

OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY

RESOLUTION NO. M-8-12

SEWER DIVISION

RESOLUTION

WHEREAS, there exists a need to acquire property for the Crossroads Regional Sewer Line; and

WHEREAS, the Authority needs to acquire both temporary and permanent easements from Tara Realty, LLC across Lots 2 and 3 in Block 16001; and

WHEREAS, DeRosa Appraisal Services, LLC has prepared an appraisal of the easements and determined the fair market value for Block 16001, Lot 2 to be \$9000.00 for the Permanent Easement and \$650.00 for the Temporary Construction Easement; and for Block 16001, Lot 3 to be \$14,000.00 for the Permanent Easement and \$1,100.00 for the Temporary Easement; and

WHEREAS, funds are available.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Old Bridge Municipal Utilities Authority that General Counsel proceed to acquire the property based on the Appraisal and if the property owner does not accept the offer, to then proceed with condemnation proceedings to acquire the property.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Guy Donatelli, Executive Director, Michael Roy, P.E., Staff Engineer and Stephen Florek, Comptroller.


Kiran Desai, Secretary

Motion by: Edward Testino
Second by: Rocco Donatelli
Ayes: Desai, Donatelli, Greene, Testino, Galante
Nays: None
Absent: None
Abstained: None
Dated: February 15, 2012

OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY

RESOLUTION NO. M-7-12

WATER DIVISION

RESOLUTION

WHEREAS, the Old Bridge Municipal Utilities Authority (OBMUA) has authorized the advertisement of bids for the Redevelop of Well No. 1, Contract No. W11-156; and

WHEREAS, the OBMUA received four (4) bids which were opened on February 7, 2012, and reviewed by the OBMUA Staff Engineer and its General Counsel; and

WHEREAS, the apparent low bidder, Steffen Drilling, LLC, Glassboro, New Jersey, has submitted a bid for \$32,600.00.

BE IT FURTHER RESOLVED that Contract No. W11-156, Redevelop of Well No. 1 is hereby awarded to Steffen Drilling, LLC., 100 S. Delsea Drive, Glassboro, New Jersey, 08028, in the bid amount of \$32,600.00 subject to the Contractor complying with all conditions of the bid documents and guarantees.

BE IT FURTHER RESOLVED that a copy of this Resolution be forward to Guy Donatelli, Executive Director, Michael Roy, Staff Engineer, Stephen Florek, Comptroller, and Steffen Drilling LLC., Glassboro, New Jersey.



Kiran Desai, Secretary

Motion by: Kiran R. Desai
Second by: Richard Greene
Ayes: Desai, Donatelli, Greene, Testino, Galante
Nays: None
Abstain: None
Absent: None
Dated: February 15, 2012

OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY

RESOLUTION OF THE OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY AUTHORIZING THE EXECUTION AND DELIVERY OF THE TWENTIETH SUPPLEMENTAL INDENTURE, LOAN AGREEMENTS AND ESCROW AGREEMENTS TO BE ENTERED INTO WITH THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND WITH THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, ALL PURSUANT TO THE FISCAL YEAR 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Old Bridge Municipal Utilities Authority (the “Authority”) has been duly created by an ordinance duly adopted by the Township Council of the Township of Old Bridge, in the County of Middlesex, New Jersey (the “Township”) as a public body politic and corporate of the State of New Jersey (the “State”) pursuant to and in accordance with the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957 of the State, and the acts amendatory thereof and supplemental thereto (the “Act”); and

WHEREAS, pursuant to the Act the Authority has heretofore entered into an Indenture of Trust, dated as of August 1, 1986, as amended and supplemented (collectively, the “Indenture”), with Amboy Bank (formerly known as Amboy National Bank), as Trustee (the “Trustee”), pursuant to which the Authority has issued from time to time various series of bonds in furtherance of its corporate purposes; and

WHEREAS, pursuant to the Act the Authority has heretofore entered into a Service Agreement, dated as of July 1, 1986, as amended (the “Service Agreement”), with the Township, pursuant to which the Township has agreed to make certain payments from time to time in support of the Authority’s bonds; and

