

RESOLUTION  
OF THE  
TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

August 24, 2021

**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, 2020 has been completed and filed with the State of New Jersey, Division of Local Government Services, Department of Community Affairs, 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

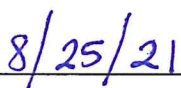
**WHEREAS**, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations," in accordance with N.J.S.A.40A:5A-17,

**NOW, THEREFORE BE IT RESOLVED**, that the governing body of the Toms River 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, 2020, 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 Assistant 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 AUGUST 24, 2021.

  
\_\_\_\_\_  
CHRISTINA DIAMANTE, ASSISTANT SECRETARY

  
\_\_\_\_\_  
DATE

**RESOLUTION OF THE TOMS RIVER MUNICIPAL  
UTILITIES AUTHORITY AMENDING RESOLUTIONS  
AUTHORIZING THE ISSUANCE OF CERTAIN  
SUBORDINATED REVENUE BONDS AND PROJECT  
NOTES, AS HERETOFORE AMENDED**

**WHEREAS**, the Toms River Municipal Utilities Authority (the “Authority”) is a municipal utilities authority organized and existing under the provisions of the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq. (the “Act”); and

**WHEREAS**, the Township of Toms River (the “Township”) and the Authority have previously entered into a Service Contract dated as of June 1, 1975 (the “Service Contract”), by which the Township agrees, inter alia, to pay certain “Annual Charges” to the Authority in the event the revenues of the Authority are not sufficient to pay the expenses of the Authority (including debt service on the Authority’s bonds and notes); and

**WHEREAS**, on February 26, 2019, the Authority adopted (i) Resolution No. 9A-6A (the “Subordinated Bond Resolution”) authorizing the issuance of not to exceed \$4,000,000 principal amount of subordinated revenue bonds and (ii) Resolution No. 9A-6B (the “Project Note Resolution”) authorizing the issuance of not to exceed \$3,900,000 principal amount of project notes; and

**WHEREAS**, the Project Note Resolution (in Exhibit A-1 thereto) and the Subordinated Bond Resolution (in Exhibit C-1 thereto) authorized certain capital projects to be undertaken by the Authority and to be financed thereunder (collectively, and as amended by the First Amending Resolution, the “Pipes and Manholes Projects”); and

**WHEREAS**, the Project Note Resolution (in Exhibit A-2 thereto) and the Subordinated Bond Resolution (in Exhibit C-2 thereto) also authorized certain equipment purchases to be undertaken by the Authority and to be financed thereunder (collectively, and as amended by the First Amending Resolution, the “Equipment Projects”); and

**WHEREAS**, on June 19, 2019, under the Project Note Resolution, the Authority issued to the New Jersey Infrastructure Bank (the “I-Bank”) its “Note Relating to the Construction Loan Financing Program of the New Jersey Infrastructure Bank (f/k/a New Jersey Environmental Infrastructure Trust)” in the principal amount of \$754,000, representing an interim construction loan (the “June 2019 Construction Loan”) to finance the costs of the Equipment Projects; and

**WHEREAS**, on March 24, 2020, the Authority adopted a resolution (the “First Amending Resolution”) amending certain provisions of the Subordinated Bond Resolution and the Project Note Resolution with respect to the content and descriptions of the Pipes and Manholes Projects and the Equipment Projects, and also memorializing the Authority’s intent regarding the “Declaration of Official Intent” contained in the resolution of the Authority previously adopted on December 18, 2018 (the “Reimbursement Resolution”), as theretofore amended by the Project Note Resolution; and

**WHEREAS**, on May 13, 2020, under the Subordinated Bond Resolution as amended by the First Amending Resolution, the Authority issued its \$185,000 Subordinated Sewer Revenue Bonds, 2020 Series A to the I-Bank and its \$387,587 Subordinated Sewer Revenue Bonds, 2020 Series B to the State of New Jersey (the “State”), acting by and through the New Jersey Department of Environmental Protection (collectively, the “2020 Bonds”), in order to permanently finance the June 2019 Construction Loan and thereby refinance the Equipment Projects; and

