

1

**RESOLUTION**

**WHEREAS**, there is a need to retain a company to maintain and service the HVAC systems of the Authority's facilities; and

**WHEREAS**, the company of POW-R-SAVE possesses expertise in this area and has been deemed to have submitted the lowest responsible quote; and

**WHEREAS**, it is the intention and desire of the Board to retain the services of POW-R-SAVE for a period from September 1, 2020 to August 31, 2022; and

**NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY**, that POW-R-SAVE, 15 Somerset Place, Clifton, New Jersey 07012 provide the aforementioned services in accordance with its quote dated August 3, 2020 in an amount not to exceed \$ 10,937.50 per year; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be sent to:

1. POW-R-Save
2. Frank Pestana, Executive Director
3. Patricia Bartoli, Chief Financial Officer
4. John A. Napolitano, Esq.

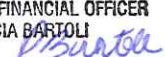
**Municipal Utilities Authority**

	Yes	No	Not Voting
Censullo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMOVE COVER TO RE-INK • USE IDEAL INK ONLY

DATED: September 9, 2020  
Attest:

  
\_\_\_\_\_  
Maria I. Hernandez, Clerk

**CERTIFICATION OF FUNDS**  
ACCOUNT No. 21-10120/103/203/300  
Purchase Order No. \_\_\_\_\_  
Contracted Amount \$ \_\_\_\_\_  
Date 9/9/20  
BY:  
CHIEF FINANCIAL OFFICER  
PATRICIA BARTOLI  


2

**RESOLUTION**

**WHEREAS**, per the 2013 Sewer Revenue Refunding Bonds,, it is necessary to perform wire transfers from Oritani Bank Sewer Revenue account to U.S. Bank Debt Service and Operating account; and

**WHEREAS**, the Chief Financial Officer, Patricia Bartoli is authorized and directed to execute the required wire transfers; and

**RESOLVED**, by the Members of the North Bergen Municipal Utilities Authority in the County of Hudson, State of New Jersey, that the wire transfer in the amount of \$1,417,692.58 is hereby approved for payment; and

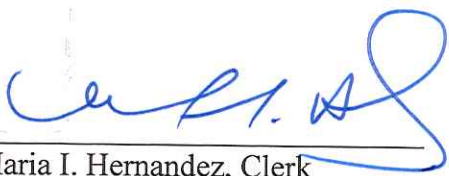
**BE IT FURTHER RESOLVED**, that the Acting Clerk to the MUA be and she is hereby authorized and directed to send a certified copy of this resolution to the following:

1. Frank Pestana, Executive Director
2. Patricia Bartoli, Chief Financial Officer
3. John Napolitano, Esq.

<b>Municipal Utilities Authority</b>			
	<b>Yes</b>	<b>No</b>	<b>Not Voting</b>
<b>Censullo</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Henriquez</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DeSantis</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Lombardi</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Piazza</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMOVE COVER TO RE-INK • USE IDEAL INK ONLY

DATED: September 9, 2020  
ATTEST:

  
\_\_\_\_\_  
Maria I. Hernandez, Clerk

**CERTIFICATION OF FUNDS**  
ACCOUNT No. 1-00-000-1014  
Purchase Order No. \_\_\_\_\_  
Contracted Amount \$ 1,417,692.58  
Date 9/9/20  
BY: \_\_\_\_\_  
CHIEF FINANCIAL OFFICER  
PATRICIA BARTOLI  
P. Bartoli



3

**RESOLUTION OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE NEW JERSEY INFRASTRUCTURE BANK FINANCING PROGRAM**

**WHEREAS**, The North Bergen Municipal Utilities Authority (the "Borrower") is a public body corporate and politic of the State of New Jersey, created and organized pursuant to the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957 of the State of New Jersey, and the acts amendatory thereof and supplemental thereto (the "Act"); and

**WHEREAS**, the Borrower intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in **Exhibit A** attached hereto (the "Project"); and

