

**TOWNSHIP OF OCEAN SEWERAGE AUTHORITY
REGULAR MEETING**

Oakhurst, NJ

November 1, 2016

A meeting of the Township of Ocean Sewerage Authority was held on the above date at the Authority Administration Building, 224 Roosevelt Avenue, Oakhurst, New Jersey.

Present: Bernhardt, Galvin, Stubbs, Theodora
Absent: Villapiano
Others: Attorney John Bonello, Auditor David A. Kaplan,
Engineer Stephen Schreiber, Executive Director Bill Schmeling,
Recording Secretary Ruth Finn, Superintendent Thomas Meholic

Chairman Galvin called the meeting to order.

All recited *The Pledge of Allegiance*.

Chairman Galvin announced that the Meeting was being held in conformance with the Open Public Meetings Act of 1975 and that adequate notice had been duly posted where required and mailed to the *Asbury Park Press* and *The New Coaster* in accordance with law.

WORK SESSION

Executive Director's Report. The Executive Director advised that the agreement with Asbury Partners has been signed.

He suggested that the Authority formally advise the County of Monmouth that we wish to terminate our agreement with regard to the force mains at the Interlaken Pump Station. To date TOSA has not received any information as to pipe repair and therefore, we have not moved forward with the reconstruction of the Pump Station. This matter was discussed and Attorney Bonello will review available legal remedies with regard to this matter.

Auditors Report. Auditor David Kaplan advised members that the 2017 budget would be introduced at this meeting and would then be forwarded to Trenton for review.

Mr. Kaplan said he thinks this is a good budget and noted that no rate increase would be necessary.

Attorney Bonello read the title of the budget resolution.

Resolution

Mr. Stubbs offered the following resolution and moved its adoption. Mr. Theodora seconded the motion.

**16 - 84
2017 AUTHORITY BUDGET RESOLUTION
TOWNSHIP OF OCEAN SEWERAGE AUTHORITY
FISCAL YEAR: JANUARY 1, 2017 TO DECEMBER 31, 2017**

WHEREAS, the Annual Budget and Capital Budget for the Township of Ocean Sewerage Authority for the fiscal year beginning January 1, 2017 and ending December 31, 2017 has been presented to the governing body of the Township of Ocean Sewerage Authority at its open public meeting of November 1, 2016 and

WHEREAS, the Annual Budget, as introduced, reflects Total Revenues of \$7,115,373, Total Appropriations, including any Accumulated Deficit, of \$7,115,373 and Total Unreserved Net Assets utilized of \$0.00; and

WHEREAS, the Capital Budget, as introduced, reflects Total Capital Appropriations of \$22,437,000 and Total Unreserved Net Position planned to be utilized as funding thereof of \$362,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenue, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the Authority's planning and management objectives; specific authorization to expend funds for the purposes described in this Section of the budget must be granted by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean Sewerage Authority at an open public meeting held on November 1, 2016 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Township of Ocean Sewerage Authority for the fiscal year beginning January 1, 2017 and ending December 31, 2017 is hereby approved; and

BE IT FURTHER RESOLVED that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the Authority's outstanding debt obligations, capital lease arrangements, service contracts and other pledged agreements; and

BE IT FURTHER RESOLVED that the Governing Body of the Township of Ocean Sewerage Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 6, 2016.

Roll Call: Bernhardt, Galvin, Stubbs, Theodora

Engineer's Report. Mr. Schreiber reported that the Wickapecko Drive Sewer Line Rehabilitation project has been delayed due to work being done by the water company.

Superintendent's Report. Mr. Meholic provided a review of his report.

The Executive Director provided a review of the resolutions on the agenda.

BUSINESS SESSION

Mr. Theodora offered a motion, seconded by Mr. Stubbs and unanimously carried to approve the minutes of the following meeting:

Regular Meeting

October 4, 2016

A copy of the Plant Operator's Report for the month of November was received, a copy of which follows:

**November 1 2016 Work/Agenda Meeting
THE TOWNSHIP OF OCEAN SEWERAGE AUTHORITY
October 2016 Operator's Report**

The October 2016 report shows the treatment plant and collection systems O.K. with some repairs to report.