**WHEREAS**, on June 22, 2020, under the Project Note Resolution as amended by the First Amending Resolution, the Authority issued to the I-Bank its “Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank” in the principal amount of \$3,100,000, representing an interim construction loan (the “June 2020 Construction Loan”) to finance the costs of the Pipes and Manholes Projects; and

**WHEREAS**, the Authority has since determined that the cost of the Pipes and Manholes Projects is greater than the \$3,200,000 authorized therefor in each of the Project Note Resolution



and the Subordinated Bond Resolution (and anticipated therefor in the Reimbursement Resolution); and

**WHEREAS**, in order to finance such additional costs of the Pipes and Manholes Projects, it shall be necessary to issue an additional note to the I-Bank under the Project Note Resolution, as amended, representing either (i) a supplemental interim construction loan to finance the increased costs of the Pipes and Manholes Project in excess of the portion financed by the June 2020 Construction Loan (the “Supplemental Construction Loan”) or (ii) a larger, replacement note for the entire costs of the Pipes and Manholes Project, thereby both funding the increased costs and refunding the June 2020 Construction Loan (the “Replacement Construction Loan”); and

**WHEREAS**, in either case, it shall also be necessary to increase the authorized amount of the permanent bonds to be issued under the Subordinated Bond Resolution, as amended, to refinance the Supplemental Construction Loan or the Replacement Construction Loan, as the case may be; and

**WHEREAS**, it is therefore necessary to amend each of the Project Note Resolution and the Subordinate Bond Resolution in order to authorize the foregoing matters, and to amend the Reimbursement Resolution to reflect the Authority’s current expectations with respect thereto;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, AS FOLLOWS:**

Section 1. The Project Note Resolution, as heretofore amended by the First Amending Resolution, is hereby further amended as follows:

(a) The first sentence of Section 1 is hereby amended to increase the estimated cost of the Project from \$4,000,000 to \$4,300,000.

(b) The second sentence of Section 1 is hereby amended to increase the amount of notes authorized to be issued from \$3,900,000 to \$4,300,000.

(c) Section 3(a) is hereby amended to increase the principal amount of the Notes to be issued from \$3,900,000 to \$4,300,000, and to increase the portion thereof allocable to the Pipes and Manholes Project from \$3,200,000 to \$3,500,000.

(d) Section 3(b) is hereby amended to authorize the final maturity date of the Notes to be any date as determined by the I-Bank.

(e) The Project Note Resolution is hereby amended to authorize the issuance thereunder of the Supplemental Construction Loan or the Replacement Construction Loan, as described generally in the recitals hereof, on such terms and conditions as provided for the issuance of the original Note(s) thereunder, and upon such terms and conditions as may be required by the I-Bank, provided that the aggregate outstanding amount of Notes outstanding at any time shall not exceed the amounts set forth in Section 3(a), as amended hereby.

Section 2. The Subordinate Bond Resolution, as heretofore amended by the First Amending Resolution, is hereby further amended as follows:

(a) The first sentence of Section 201 is hereby amended to increase the maximum aggregate initial issuance amount of the Subordinated Bonds from \$4,000,000 to \$4,300,000, and to increase the portion thereof allocable to the Pipes and Manholes Project from \$3,200,000 to \$3,500,000.

(b) The first sentence of Section 202 is hereby amended to increase the estimated cost of the Project from \$4,000,000 to \$4,300,000.

Section 3. Pursuant to Section 1004 of the Subordinate Bond Resolution, the provisions of Section 2 hereof shall take effect upon the written consent of the I-Bank and the State, as holders of the 2020 Bonds, and the issuance of the opinion of bond counsel required by Section 1003 of the Subordinate Bond Resolution.

Section 4. The “declaration of official intent” contained in the Reimbursement Resolution, as heretofore amended by the Project Note Resolution and modified by the First Amending Resolution, is hereby amended to increase from \$4,000,000 to \$4,300,000 the total amount of tax-exempt obligations anticipated to be issued in respect of both the Equipment Projects and the Pipes and Manholes Projects (each as amended by the First Amending Resolution).

Section 5. Except as amended hereby, all provisions of the Project Note Resolution and the Subordinate Bond Resolution, as heretofore amended, shall remain in full force and effect.