WHEREAS, the Authority has previously determined that there exists a need within the service area of the Authority to acquire, construct, renovate and/or install projects relating to the Authority’s Sewer System and Water System (as defined in the Indenture) consisting of (i) construction of 9,500 LF of PVC pipe to connect to the Authority’s existing sanitary sewer system on Spring Valley Road to service the Crossroads Area of Old Bridge Township (the “Crossroads Project”); (ii) construction of a sewer pump station to allow for the abandonment of an existing 8 inch gravity sewer within an existing easement that contains unstable slopes (the “Summerfield Gravity Sewer Replacement”) and (iii) installation of equipment within the thirty five sanitary sewer pump stations to allow for supervisory control and data acquisition (SCADA) of all the pump stations within the entire Old Bridge Municipal Utility Authority’s collection system (the “SCADA Project” and collectively, the “2012 Sewer Projects” or “Projects”); and

WHEREAS, the Authority previously determined to finance the acquisition, construction, renovation and/or installation of the Projects with the proceeds of interim loans (the "NJEIT Interim Program") and permanent loans to be made by each of the New Jersey Environmental Infrastructure Trust (the "NJEIT") and the State, acting by and through the Department of Environmental Protection (the "NJDEP") through the NJEIT's Fiscal Year 2012 financing program (the "NJEIT Program"), and

WHEREAS, the Projects constitute Additional Projects (as defined in the Indenture); and

WHEREAS, by resolution adopted on April 27, 2011, the Authority authorized the issuance of not to exceed \$17,500,000 of Sewer Revenue Bonds, Series 2012A and Series 2012B (collectively, the "2012 Bonds"); and

WHEREAS, the NJEIT Program will provide that either 20% or 0% (the "20% PF Bonds" and "0% PF Bonds", respectively) of the principal of the 2012 Bonds shall be forgiven with respect to each of the projects to be financed in accordance with the terms of the NJEIT Program, which amounts shall be determined by the date of the sale of the 2012 Bonds; and

WHEREAS, the loans to be made by the NJEIT (collectively, the "Trust Loans") for the Projects are to be made pursuant to Loan Agreements (the "Trust Loan Agreements") to be entered into by and between the Authority and the NJEIT; and

WHEREAS, the loans to be made by the State (collectively, the "Fund Loans") for the Projects are to be made pursuant to Loan Agreements (the "Fund Loan Agreements") to be entered into by and between the Authority and the State on behalf of the NJDEP; and

WHEREAS, to evidence the Trust Loans and the Fund Loans (collectively, the "Loans"), each of the NJEIT and the State require the Authority to authorize, execute and deliver various series of bonds of the Authority, which shall consist of (a) in the case of the 20% PF Bonds, the Authority's Sewer Revenue Bonds (2012A-1 Series) (the "Series 2012A-1 Bonds"), to be issued to the NJEIT, and the Authority's Sewer Revenue Bonds (2012B-1 Series) (the "Series 2012B-1 Bonds"), to be issued to the State, and (b) in the case of the 0% PF Bonds, the Authority's Sewer Revenue Bonds (2012A-2 Series) (the "Series 2012A-2 Bonds"), to be issued to the NJEIT, and the Authority's Sewer Revenue Bonds (2012B-2 Series) (the "Series 2012B-2 Bonds"), to be issued to the State, in a combined aggregate principal amount not to exceed \$17,500,000; and

WHEREAS, the Series 2012A Bonds and the Series 2012B Bonds will be issued as Additional Bonds (as defined in the Indenture) pursuant to the terms of the Act, this Resolution, the Indenture (as amended and supplemented to date) and a Twentieth Supplemental Indenture, dated as of the date of closing of the Additional Bonds (the "Twentieth Supplemental Indenture"), to be entered into between the Authority and the Trustee as a Supplemental Indenture (as defined in the Indenture); and

WHEREAS, the NJEIT and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the 2012 Bonds and the execution and delivery of Trust

Loan Agreements and Fund Loan Agreements, all pursuant to the terms of Escrow Agreements for the 2012 Bonds (the "Escrow Agreements") to be entered into by and among the NJEIT, the State, the Authority, the escrow agent named therein and the Trustee, as trustee for the holders of the 2012 Bonds; and

WHEREAS, on April 20, 2011 the Local Finance Board issued positive findings in respect of the proposed issuance of the 2012 Bonds and approved the issuance and sale of the 2012 Bonds to the NJEIT and the State pursuant to N.J.S.A. 58:11B-9; and