The average daily flow to date was 3.271 MGD. The highest daily flow was 3.792 MGD on October 10th. The total precipitation to date was 4.14 inches for the month; the largest precipitation was 1.25 inches on October 21st, 2016. Central New Jersey remains in a rainfall deficit. NJDEP has issued a drought warning for 14 most northern counties for the state.

The monthly average effluent suspended solids concentrations, to date, 4 mg/l and for CBOD, the concentration was 4 mg/l. The average percentage removals for these same

effluent parameters were 97 % and 95 % respectively. Our present NJPDES Permit has a suspended solids monthly average limitation of 30 mg/l and 25 mg/l for CBOD. For percent removals, it requires 85% removals on a monthly average basis for suspended solids and for CBOD. For plant flow, we are permitted 7.5 MGD average daily flow on a 30-day average quantity basis.

PLANT OPERATIONS AND MAINTENANCE

The treatment plant is operating OK with some maintenance to report.

Glen Henry and AJ Milmo performed repair and preventative maintenance in the following locations: they performed routine maintenance on the UNOX System. They also worked further on fine-tuning the chlorine bleach control equipment.

Scott Stedman and AJ Milmo worked on replacing all guide and wear shoes on the collector flights for Primary Tanks 3 and 4. The staff also drained, cleaned and inspected grit chambers 1 and 2, chlorine tanks 1 and 2, final clarifier 4. Rag/wipes debris was removed from both grit chambers.

They also worked on replacing the existing flexible joint on the sludge fill line for the sludge hauling trucks. We discussed the prospect of filling the trucks on the bottom of the tanker, with the existing pump and piping for sludge disposal. The existing piping is configured for a gravity type feed delivery with the drop into the tankers. The piping would have to be totally changed out for the proposed feed and the pumps would have to be changed for the discharge pressure required to fill the tanker. In addition there would have to be a splash/ drainage pad constructed to eliminate hose and piping residual sludge draining onto our open parking lot and storm sewers. This would create a major overflow storm drainage problem to Poplar Brook.

Mark Woszczak has ordered materials for the RAS sludge line replacement still waiting for their delivery.

For the Outfall Repair Study we had Burke Construction uncover our drop manhole on the beach.

We also had a meeting and site inspection with Hazen and Pure Technologies at the chlorine contact tank, the air release manhole, and the drop manhole. We stopped the flow for app 45 minutes to enable an inspection and measurements of the manhole and piping at the chlorine contact tank and the outfall piping entering the drop manhole. At low tide and with flow stopped; the piping was only visible at the inlet to the drop manhole. There we found the pipe to be steel and will be good for the Pipe Diver probe work. The original Kupper Drawings show the immediate discharge piping as cast iron pipe and changes to steel later. Pure Technology feels they can do their study and will contact TN J Marine for their assistance with insertion and capture of their probe at the wye outlet position. Tentative date to begin this work will be the week of November 14th.

Our activated sludge problem seems to have recovered well from the brewery waste discharge problem. I will still meet with Kane Brewery management and repeat what message I had Ken Williamson give them last month.

COLLECTION SYSTEM OPERATION AND MAINTENANCE

The collection system had the following work to report:

All routine pump station inspection and maintenance work was completed by Tom DiOrio, Ken Williamson, Rich Roman, and Vinnie D'Esposito.

We responded to service calls at the following location this month: checked to see if lateral was cut and capped at 408 Crosby Ave, at 1115 Grassmere there is a problem with the lateral under the sidewalk, we informed the homeowner, 488 Monmouth Rd homeowner problem.

We had Mark Woszczak Mechanical Contractors in to repair street laterals at 201 Park Ave. and 1019 Grassmere Ave. Black Rock Construction continues their work at N. Wanamassa and Wickapecko Drives.

We performed line maintenance at the following locations: We jetted the line on Ring Road near the Big Lots Store, found lots of grease, probably from Costco Store. We also jetted on Darlene Ave to Wickapecko Dr. and 1105 Bendermere Ave.

We performed limited CCTV inspection work this month. We are still experiencing problems with the camera tractor and software glitches. We did some storm sewer work for the Township DPW: Tilton Ave., Lake Ave, Klein, and West Park Ave. These areas had large sand deposits that were jetted and made inspection very difficult.

