolution entitled “Resolution Authorizing the Issuance of Water Revenue Bonds of the Berkeley Township Municipal Utilities Authority”, as amended and supplemented (the “General Bond Resolution”) providing for, among other things, the acquisition or construction of part or parts of the Water System (as defined therein) and the issuance of obligations to provide for the costs therefor; and

WHEREAS, the Authority has determined to undertake an additional project consisting of the rehabilitation and repainting of the 1.0 MG Hydropillar Northern Boulevard Water Storage Tank, including the replacement of the interior and exterior tank coatings, improvements to the existing tank accessories including ladder and vents, and cathodic protection system, corresponding to New Jersey Infrastructure Bank Project No. 1505323-001, all as more particularly described in

plans which are on file in the offices of the Authority, together with all costs thereof as are permitted under the Act, including without limitation the costs of issuance of any obligations of the Authority, capitalized interest, engineering and inspection costs and legal expenses and the cost of financial, professional and other estimates and services (collectively, the “Northern Boulevard Water Tower Project”); and

WHEREAS, the Northern Boulevard Water Tower Project is expected to be financed by the New Jersey Infrastructure Bank (the “I-Bank”) and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the “State”); and

WHEREAS, the Authority expects to temporarily finance all or a portion of the cost of the Northern Boulevard Water Tower Project through the issuance of a project note to the I-Bank pursuant to the I-Bank’s construction financing program (the “Project Note”); and

WHEREAS, the Authority has determined to issue bonds to permanently finance the Northern Boulevard Water Tower Project, including by refinancing the Project Note, as permitted under the General Bond Resolution; and

WHEREAS, such bonds shall constitute subordinate debt within the definition thereof contained in the General Bond Resolution and shall be payable from amounts which may be withdrawn from the General Fund created under the General Bond Resolution in accordance with Sections 511 and 618 of the General Bond Resolution; and

WHEREAS, the Act and N.J.S.A. 58:11B-9 each allow for the sale of the bonds to the I-Bank and the State, without any public offering, all pursuant to the terms and conditions set forth therein; and

WHEREAS, inasmuch as the bonds are to be issued through the New Jersey Infrastructure Bank Program, neither findings nor approval is required of the State of New

Jersey, Department of Community Affairs, Division of Local Government Services, Local Finance Board; however, approval of the Director of the Division of Local Government Services is required prior to issuance of such bonds; and

WHEREAS, the Northern Boulevard Water Tower Project is included within the definitions of the “Project” and the “System” as contained in the 1989 Service Contract dated February 15, 1990 (the “Service Contract”), between the Authority and the Township; and

WHEREAS, under the terms of the Service Contract, the Township, under certain circumstances, is obligated to pay certain Annual Charges (defined therein) to the Authority in connection with the sale and supplying of water at reasonable rates of service charges, such Annual Charges to include amounts sufficient to provide for the payment of principal of and interest on the said subordinate bonds to the extent the Authority does not have sufficient funds for the payment thereof; and

WHEREAS, any Annual Charges payable by the Township pursuant to the Service Contract constitute direct and general obligations of the Township, for which the Township has the power to levy ad valorem taxes upon all taxable property therein, without limitation as to rate or amount; and

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of one or more of the loans, the issuance of the bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the “Escrow Agreement”) to be entered into by and among the I-Bank, the State, the Authority, the escrow agent named therein and TD Bank, National Association, as trustee for the holders of the Bonds (the “Trustee”); and.

