

RESOLUTION TO APPROVE PURCHASE OF (1) AIR COMPRESSOR

SEPTEMBER 28, 2021

WHEREAS, on September 1, 2021 the TRMUA mechanic determined that the air compressor had suffered a catastrophic failure; and

WHEREAS, the air compressor is a critical component of vehicle maintenance and repair work requiring immediate replacement; and

WHEREAS, a quotation, totaling \$3,426.50, to replace the compressor was obtained from Grainger under NJSCP; and

WHEREAS, funds are available under Account number 900-910 Equipment.

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

1. Authorization is given to approve and ratify the purchase of (1) Air Compressor from Grainger Inc., 1001 Hadley Rd, So. Plainfield, NJ 07080.
2. A copy of this resolution will be entered into the official record of the Authority meeting held on September 28, 2021.

CERTIFICATION

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 28TH DAY OF SEPTEMBER 2021.



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.



ROSEMARY ROSETTO, CFO

RESOLUTION APPOINTING A DESIGNATED EMPLOYEE REPRESENTATIVE (DER)

September 28, 2021

WHEREAS, the United States Department of Transportation Commercial Driver's License (CDL) regulations require organizations with one or more CDL drivers designate at least one individual with the responsibility to make formal decisions regarding the drug and alcohol testing program; and

WHEREAS, this person is referred to as the Designated Employer Representative (D.E.R.); and

WHEREAS, those duties are the responsibility of the Toms River Municipal Utilities Authority (TRMUA) Regulatory Compliance and Safety Officer; and

WHEREAS, the Regulatory Compliance and Safety Officer completed the required training on September 23, 2021 at no cost to the TRMUA; and

WHEREAS, the NJUA JIF recommends that the TRMUA formally names an individual to perform the duties of the DER; and

WHEREAS, the NJUAJIF also recommends that the TRMUA names an Alternate DER; and

WHEREAS, the TRMUA Administrative Bookkeeping Specialist has also completed the required DER training and currently is designated as the Alternate DER.

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

1. Scott Tirella, Regulatory Compliance and Safety Officer be named as the Designated Employee Representative (DER).
2. Cindy Toye, Administrative Bookkeeping Specialist be named as Alternate DER.
3. A copy of this resolution will be entered into the official record of the Authority meeting held on September 28, 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 28th DAY OF SEPTEMBER 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Authority this 28th day of September 2021.



CHRISTINA DIAMANTE, ASSISTANT SECRETARY

RESOLUTION TO APPROVE LEASE OF COPIERS AND PRINTERS

SEPTEMBER 28, 2021

WHEREAS, the current TRMUA copier lease will expire on March 1, 2022; and

WHEREAS, the TRMUA IT Manager has solicited a quotation under the Educational Services Commission of NJ contract number ESCNJ/AEPA-20C from SOS Acquisitions Inc. at a cost of \$842.50/ month for a period of (5) years; and

WHEREAS, SOS has provided a price quote inclusive of the remaining contract period for the current lease of copiers; and

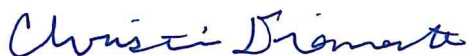
WHEREAS, funds are available under Account numbers 108-8113 Bookkeeping and 201-0013 Engineering.

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

1. Authorization is given to approve and execute a (5) year contract for the lease of (2) copiers from SOS Acquisition Inc., 80 State St, Albany, NJ 12207.
2. A copy of this resolution will be entered into the official record of the Authority meeting held on September 28, 2021.

CERTIFICATION

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 28TH DAY OF SEPTEMBER 2021.



CHRISTINA DIAMANTE, ASSISTANT SECRETARY

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ROSEMARY ROSETTO, CFO

RESOLUTION
TO EXTEND 2020-2021 On-Call Roadway Restoration Project
September 28, 2021

WHEREAS, on August 25, 2020 the Board of Commissioners of the Toms River Municipal Utilities Authority awarded a contract to L & L Paving for 2020 On-Call Roadway Restoration Project; and

WHEREAS, it has come to the attention of the Toms River MUA Board of Commissioners that a project time extension is needed to successfully complete the re-bid of the On-Call Roadway Restoration Project for 2022; and

WHEREAS, the TRMUA Engineer has recommended a (90) day extension of the 2020 On-Call Roadway Restoration Project to allow for the bid of the 2022 On-Call Roadway restoration Project; and

WHEREAS, L&L Paving has agreed to extend the contract (90) days.