Section 6. This resolution shall take effect immediately, except that the provisions of Section 2 hereof shall take effect as provided in Section 3 hereof.

### **CERTIFICATION**

I, Christina Diamante, Administrative Assistant of the Toms River Municipal Utilities Authority, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Commissioners on August 24, 2021.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Authority this 24<sup>th</sup> day of August 2021.

  
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Christina Diamante, Assistant Secretary

# RESOLUTION FOR RATIFICATION OF PUMP STATION GENERATOR CORDS

August 24, 2021

**WHEREAS**, the Toms River MUA recently procured three mobile generators for emergency power at (3) TRMUA pumping stations; and

**WHEREAS**, the generator connections required an upgrade to facilitate connection to the pumping stations; and

**WHEREAS**, quotations to procure and install generator cords at (3) TRMUA pumping stations were obtained from Troller Electric and Kelly Kilowatt in compliance with NJ Local Public Contract Law; and

**WHEREAS**, Kelly Kilowatt provided the lowest Quotation of \$15,400.00; and

**WHEREAS**, funds are available in the 2021 Capital Budget under the line items entitled Rehabilitation Construction account number 604-8110.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY THAT:**

1. Authorization is given to ratify the purchase and installation of (3) Generator cords from Kelly Kilowatt, 189 N. County Line Rd, Jackson, NJ 08527 at a cost not to exceed \$15,400.00.
2. A copy of this resolution will be entered into the official record of the Authority meeting held on August 24, 2021.

I, CHRISTINA DIAMANTE, ASSISTANT SECRETARY OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, IN THE COUNTY OF OCEAN, TOWNSHIP OF TOMS RIVER, HEREBY CERTIFY THAT THIS IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY ON THE 24<sup>TH</sup> DAY OF AUGUST 2021.




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CHRISTINA DIAMANTE, ASSISTANT SECRETARY

I, ROSEMARY ROSETTO, CFO OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, HEREBY CERTIFY TO THE COMMISSIONERS OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY THAT I HAVE REVIEWED THE AUTHORITY'S BUDGET FOR 2021 AND FIND THAT FUNDS ARE AVAILABLE UNDER THE LINE ITEM NOTED ABOVE.

I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE. I AM ALSO AWARE THAT IF ANY OF THE FOREGOING STATEMENTS MADE BY ME ARE FALSE, I AM SUBJECT TO PUNISHMENT.



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ROSEMARY ROSETTO, CFO



**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION RATIFYING EMPLOYMENT CONTRACT WITH EXECUTIVE  
DIRECTOR BERNARD RUTKOWSKI THROUGH  
JANUARY 31, 2026 AND RETROACTIVE TO FEBRUARY 1, 2021.**

**August 24, 2021**

**WHEREAS**, Bernard Rutkowski, was hired to serve as the Toms River Municipal Utilities Authority Executive Director on January 26, 2021 with an anticipated start date of February 1, 2021; and

**WHEREAS**, Bernard Rutkowski executed a five year employment contract with the Toms River Municipal Utilities Authority on July 27, 2021; and

**WHEREAS**, on July 27, 2021, the Commissioners of the Toms River Municipal Utilities Authority approved the contract of Bernard Rutkowski through January 31, 2026; and

**NOW, THEREFORE, BE IT RESOLVED** by the Toms River Municipal Utilities Authority that the employment contract for Executive Director Bernard Rutkowski for the period of February 1, 2021 through January 31, 2026 is hereby ratified.

**BE IT FURTHER RESOLVED**, that the Assistant Secretary of the Toms River Municipal Utilities Authority shall forward a certified copy of this resolution to the following:

1. TRMUA Commissioners
2. Bernard Rutkowski, Executive Director
3. Joseph D. Coronato, Sr., Esq., Authority Attorney
4. TRMUA Human Resource Department
5. All other interested parties.

I, CHRISTINA DIAMANTE, ASSISTANT SECRETARY OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE BOARD OF COMMISSIONERS ON THE 24<sup>th</sup> DAY OF AUGUST 2021.

  
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CHRISTINA DIAMANTE, ASSISTANT SECRETARY