WHEREAS, the Authority now desires to authorize the issuance of the aforementioned

bonds in accordance with Section 26 of the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, AS FOLLOWS:

1. This Resolution is a “bond resolution” adopted pursuant to Section 25 of the Act.
2. In accordance with the Act and subject to the limitations regarding subordinate debt set forth in the General Bond Resolution, and for the purposes specified above, two series of bonds of the Authority are hereby authorized to be issued. The first series of bonds (the “Series A Bonds”) shall be distinguished from all other bonds of the Authority by the title “Berkeley Township Municipal Utilities Authority Subordinated Water Revenue Bond, Series 202_A” (with the year of issuance to be inserted). The second series of bonds (the “Series B Bonds”) shall be distinguished from all other bonds of the Authority by the title “Berkeley Township Municipal Utilities Authority Subordinated Water Revenue Bond, Series 202_B” (with the year of issuance to be inserted). The Series A Bonds and the Series B Bonds may be issued in two or more subseries, designated A-1, A-2, etc. and B-1, B-2, etc.
3. The combined aggregate principal amount of the Series A Bonds and the Series B Bonds shall not exceed \$2,150,000 with the specific principal amount of the Series A Bonds and the Series B Bonds (and any subseries) to be determined by the Authority in accordance with the provisions of the hereinafter-defined I-Bank Loan Agreement, with respect to the Series A Bonds, and in accordance with the provisions of the hereinafter-defined Fund Loan Agreement, with respect to the Series B Bonds, such determinations to be made by an Award Certificate of the Executive Director or Chairman (the “Award Certificate”) or a details resolution of the Authority (the “Details Resolution”) to be dated/adopted on or before the date of delivery of each series (or subseries) of Series A Bonds and Series B Bonds to the I-Bank and to the State,

respectively. The Series A Bonds and the Series B Bonds shall mature on such dates in each of the years and in the principal amounts, as shall be determined by the Details Resolution or the Award Certificate, provided the final maturity date shall not be later than 31 years from their date of issue. The Series A Bonds and the Series B Bonds shall bear interest at the rate or rates per annum as shall be determined by the Details Resolution or the Award Certificate. Notwithstanding anything contained in the General Bond Resolution to the contrary, the Series A Bonds and the Series B Bonds shall be issued in the form of one certificate for each series setting forth the required annual or semi-annual installments of principal and interest, if any, payable in each year and shall be in substantially the forms attached hereto as Exhibits A and B, with such insertions, omissions or changes as are necessary or desirable. The Series A Bonds and the Series B Bonds each shall be dated their date of issuance, or such other date as may be determined by the Details Resolution or the Award Certificate. Principal on the Series A Bonds and the Series B Bonds shall be payable on February 1 and/or August 1 in each year until maturity, or on such other date or dates as may be determined by the Details Resolution or Award Certificate, commencing on such date or dates as may be determined by the Details Resolution or the Award Certificate. Interest payable on the Series A Bonds (and, if applicable, the Series B Bonds) shall be payable on February 1 and August 1 in each year until maturity, commencing on such other date or dates as may be determined by the Details Resolution or the Award Certificate, commencing on such date or dates as may be determined by the Details Resolution or the Award Certificate.

4. By separate resolution(s) of the Authority adopted prior to the issuance of the Series A Bonds and the Series B Bonds, the Authority will approve the substance and form of (i) one or more Loan Agreements between the Authority and the I-Bank (collectively, the "I-Bank

Loan Agreement”), (ii) one or more Loan Agreements between the Authority and the State (collectively, the “State Loan Agreement” and, together with the I-Bank Loan Agreement the “Loan Agreements”), (iii) one or more Escrow Agreements by and among the Authority, the hereinafter-defined Trustee, the I-Bank, the I-Bank’s Trustee (as defined therein), the State and the escrow agent named therein, and (iv) if applicable, one or more Continuing Disclosure Agreements by and among the Authority and the other party or parties referenced therein.

5. The Series A Bonds and the Series B Bonds shall be subject to redemption prior to maturity by or on behalf of the Authority in accordance with the terms and provisions set forth in the respective Loan Agreements and in accordance with the terms of the General Bond Resolution.

6. The Series A Bonds and the Series B Bonds shall be executed with the manual or facsimile signature of the Chairman or Vice-Chairman of the Authority and shall have imprinted thereon or affixed thereto a facsimile or impression of the seal of the Authority, attested with the manual or facsimile signature of the Secretary of the Authority. No Series A Bond or Series B Bond shall be valid or binding until it has been authenticated by a manual signature of an officer of TD Bank, National Association (the “Trustee”).