**WHEREAS**, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds; and

**WHEREAS**, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Infrastructure Bank (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

**WHEREAS**, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borrower as follows:

**Section 1.** The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

**Section 2.** This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of one or more borrowings to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

**Section 3.** The AMENDED maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is not to exceed \$28,000,000, and the Borrower by resolution adopted on April 12, 2017 has already authorized Project Costs to be reimbursed in an amount of \$22,000,000; and now hereby increases the Project Costs to be reimbursed by an additional amount of not to exceed \$6,000,000 for a total, aggregate amount of \$28,000,000 Project Costs to be reimbursed.

**Section 4.** The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.



**Section 5.** No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

**Section 6.** All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**Section 7.** This resolution shall take effect immediately.

### EXHIBIT A

The Woodcliff Wastewater Treatment Facility project scope will include:

1. Replacement of primary clarifier equipment;
  2. Repair of the leaking sludge storage tank and improvements to tank mixing system;
  3. Replacement of the lamella-type secondary clarifiers with membrane microfiltration system;
  4. Improvements to enable reliable compliance with the NJDPES Permit's effluent limitations for Whole Effluent Toxicity;
  5. Rehabilitation of the Sludge Thickening Facilities;
  6. Replacement of Sodium Bisulfide Dechlorination Systems and Controls;
  7. Upgrades to existing Service Water System;
  8. Upgrades to the existing facility electrical service and upgrades to the existing auxiliary power system;
  9. Installation of a mixing system in the thickened sludge storage tank;
- And all work and costs necessary and ancillary for these items.

**Collectively, the ("Project").**

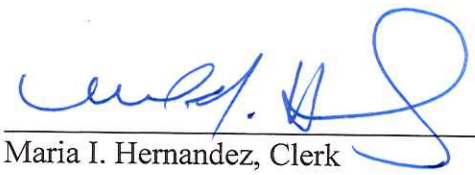
**CERTIFICATION OF FUNDS**  
ACCOUNT No. 02P0-302-CAP P002  
Purchase Order No. \_\_\_\_\_  
Contracted Amount \$ 21,000,000  
Date 4/9/20  
BY: \_\_\_\_\_  
CHIEF FINANCIAL OFFICER  
PATRICIA BARTOLI  
*P Bartoli*

**CERTIFICATE**

I, the undersigned Secretary of The North Bergen Municipal Utilities Authority, a public body corporate and politic organized and existing under and by virtue of the laws of the State of New Jersey, HEREBY CERTIFY that the foregoing resolution entitled "RESOLUTION OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE NEW JERSEY INFRASTRUCTURE BANK FINANCING PROGRAM", is a true copy of the resolution which was duly adopted by said Authority at a meeting thereof which was duly called and held on September 9, 2020 and at which a quorum was 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 but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this 9<sup>th</sup> day of September 2020.

(SEAL)

  
\_\_\_\_\_  
Maria I. Hernandez, Clerk

Municipal Utilities Authority			
	Yes	No	Not Voting
Censullo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**RESOLUTION**

**RESOLVED**, by the Members of the North Bergen Municipal Utilities Authority in the County of Hudson, State of New Jersey, that the following claims in the amount of \$951,885.18 they are hereby approved for payment if and when funds are available.

**SEE ATTACHED LIST**

**BE IT FURTHER RESOLVED**, that the Acting Clerk to the M.U.A. be and she is hereby authorized and directed to send a certified copy of this resolution to the following:

1. Frank Pestana, Executive Director
2. Patricia Bartoli, Chief Financial Officer
3. John Napolitano, Esq.

<b>Municipal Utilities Authority</b>			
	<b>Yes</b>	<b>No</b>	<b>Not Voting</b>
<b>Censullo</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Henriquez</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DeSantis</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Lombardi</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Piazza</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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DATED: September 9, 2020

ATTEST:

Maria I. Hernandez, Clerk