WHEREAS, the Authority in connection with the undertaking of the Projects and the issuance of the 2012 Bonds, now desires to authorize the execution and delivery of the Trust Loan Agreements, the Fund Loan Agreements and the Escrow Agreements, and certain other matters in connection therewith or in furtherance thereof;

NOW, THEREFORE, BE IT RESOLVED by the Members of the Old Bridge Municipal Utilities Authority, as follows (capitalized terms used herein and not otherwise defined herein shall have the respective meanings ascribed thereto in the Indenture):

Section 1. In order to finance and refinance all or a portion of the cost of the Projects (including the refinancing of the interim loans), the Series 2012A Bonds (the "Trust Bonds") and the Series 2012B Bonds (the "Fund Bonds") shall be and hereby are each authorized to be issued on a parity basis with all other Bonds issued under the Indenture, in a combined aggregate principal amount not to exceed \$17,500,000.

In accordance with the Act, the 2012 Bonds shall be and are authorized for issuance as Bonds pursuant to the terms of the Indenture (including the Twentieth Supplemental Indenture), and shall be issued within the parameters set forth herein and in the Authorizing Resolution of the Authority adopted on April 27, 2011, all to be specified in the 2012 Bonds and in the Indenture (which financial terms may be incorporated into the Twentieth Supplemental Indenture, the Trust Loan Agreements, the Fund Loan Agreements and the Escrow Agreements prior to the issuance of the 2012 Bonds without compliance with any amendment or supplement provision of the Indenture and without further amendatory or supplemental resolution of the Members of the Authority) and delivered to the Trustee upon the issuance of the 2012 Bonds.

Section 2. The Chairman of the Authority, the Vice Chairman of the Authority and the Executive Director (collectively, the "Authorized Officers") are hereby severally authorized and, after satisfaction of all conditions precedent thereto as the Executive Director, in his sole discretion, after consultation with the Consultants, shall determine, are hereby severally directed to execute the Twentieth Supplemental Indenture, the Trust Loan Agreements, the Fund Loan Agreements, the Escrow Agreements and such other documents, instruments or certificates as the bond counsel and financial advisor to the Authority deem necessary, convenient, useful or desirable in order to issue the 2012 Bonds (together with this Resolution and the 2012 Bonds, collectively, the "Financing Documents") to which the Authority is an execution or acknowledgement party, as the case may be, substantially in the forms attached hereto as Exhibits A-1, B-1 and C-1, respectively, for the 20% PF Bonds and Exhibits A-2, B-2 and C-2, respectively, for the 0% PF Bonds (and with respect to the 2012 Bonds, substantially in the

forms set forth in the respective Supplemental Indentures), with such changes thereto as the Executive Director, in his sole discretion after consultation with the Consultants, shall determine to be necessary, desirable, useful or convenient in order to effect the financing of the 2012 Sewer Projects or any other transaction contemplated hereby and thereby, which changes shall be dispositively evidenced by the Authorized Officer's execution or acknowledgement, as the case may be, and delivery thereof, which changes shall include, at a minimum, the incorporation of the terms of the sale of the 2012 Bonds, all within the parameters set forth herein.

Section 3. The Authorized Officers are severally authorized and, after satisfaction of all conditions precedent thereto as the Executive Director, in his sole discretion, after consultation with the Consultants, shall determine, are hereby severally directed to execute or acknowledge, as the case may be, or cause to be executed or acknowledged such other Financing Documents, and other certificates, notices, instruments and other documents in such form as the Executive Director, in his sole discretion after consultation with the Consultants, shall determine to be within the parameters herein and of any Financing Document attached hereto and to be necessary, desirable, useful or convenient in order to effect the financing of the 2012 Sewer Projects or any other transaction contemplated hereby and thereby, which respective forms thereof shall be dispositively evidenced by the Authorized Officer's execution or acknowledgement, as the case may be, and delivery thereof or with respect to such documents of a party other than the Authority, shall be evidenced by an authorized officer's execution thereof.

Section 4. The Secretary and Assistant Secretary of the Authority are hereby severally authorized and to the extent the Executive Director, in his sole discretion, after consultation with the Consultants, shall determine to be necessary, desirable, useful or convenient to effect the financing or refinancing of the 2012 Sewer Projects or any other transaction contemplated hereby or thereby, are severally directed to affix the corporate seal of the Authority to and attest to the execution and acknowledgement, as the case may be, of all Financing Documents referred to in Section 2 and any other Financing Document, certificate, notice, instrument or other document referred to in Section 3 hereof.