7. The principal of and interest, if any, on the Series A Bonds and the Series B Bonds shall be payable at the office of TD Bank, National Association, as Trustee, or at the principal corporate trust office of any successor Trustee appointed by the Authority. Principal and interest, if any, shall be payable by check or draft, all in the manner set forth in the Loan Agreements, in such coin or currency as at the respective times of payment shall constitute legal tender for the payment of public and private debts.

8. The Trustee, paying agent and the registrar for the Series A Bonds and the Series

B Bonds shall be TD Bank, National Association, Cherry Hill, New Jersey. The Trustee, as registrar, shall maintain registration books for the registration and transfer of the registered Series A Bonds and Series B Bonds. The Trustee is authorized, and is hereby requested, upon written order of any Designated Officer, to authenticate the Series A Bonds and the Series B Bonds and deliver them to the I-Bank and the State, respectively. "Designated Officer" means any person who is the Chairman, Vice Chairman, Executive Director, Secretary or Treasurer of the Authority.

9. The Series A Bonds and the Series B Bonds, as subordinated indebtedness under the General Bond Resolution, shall be special and limited obligations of the Authority, payable from amounts that may be withdrawn from the Authority's General Fund pursuant to Paragraph (2) of Section 511 of the General Bond Resolution. The pledge of amounts that may be withdrawn from the General Fund as aforesaid is and shall be in all respects subordinate to the provisions of the General Bond Resolution and the lien and pledge created by the General Bond Resolution in favor of the bonds issued and to be issued thereunder, and is subject to any agreements the Authority has with holders of any particular notes, bonds or other obligations heretofore issued and pledging specific revenues for the payment thereof. The Authority hereby assigns and pledges for the benefit of the owners from time to time of the Series A Bonds and the Series B Bonds all of its rights under the provisions of the Service Contract to receive payments from the Township in respect of said Series A Bonds and Series B Bonds.

10. The Series A Bonds shall be sold by private sale to the I-Bank, upon such terms as shall be agreed upon by the Authority and the I-Bank and set forth in the Details Resolution or Award Certificate. The Series B Bonds shall be sold by private sale to the State, upon such terms as shall be agreed upon by the Authority and the State and set forth in the Details

Resolution or the Award Certificate.

11. The proceeds of the Series A Bonds and the Series B Bonds shall be used to permanently finance the costs of the Northern Boulevard Water Tower Project, including by refinancing the Project Notes. Any Designated Officer is hereby authorized and directed to pay or cause to be paid all of the approved costs associated with the issuance and sale of the Series A Bonds and the Series B Bonds.

12. The Authority hereby covenants with the holders from time to time of the Series A Bonds and the Series B Bonds (if applicable) that it will make no investment or use of the proceeds of the Series A Bonds or the Series B Bonds (if applicable) or take any other action which would cause the Series A Bonds or the Series B Bonds (if applicable) to be “arbitrage bonds” or “private activity bonds” within the meaning of the Internal Revenue Code of 1986, as amended, or under any similar statutory provision or any rule or regulation promulgated thereunder (the “Code”), or would cause interest on the Series A Bonds or the Series B Bonds (if applicable) not to be excludable from gross income for federal income tax purposes, and that it will do and perform all acts and things necessary or desirable to assure that interest paid, if any, on the Series A Bonds or the Series B Bonds (if applicable) is excludable from gross income under the provisions of the Code, as if such bonds were issued as tax-exempt bonds.

Any Designated Officer of the Authority is hereby authorized to establish with the Trustee a Rebate Account (the “Rebate Account”) and provide for the deposit therein, for delivery to the United States Treasury, of “excess investment earnings,” as may from time to time be required by Section 148 of the Code.

13. The Authority hereby covenants to charge sufficient rates so that all debt service on the Series A Bonds and the Series B Bonds can be timely paid. The Authority shall include

such debt service for purposes of applying its rate covenant under Section 614 of the General Bond Resolution.