Other areas I will discuss at the meeting will be authorizing Hall Associates to work on a Permit Stay with NJDEP for our Enterococci Testing and our odor control situation and other priority items of the T and M Progress Report.

Respectfully submitted,

Thomas G. Meholic, Superintendent
10/28/16

Mr. Stubbs made a motion to approve the Operator’s Report. The motion was seconded by Mr. Theodora and unanimously carried.

Communications. The Director said that CompServ, the sewer line insurance company, has advised that they would change their message so that it would not indicate any urgent need for residents to have that coverage.

Resolution

Mr. Stubbs offered the following resolution and moved its adoption. Mr. Bernhardt seconded the motion.

**RESOLUTION 16 - 85
BILL LIST**

BE IT RESOLVED by the Township of Ocean Sewerage Authority, in the County of Monmouth, New Jersey (not less than three (3) members affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Executive Director and as set forth in this Resolution are hereby approved for payment.
2. The authorized signers of checks are hereby authorized and directed to sign checks in the payment of bills and claims, which are hereby approved.

The computer printout of the list of bills will be on file in the Purchasing Agent’s Office.

| | |
|----------------------------|----------------------|
| CURRENT FUND | \$ 204,754.92 |
| REVIEW and INSPECTION | 874.50 |
| EIT and CONSTRUCTION | 888.49 |
| PAYROLL ACCOUNT | 0.00 |
| TOTAL BILLS PAYABLE | \$ 206,517.91 |

Roll Call: Bernhardt, Galvin, Stubbs, Theodora
Yes Yes Yes Yes

Resolution

Mr. Theodora offered the following resolution and moved its adoption. Mr. Stubbs seconded the motion.

**16 - 86
AUTHORIZING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT
TO N.J.S.A. 40A:5A-6 AND AUTHORIZING FINANCING THROUGH THE
MONMOUTH COUNTY IMPROVEMENT AUTHORITY**

WHEREAS, the Township of Ocean Sewerage Authority in the County of Monmouth, New Jersey (the “Authority”) desires to make application to the Local Finance Board for approval of the issuance of its Sewer Revenue Bonds through the Monmouth County Improvement Authority’s 2016 Pooled Financing, and pursuant to N.J.S.A. 40A:5A-6 as described therein; and

WHEREAS, the Authority believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) the purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township of Ocean in the County of Monmouth New Jersey (the “Township”);
- (c) the amounts to be expended for the purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township of Ocean Sewerage Authority as follows:

- 1. The Executive Director and the Chairman of the Authority are hereby authorized to prepare and submit all documents required by the Monmouth County Improvement Authority (the “MCIA”) to authorize the financing of not to exceed \$10,000,000 of the Authority’s Sewer Revenue Bonds, Series 2016 (the “Application”).
- 2. The Application to the Local Finance Board is hereby approved, and the Authority’s Executive Director, Chairman Bond Counsel and Auditor, along with other representatives of the Authority and the MCIA, are hereby authorized to prepare the Application, to file the Application with the Local Finance Board and to represent the Authority in matters pertaining to the Application with the Local Finance Board.
- 3. The Executive Director is hereby directed to prepare and file a copy of the proposed resolution with the Local Finance Board as part of the Application.
- 4. The Local Finance Board is hereby respectfully requested to consider the Application and to record its findings, recommendations and/or approvals as provided by applicable New Jersey Statute.

I hereby certify the above to be a true copy of a Resolution duly adopted by the Township of Ocean Sewerage Authority at its Regular Meeting held on October 4, 2016.

RALPH E. STUBBS, Secretary

**STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES
APPLICATION CERTIFICATION**

APPLICANT’S NAME: TOWNSHIP OF OCEAN SEWERAGE AUTHORITY
IN THE COUNTY OF MONMOUTH, NEW JERSEY

I, William E. Schmeling, Executive Director of the Township of Ocean Sewerage Authority, DO HEREBY DECLARE

That the documents submitted herewith and the statements contained herein are true to the best of my knowledge and belief; and

That this Application was considered and its submission to the Local Finance Board was approved by the Governing Body of the Township of Ocean Sewerage Authority at its meeting held on November 1, 2016; and

That the Governing Body of the Township of Ocean Sewerage Authority has notified the participating local unit of its submission of this Application to the Local Finance Board, and has made available to the local unit a copy of this Application.