Section 5. After the execution and, if applicable, the sealing and attestation of any document contemplated by this Resolution, the Executive Director is hereby authorized and shall deliver any such document in such manner or take such other action as the Executive Director in his sole discretion shall determine, after consultation with the Consultants, to be necessary, desirable, useful or convenient to effect the financing or refinancing of the 2012 Sewer Projects or the consummation of any other transaction contemplated hereby or thereby. In connection with the execution or acknowledgement, as the case may be, of any documents referred to or contemplated by this Resolution or the other Financing Documents, the Authorized Officers are hereby designated to be the authorized representatives of the Authority, charged by this Resolution with the responsibility for issuing the 2012 Bonds, and further, are severally authorized to take such other action as the Executive Director, in his sole discretion, after consultation with the Consultants, shall determine to be necessary, convenient, useful or desirable in order to effect the financing or refinancing of the Projects or any other transaction contemplated hereby or thereby.

Section 6. The 2012 Bonds shall be in substantially the form set forth in the Indenture (as supplemented by the Trust Loan Agreements and the Fund Loan Agreements) with such insertions, omissions or variations as the Executive Director, in his sole discretion after consultation with the Consultants, determines to be necessary, convenient, useful or desirable to effect the financing of the 2012 Sewer Projects or any other transaction contemplated hereby or thereby, all within the parameters set forth herein and therein. The 2012 Bonds shall be executed and authenticated in accordance with the Indenture. Following execution of the 2012 Bonds, any Authorized Officer (as defined in the Indenture) is hereby authorized to deliver the 2012 Bonds to the NJEIT or the State, as the case may be, against receipt of the purchase price or unpaid balance thereof, as set forth in the Trust Loan Agreements, Fund Loan Agreements and Escrow Agreements.

Section 7. The Trust Bonds are hereby authorized to be sold to the NJEIT in accordance with the terms of the Trust Loan Agreements and the Escrow Agreements. The Fund Bonds are hereby authorized to be sold to the State in accordance with the terms of the Fund Loan Agreements and the Escrow Agreements.

Section 8. In case any one or more of the provisions of the Financing Documents or any other document contemplated hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision or document thereof, which other provisions and documents shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Section 9. A copy of this Resolution shall be filed with the Clerk of the Township.

Section 10. After issuance of the 2012 Bonds, the Executive Director is authorized to pay costs of issuance of the 2012 Bonds up to the maximum amounts on file with the Executive Director, or such additional amounts as the members of the Authority shall approve by resolution.

Section 11. The Executive Director, in his sole discretion, after consultation with the Consultants, shall make such investment decisions with respect to the 2012 Bond proceeds or other monies available for investment at the direction of the Authority under the Financing Documents, so long as such investments conform with the Act, the Indenture and other applicable law.

Section 12. The terms of the Service Agreement and the Indenture (as supplemented by the Twentieth Supplemental Indenture) are hereby ratified, confirmed and approved.

Section 13. All prior resolutions of the Authority or portions thereof inconsistent herewith, if any, are hereby repealed.

Section 14. This Resolution shall take effect immediately.

Section 15. Upon the adoption hereof, the Secretary of the Authority shall forward certified copies of this Resolution to GluckWalrath LLP, Bond Counsel to the Authority for this transaction, and to Richard Nolan, Esq., McCarter & English, LLP, Bond Counsel to the NJEIT.

Motion by: Rocco Donatelli
Second by: Richard Greene
Ayes: Desai, Donatelli, Greene, Testino, Galante
Nays: None
Absent: None
Abstain: None
Adopted: February 15, 2012

This is a certified copy of an original Resolution adopted on February 15, 2012.