14. The Authority hereby covenants that it shall plan, shall schedule and shall prosecute all construction on or about the Water System (as defined in the General Bond Resolution) and shall operate and shall maintain the Water System so as to entitle it at all times to make, to impose and to collect Annual Charges (as defined in the General Bond Resolution) pursuant to the Service Contract, to fix, to charge and to collect Service Charges (as defined in the General Bond Resolution) in accordance with the Act and to charge and to collect Revenues (as defined in the General Bond Resolution) with respect to the Water System. The Authority shall not release or modify the obligations of the Township under the Service Contract that would in any way affect the Township's obligation to make payments thereunder. The Authority shall take all reasonable measures permitted by the Act, the Service Contract or otherwise by law to enforce prompt payment to it of all Annual Charges, Service Charges and Revenues and shall at all times to the extent permitted by the Act or otherwise by law defend, enforce, preserve and protect the rights, the benefits and the privileges of the Authority and of the holders of the Series A Bonds and the Series B Bonds under or with respect to the Service Contract.

15. As provided in Section 30 of the Act, this Resolution and the Act as in force from time to time shall constitute a contract between the Authority and the holders of the Series A Bonds and the Series B Bonds. This Resolution may be modified: (i) without the consent of said holders insofar as any such modification does not adversely affect their rights as such; (ii) without the need for further formal action of the Authority, solely for amendments which (a) are required by Bond Counsel; (b) do not materially affect the obligations of the Authority; (c) are ministerial or technical in nature, and (d) are, generally, of a nature, and relate to matters

customarily and appropriately approved and administered by any Designated Officer of the Authority (as conclusively established by the inclusion of such modifications in the printed copy of this Resolution delivered to the purchaser at closing on the sale of the Series A Bonds and the Series B Bonds); and (iii) in all other respects, with the consent of the holders of no less than fifty-one percent (51%) in principal amount of the Series A Bonds and the Series B Bonds affected thereby; provided, however, that no such modification may be made which would reduce such percentage required for consent, or affect the rights of the holders of less than all of the outstanding Series A Bonds and Series B Bonds, or affect the terms of payment of the principal of and interest on the Series A Bonds and the Series B Bonds without the consent of the holders of all said Series A Bonds and Series B Bonds.

16. The Trustee, upon receipt of any notice, resolution, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Resolution, shall examine such instrument to determine whether it conforms to the requirements of this Resolution and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. The Trustee may consult with counsel, who may or may not be counsel to the Authority, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Resolution in good faith and in accordance herewith.

Whenever the Trustee shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action under this Resolution, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certificate of a Designated Officer of the Authority, and such certificate shall be full warrant for any action taken or suffered in good faith under the

provisions of this Resolution upon the faith thereof; but in its discretion the Trustee may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as to it may deem reasonable.

Except as otherwise expressly provided in this Resolution, any request, order, notice or other direction required or permitted to be furnished pursuant to any provision hereof by the Authority to the Trustee shall be sufficiently executed if executed in the name of the Authority by a Designated Officer of the Authority.

The Trustee may at any time resign and be discharged of the duties and obligations created by this Resolution by giving not less than 60 days written notice to the Authority of the date it desires to resign, and mailing notice thereof, first class postage prepaid, to the registered owners of the Series A Bonds and Series B Bonds at their last addresses, if any, appearing upon the registry books; provided, such resignation shall not become effective until a successor Trustee shall have been appointed by the Authority and shall have accepted such appointment.

17. The Secretary of the Authority is hereby authorized and directed to cause copies of this Resolution (together with such additional information as may be required) to be filed, promptly following the delivery of the Series A Bonds and the Series B Bonds, with (i) the Clerk of the Township, as provided by Section 412 of the Service Contract, and (ii) the Director of the Division of Local Government Services (State of New Jersey, Department of Community Affairs), as provided by Section 67 of the Act.

18. All prior resolutions or parts thereof, insofar as they are inconsistent herewith, are hereby rescinded; provided, however, that this resolution shall not rescind, or be deemed to rescind, the General Bond Resolution or any part thereof.

19. Any determination that one or more of the provisions of this Resolution is invalid

shall not affect the validity of the remaining portions of this Resolution, which shall continue in full force and effect.