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

1. That the contract for 2020 On-Call Roadway Restoration Project is extended by (90) days.
2. A copy of this resolution will be entered into the official record of the Authority meeting held on September 28, 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 28TH DAY OF SEPTEMBER 2021.



CHRISTINA DIAMANTE, ASSISTANT SECRETARY

**RESOLUTION TO APPROVE
Monthly IT Firewall Security Support Services**

SEPTEMBER 28, 2021

WHEREAS, the TRMUA IT Manager has identified a need to change internet firewall security support vendors; and

WHEREAS, the IT Manager has obtained a quotation for IT Firewall Security Support Services totaling \$1,800.00/ year from Starnet Solutions Inc.; and

WHEREAS, a change in vendor will afford the TRMUA a savings of \$6,600/ year; and

WHEREAS, funds are available under Account number 201-0027 IT Supplies/ Software.

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

1. Authorization is given to approve and execute a (1) year contract for Internet Firewall Security Support from Starnet Solutions Inc., 90 Main St., Farmingdale, NJ 07727.
2. A copy of this resolution will be entered into the official record of the Authority meeting held on September 28, 2021.

CERTIFICATION

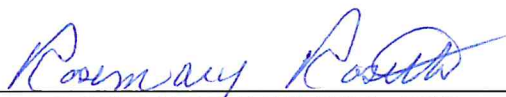
I, CHRISTINA DIAMANTE, ASSISTANT SECRETARY OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, IN THE COUNTY OF OCEAN, TOWNSHIP OF TOMS RIVER, HEREBY CERTIFY THAT THIS IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY ON THE 28TH DAY OF SEPTEMBER 2021.



CHRISTINA DIAMANTE, ASSISTANT SECRETARY

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ROSEMARY ROSETTO, CFO

**AMENDED AND RESTATED 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; and

WHEREAS, by resolution adopted on August 24, 2021 (the “August 2021 Authority Resolution”), the Authority (i) amended the Project Note Resolution, as heretofore amended by the Amending Resolution, to increase the amount of notes that may be issued for the Pipes and Manholes Projects from \$3,200,000 to \$3,500,000, with a corresponding increase in the total amount of notes that may be issued for the 2019 Projects combined from \$3,900,000 to \$4,300,000, (ii) amended the Subordinated Bond Resolution, as heretofore amended by the Amending Resolution, to increase in the amount of bonds that may be issued for the Pipes and Manholes Projects from \$3,200,000 to \$4,000,000, with a corresponding increase in the total amount of bonds that may be issued for the 2019 Projects combined from \$4,000,000 to \$4,800,000, and (iii) amended the Reimbursement Resolution to increase the amount of notes and bonds expected to be issued by the Authority for the 2019 Projects; and

WHEREAS, the Authority has since determined that certain additional costs of the Pipes and Manholes Project, as heretofore approved by the I-Bank, should be financed through the I-Bank’s financing program, rather than by inclusion in the Authority’s budget; and

WHEREAS, the Authority now wishes to amend and restate the August 2021 Authority Resolutions so as to, *inter alia*, increase the authorized and expected amounts of Authority notes and bonds authorized and expected to be issued for the 2019 Projects;

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 \$4,800,000.

(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 \$4,800,000.

(c) Section 3(a) is hereby amended to increase the principal amount of the Notes to be issued from \$3,900,000 to \$4,800,000, and to increase the portion thereof allocable to the Pipes and Manholes Project from \$3,200,000 to \$4,000,000.

(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 \$4,800,000, and to increase the portion thereof allocable to the Pipes and Manholes Project from \$3,200,000 to \$4,000,000.

(b) The first sentence of Section 202 is hereby amended to increase the estimated cost of the Project from \$4,000,000 to \$4,800,000.

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 \$4,800,000 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 amends and restates the August 2021 Authority Resolution and shall take effect immediately, except that (i) the provisions of Section 2 hereof shall take effect as provided in Section 3 hereof and (ii) notwithstanding the adoption of this resolution, the provisions of Section 4 of the August 2021 Authority Resolution shall remain effective as a “declaration of official intent” as of the date of adoption thereof.

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 September 28, 2021.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Authority this 28th day of September 2021.



Christina Diamante, Assistant Secretary