Guy Donatelli, Executive Director

OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY

RESOLUTION NO. D-12-2012

SEWER DIVISION


RESOLUTION

WHEREAS, Woodhaven Village, Section 1 has applied to the Old Bridge Municipal Utilities Authority for release of its Performance Guarantees previously provided for Sewer construction in connection with Sewer Application No. S96-320; and

WHEREAS, the Staff Engineer has reviewed the project and has determined that the applicant has completed all terms of the approval and recommends the release of the Performance Guarantees, subject to the applicant settling the escrow accounts as set forth in his letter dated January 30, 2012.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Old Bridge Municipal Utilities Authority that the Performance Guarantee of Woodhaven Village, Section 1 issued by First Indemnity of America Insurance Company, Bond No. S04905 in the amount of \$750,033.90 for Application No. S96-320 for the Woodhaven Village, Section 1 and the Cash Bond by check no. 105808 in the amount of \$83,337.10 be released, with condition of the applicant settling the escrow accounts.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Guy Donatelli, Executive Director, Stephen Florek, Comptroller, Michael Roy, P.E., Staff Engineer, and Woodhaven Village, Section 1.



Kiran Desai, Secretary

Motion by: Thomas Galante
Second by: Kiran R. Desai
Ayes: Desai, Donatelli, Greene, Testino, Galante
Nays: None
Absent: None
Dated: February 15, 2012

OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY

RESOLUTION NO. D-11-12

WATER DIVISION

RESOLUTION

WHEREAS, Woodhaven Village, Section 1 has applied to the Old Bridge Municipal Utilities Authority for release of its Performance Guarantees previously provided for Water construction, in connection with Water Application No. W96-428; and

WHEREAS, the Staff Engineer has reviewed the project and has determined that the applicant has completed all terms of the approval and recommends the release of the Performance Guarantee, subject to the applicant settling the escrow accounts, as set forth in his letter dated January 30, 2012.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Old Bridge Municipal Utilities Authority that the Performance Guarantee of Woodhaven Village, Section 1 issued by First Indemnity of America Insurance Company, Bond No. S05091 in the amount of \$826,036.20 for Application No. W96-428 for the Woodhaven Village, Section 1 and the Cash Bond by check no. 106066 in the amount of \$91,781.80 be released, with condition of the applicant settling the escrow accounts.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Guy Donatelli, Executive Director, Stephen Florek, Comptroller, Michael Roy, P.E., Staff Engineer, and Woodhaven Village, Section 1.



Kiran Desai, Secretary

Motion by: Thomas Galante
Second by: Kiran R. Desai
Ayes: Desai, Donatelli, Greene, Testino, Galante
Nays: None
Absent: None
Dated: February 15, 2012

OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY

RESOLUTION NO. D-10-12

SEWER DIVISION

RESOLUTION

WHEREAS, Woodhaven Village, Inc., has applied to the Old Bridge Municipal Utilities authority for Tentative Approval in connection with a Sewer Application #S96-323 known as Barclay Brook Trunk Sewer, located in the south west portion of the Township to provide sewerage service to Woodhaven Village, Section 2 and connects into the existing twenty-one (21") Matchaponix Interceptor constructed with Woodhaven Village, Section 1 development on Block 22000, Lot 27.10 and Block 22001, Lot 5; and

WHEREAS, the Applicant proposes construction of approximately 8,200 LF of twelve and eighteen inch (12 & 18") gravity sewer identified as Reach "A" and most of Reach "B" of the Barclay Brook Interceptor from the 1984 Woodhaven Sewer Agreement. This proposed sewer will connect into the existing Matchaponix Brook Interceptor Sewer near Englishtown Road in accordance with the 1984 Woodhaven Sewer Agreement; and

WHEREAS, the Staff Engineer has reviewed the project and reports, and has recommended Tentative Approval in accordance with his report dated February 10, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Old Bridge Municipal Utilities Authority that the application for Tentative Approval in Barclay Brook Trunk Sewer, Sewer Application # S96-323 be and the same is hereby granted subject to the following conditions:


- (1) The Applicant shall pay all applicable fees.

(2) The comments from this Engineer's Report dated February 10, 2012, shall be addressed with the Final Sewer Application.

(3) Applicant to fully comply with the Rules and Regulations of the Authority and any Agency having jurisdiction.

BE IT FURTHER RESOLVED that this Tentative Sewer approval shall expire one (1) year from the date of the resolution.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Guy Donatelli, Executive Director; Michael Roy, P. E., Staff Engineer; Stephen Florek, Comptroller and the Applicant.



Kiran Desai, Secretary

Motion by: *Rocco Donatelli*
Second by: *Reginald Butler*
Ayes: *Desai, Donatelli, Greene, Testino, Galante*
Nays: *None*
Abstain: *None*
Absent: *None*
Dated: *February 15, 2012*

BarclayTentSewer