WILLIAM E. SCHMELING

Sworn and subscribed to
before me this 1st day
of November 2016.

Roll Call: Bernhardt, Galvin, Stubbs, Theodora
 Yes Yes Yes Yes

Resolution

Mr. Stubbs offered the following Resolution and moved its adoption. Mr. Theodora seconded the motion.

16 - 87
NINTH SUPPLEMENTAL SEWER REVENUE BOND RESOLUTION
AUTHORIZING \$10,000,000 BONDS, SERIES 2016 OF THE TOWNSHIP OF
OCEAN SEWERAGE AUTHORITY.

BE IT RESOLVED by The Township of Ocean Sewerage Authority (the "Authority") as follows:

ARTICLE I
Definitions and Statutory Authority

SECTION 101. Supplemental Resolution. This resolution is supplemental to, and is adopted in accordance with Article II and Article X of a resolution adopted by the Authority on June 14, 1985, entitled "Sewer Revenue Bond Resolution", (said Resolution as amended and supplemented to the date hereof the "Resolution").

SECTION 102. Definitions.

1. All terms which are defined in Section 101 of the Resolution shall have the same meanings, respectively, in this Ninth Supplemental Sewer Revenue Bond Resolution as such terms are given in said Section 101 of the Resolution except that "Fiscal Year" shall mean the period ending December 31, 2016. Thereafter, "Fiscal Year" shall mean the twelve-month period ending December 31 of each year.

2. In this Ninth Supplemental Sewer Revenue Bond Resolution:

Code shall mean the Internal Revenue Code of 1986, as amended, and any successor thereto.

Sewer Revenue Bonds shall mean the Authority's Sewer Revenue Bonds, Series 2016 in an amount not to exceed \$10,000,000. The Sewer Revenue Bonds are issued pursuant to Section 204 of the Resolution.

2016 Project shall mean the improvements described in Exhibit 1 attached hereto.

SECTION 103. Authority for this Ninth Supplemental Sewer Revenue Bond Resolution. This Ninth Supplemental Sewer Revenue Bond Resolution is adopted pursuant to the provisions of the Act.

ARTICLE II
Authorization of Bonds

SECTION 201. Series 2016 Bonds.

1. Authorization for the Series 2016 Bonds. There is hereby authorized a series of Bonds under the Resolution and this Ninth Supplemental Sewer Revenue Bond Resolution, which shall be designated and shall be distinguished from the Bonds of all Series as follows: Sewer Revenue Bonds, Series 2016. The Sewer Revenue Bonds, Series 2016 (the

“Series 2016 Bonds”) shall not exceed the par amount of \$10,000,000. The Series 2016 Bonds may be issued in one or more series.

2. Form of the Bonds. The form of the Series 2016 Bonds shall be as provided in Section 301 hereto, with any changes, insertions or omissions that may be approved by the Chairman, Vice-Chairman or Executive Director of the Authority.

3. Execution of the Bonds. The Bonds are hereby authorized to be issued and to be sold in accordance with and on the terms and subject to the conditions set forth in the Bond Purchase Agreement dated the date of sale of the Series 2016 Bonds (the “Bond Purchase Agreement”) and by Certificate of the Executive Director setting forth the terms of the Series 2016 Bonds (the “Sale Certificate”). The Chairman or Vice-Chairman and the Secretary of the Authority shall have the power to execute the Series 2016 Bonds and are hereby authorized to affix the seal of the Authority on the Series 2016 Bonds and attest the same.

4. Approval of the Bond Documents. The Bond Purchase Agreement, any continuing disclosure agreement, tax regulatory agreement or other document required to be executed in connection with the issuance of the Series 2016 Bonds (collectively, the “Bond Documents”) may be approved by the Chairman, Vice-Chairman or Executive Director in substantially the forms generally used in transactions of this type, with any changes, insertions or omissions that may be subsequently approved. The execution and delivery of each of the Bond Documents shall be conclusive evidence of any approval required.