20. The Secretary of the Authority is hereby authorized, empowered and directed to cause copies of this Resolution to be filed for public inspection in the office of the Township Clerk of the Township, at the Town Hall in said Township, and in the office of the Authority.

21. No recourse shall be had for the payment of the principal of or the interest on the Series A Bonds and the Series B Bonds or for any claim based thereon or on this Resolution or the General Bond Resolution against any member or other officer of the Authority or any person executing the Series A Bonds and the Series B Bonds. The Series A Bonds and the Series B Bonds are not and shall not be in any way a debt or liability of the State of New Jersey or of any county or municipality thereof and do not and shall not create or constitute any indebtedness, liability or obligation of said State or of any county or municipality, either legal, moral or otherwise.

22. Said Secretary is hereby authorized, empowered and directed to file a copy of this Resolution with the clerk of the Township and to cause to be published in the “Asbury Park Press”, a legally qualified public newspaper circulating in the district of said Authority, a notice in substantially the following form:

BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
NOTICE OF ADOPTION OF BOND RESOLUTION

PUBLIC NOTICE is hereby given by the Berkeley Township Municipal Utilities Authority that a resolution entitled “RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$2,150,000 PRINCIPAL AMOUNT OF SUBORDINATED WATER REVENUE BONDS OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY IN CONNECTION WITH THE NORTHERN BOULEVARD WATER TOWER PROJECT” (the “Bond Resolution”) was adopted by said Authority on September 28, 2023. Copies of said Bond Resolution have been filed and are available for public inspection in the office of the Municipal Clerk of the Township of Berkeley, in the County of Ocean, New Jersey, in the Town Hall, 627 Pinewald-Keswick Road, Bayville, New Jersey 08721, and in the office of the Secretary of the

Berkeley Township Municipal Utilities Authority, 42 Station Road, Bayville, New Jersey 08721.

Any action or proceeding of any kind or nature in any court questioning the validity of the creation or establishment of the Berkeley Township Municipal Utilities Authority, or the validity or proper authorization of the bonds provided for by the Bond Resolution, or the validity of any covenants, agreements or contracts provided for by the Bond Resolution, must be commenced within twenty (20) days after the first publication of this notice. This notice is published pursuant to N.J.S.A. 40:14B-28.

BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

Michele Nugent, Executive Director

Date of Publication: October 5, 2023

23. All actions which have been taken prior to the date hereof by the officers, employees, and agents of the Authority with respect to the sale of the Series A Bonds and the Series B Bonds are hereby approved, ratified, adopted and confirmed. The Chairman and any other officer of the Authority, and the staff and consultants of the Authority are hereby authorized and directed to take all actions and execute any other agreement which may be necessary or convenient to effectuate the terms of the Resolution in connection with the issuance, sale and delivery of the Series A Bonds and the Series B Bonds.

24. This Resolution shall become effective immediately.

CERTIFICATE

The undersigned Secretary of Berkeley Township Municipal Utilities Authority, a public body corporate and politic of the State of New Jersey, HEREBY CERTIFIES that the foregoing resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$2,150,000 PRINCIPAL AMOUNT OF SUBORDINATED WATER REVENUE BONDS OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY IN CONNECTION WITH THE NORTHERN BOULEVARD WATER TOWER PROJECT" is a true copy of an original resolution which was duly adopted by said Authority at a meeting thereof which was duly called and held on September 28, 2023 and at which meeting quorum were present and acted throughout, and that said copy has been compared by me with the original resolution recorded in the records of the Authority and that it is a correct transcript thereof and of the whole of said resolution, and that said original resolution has not been altered, amended or repealed and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this 28th day of September, 2023.

[SEAL}



By: _____
Richard Elliott, Secretary

RESOLUTION NO. 0053 - 2023

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ
AWARDING A CONTRACT FOR NORTHERN BOULEVARD
WATER STORAGE TANK REHABILITATION PROJECT TO
UNITED PAINTERS, INC., OF FLEMINGTON, NJ**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has solicited bids for the rehabilitation of the Authority’s water storage tank located at 560 Northern Boulevard in the Bayville section of the Township of Berkeley, County of Ocean, State of New Jersey; and

WHEREAS, sealed bids were received and opened by the Authority on August 29, 2023 for the Northern Boulevard Water Storage Tank Rehabilitation Project; and

WHEREAS, the Authority Engineer and the Authority Attorney have reviewed and evaluated the bids and bid documents submitted; and

WHEREAS, the Authority has reviewed the recommendations made by the Authority Engineer and the Authority Attorney on said bids; and

NOW THEREFORE BE IT RESOLVED this 28th day of September, 2023, by the Berkeley Township Municipal Utilities Authority as follows:

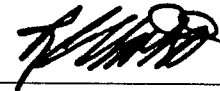
1. The bid for the Northern Boulevard Water Storage Tank Rehabilitation Project is hereby awarded to United Painters, Inc., on its bid of \$1,151,380.00 contingent upon the final review and approval of the NJDEP Program. .
2. The Authority hereby authorizes and directs the Chairperson, Secretary and Executive Director 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:

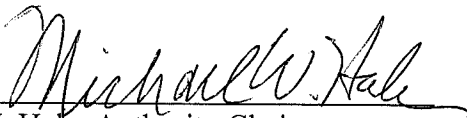
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. United Painters, Inc.; and
- d. Berry, Sahradnik, Kotzas & Benson.

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 28th day of September, 2023, a quorum being present and voting in the majority.



Richard W. Elliott, 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. 0054 - 2023

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ
AWARDING A 5-YEAR LEASE AGREEMENT, WITH OPTIONS,
FOR THE PLACEMENT OF CELLULAR ANTENNAS TO DISH WIRELESS, LLC**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has solicited bids for the lease of space for the construction and maintenance of wireless antennas and communications shelters for the Authority’s water tower located at 560 Northern Boulevard in the Bayville section of the Township of Berkeley, County of Ocean, State of New Jersey; and

WHEREAS, the bids have been solicited by the Authority in conformance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.S.A. 40A:12-13 et seq.; and

WHEREAS, the bid specifications provide, in part, for a 5-year lease agreement, with four (4) 5-year options; and

WHEREAS, the sole bid received by the Authority is from Dish Wireless, LLC, for a five (5) year term with an initial annual rent of \$45,000.00; and

WHEREAS, the initial annual rent will be increased annually at three (3%) percent; and

WHEREAS, the same terms of rent adjustment shall serve to govern the exercise of any options by Dish Wireless, LLC; and

WHEREAS, the Authority finds that the bid submitted is acceptable and in compliance with the Authority’s budgetary constraints;

NOW THEREFORE BE IT RESOLVED this 28th day of September, 2023, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Authority accepts the recommendation of the Authority Solicitor and Cellular Antenna Consultant and awards the bid for this lease agreement to the sole bidder, Dish Wireless, LLC. A copy of the full bid specifications and the bid submission are on file at the office of the Authority and can be reviewed during normal business hours.
2. The Authority hereby authorizes and directs the Chairperson, Secretary and Executive Director 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:

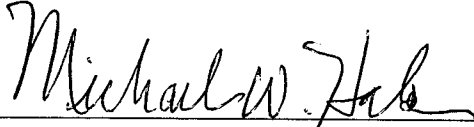
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. Dish Wireless, LLC;
- d. FSD Enterprises; and
- e. Berry, Sahradnik, Kotzas & Benson.

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 28th day of September, 2023, a quorum being present and voting in the majority.



Richard W. Elliott, 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. 0055 - 2023

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ
AUTHORIZING CONNECTION TO AN EXISTING WATER LINE
FOR AN AUXILIARY STRUCTURE BY THE
CENTRAL REGIONAL SCHOOL DISTRICT**

WHEREAS, the Central Regional School District (hereinafter referred to as “CRSD”) has applied to the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) to connect an auxiliary structure located at 507 Forest Hills Parkway to the public water system which structure will be used as an ancillary classroom for students; and

WHEREAS, the Authority has a service connection on this property and currently provides public water to the main building for which the CRSD paid a connection fee of \$1,100.00 in 2011; and

WHEREAS, CRSD has provided plans to connect the auxiliary structure to the public water system by use of the current service line already installed and add a separate 5/8th water meter inside the auxiliary building to provide separate water metering and separate billing; and

WHEREAS, the Authority has reviewed the proposed plan and finds the plan acceptable and in general compliance with the Authority’s Rules and Regulations; and

WHEREAS, the Authority wishes to support the CRSD with this expansion project and grant an allowance to honor the 2011 connection fee schedule which was in effect when the original building was connected to the Authority’s system:

NOW THEREFORE BE IT RESOLVED this 28th day of September, 2023, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Authority agrees to allow the separate structure on the referenced lot to connect to the public water system. The separate connection will tap off the original service line into the new structure and be metered and billed separately in conformity with current user fees.
2. The connection fee will be the same as required in 2011 or \$1,100.00 since the CRSD is a public entity providing for the education of Berkeley Township children.
3. The Authority will additionally require reimbursement of \$180.00 which represents the cost of the additional 5/8th water meter for this structure.
4. The CRSD shall at its own cost install the new service in accord with plans approved by the Authority.
5. The service and usage fees for the new account will be billed quarterly to CRSD in conformity to the Authority's user fee schedule.
6. The Authority hereby authorizes and directs the Chairperson, Secretary and Executive Director 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. Central Regional School District; 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 28th day of September, 2023, a quorum being present and voting in the majority.



Michael W. Hale, Authority Chairperson



Richard W. Elliott, Authority Secretary

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

RESOLUTION NO. 0056 - 2023

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ,
ADOPTING A NEW DENTAL PLAN**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) currently provides dental coverage for its employees through a plan known as Horizon Alternate Dental Plan #1; and

WHEREAS, after reviewing available plans, it is deemed to be in the best interests of the Authority and its employees to enroll in a new dental plan;

NOW THEREFORE BE IT RESOLVED this 28th day of September, 2023, by the Berkeley Township Municipal Utilities Authority as follows:

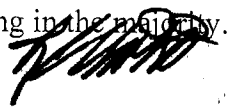
1. As of October 1, 2023, the Authority shall provide to its employees the coverage known as “Delta Dental PPO Plus Premier / Advantage Program”.
2. Said plan provides the same plan coverage with an annual maximum of coverage of \$1,500.00 and a carryover max benefit of \$500.
3. The Authority hereby authorizes and directs the Chairperson, Secretary and Executive Director 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:

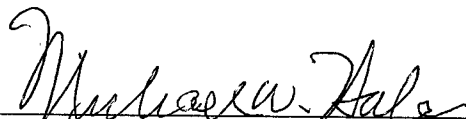
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley; and
- c. Berry, Sahradnik, Kotzas & Benson.

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 28th day of September, 2023, a quorum being present and voting in the majority.



Richard W. Elliott, 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. 0057 -2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE HIRING OF AN EMPLOYEE
AS A UTILITY WORKER**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) is in need of hiring an employee as a utility worker due to the workload of the Authority; and

NOW, THEREFORE, BE IT RESOLVED, this 28th day of September, 2023, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:


1. That the Authority hereby authorizes the employment of Jeremiah Vespoli as a utility worker on a full time permanent basis at the rate of \$16.00 per hour effective October 10, 2023.
2. Jeremiah Vespoli will be eligible to receive all full time benefits in accord with the rules and regulations of the Authority.
3. The Executive Director shall provide a performance evaluation to the Personnel Committee on or about the completion of Jeremiah Vespoli’s three month probationary period. If the Personnel Committee receives a favorable evaluation regarding the progress of Jeremiah Vespoli, the Authority authorizes a \$0.50 per hour increase be granted to \$16.50 per hour.
4. The Authority hereby authorizes and directs the Chairperson, Secretary and Executive Director 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; and
- c. 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 28th day of September, 2023, a quorum being present and voting in the majority.



Richard W. Elliott, Jr., 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