5. Sale of the Bonds. The Chairman, Vice-Chairman or Executive Director (each, and Authorized Officer”) are hereby designated to be authorized representatives of the authority, charged by this Ninth Supplemental Sewer Revenue Bond Resolution with the responsibility for issuing the Series 2016 Bonds and determining, among other things, the aggregate principal amount of the Series 2016 Bonds to be issued (not to exceed \$10,000,000), the time of the sale of the Series 2016 Bonds, the maturity or maturities of the Series 2016 Bonds and the provisions pertaining to redemption thereof and/or sinking funds established therefor, the rate or rates of interest for the Series 2016 Bonds (provided that, without further approval, the Series 2016 Bonds shall not bear a net interest cost in excess of seven percent (7.00% per annum), and such other terms and conditions as may be necessary or related to the sale of the Series 2016 Bonds, and each of the Authorized Officers is hereby authorized and directed to execute and deliver, on behalf of the Authority, the Sale Certificate, the Bond Purchase Agreement and other documents and to effectuate all acts and things necessary or proper for carrying out this Ninth Supplemental Sewer Revenue Bond Resolution, the Bond Documents and the issuance and sale of the Series 2016 Bonds.

6. Payment of the Costs of Issuance. The Executive Director is hereby authorized to approve payment of the costs of issuance of the Series 2016 Bonds from the proceeds of the Series 2016 Bonds or from funds provided by the Authority in connection therewith.

7. Offering Documents. The distribution by the Monmouth County Improvement Authority of a Preliminary Official Statement and a Final Official Statement in the form as advised by Bond Counsel to the Authority, with information as to the Authority, shall be approved.

SECTION 202. Tax Covenant. In order to maintain the exclusion from gross income for purposes of federal income taxation of interest on Series 2016 Bonds, the Authority shall comply with the provisions of the Code applicable to such Series 2016 Bonds necessary to maintain such exclusion, including without limitation the provisions of the Code which prescribe yield and other limits within which proceeds of Series 2016 Bonds are to be invested, and which, in certain circumstances, require the rebate of certain earnings on such amounts to the Department of Treasury of the United States of America in accordance with Section 148(f) of the Code. In furtherance of the foregoing, the Authority shall comply with such written instructions as may be provided by its Bond Counsel.

SECTION 203. No Arbitrage Covenant. The Authority shall not take any action or fail to take any action which would cause Series 2016 Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code; nor shall any part of the proceeds of Series 2016 Bonds or any other funds of the Authority be used directly or indirectly to acquire any securities or obligations the acquisition of which would cause any Series 2016 Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

SECTION 204. No Private Use or Private Loans. The Authority shall not use any part of the proceeds of 2011 Bonds in a manner which would cause such Series 2016 Bonds to be "private activity bonds" within the meaning of Section 141(a) of the Code.

SECTION 205. Survival. Notwithstanding any provision of this Ninth Supplemental Sewer Revenue Bond Resolution to the contrary, the obligation of the Authority to comply with the requirements of Section 203 of this Ninth Supplemental Sewer Revenue Bond Resolution shall survive the payment, redemption or defeasance of any and all Series 2016 Bonds.

SECTION 206. Rebate Payment. The Authority shall make any and all payments required to be made to the United States Department of Treasury in connection with Series 2016 Bonds pursuant to Section 148(f) of the Code from amounts on deposit in the Operating Fund as an Operating Expense.

ARTICLE III

Form of the Series 2016 Bonds

SECTION 301. Forms of Bonds and Trustee's Certificate of Authentication. Subject to the provisions of the Resolution, the forms of the Series 2016 Bonds and the Trustee's Certificate of Authentication thereon shall be of substantially the following tenor with such variations, omissions and insertions as are required or permitted by the Resolution:

UNITED STATES OF AMERICA
STATE OF NEW JERSEY

THE TOWNSHIP OF OCEAN SEWERAGE AUTHORITY

SEWER REVENUE BOND, SERIES 2016

No.

| | | | | |
|-------------|-------------|-------------|----------------|--------------|
| Interest | Maturity | Dated | Authentication | |
| <u>Rate</u> | <u>Date</u> | <u>Date</u> | <u>Date</u> | <u>CUSIP</u> |
| % | | | | |

Registered Owner: Cede & Co.

Principal Sum: DOLLARS

THE TOWNSHIP OF OCEAN SEWERAGE AUTHORITY, (the "Authority"), a public body politic and corporate of the State of New Jersey created and existing under the laws of the State of New Jersey, acknowledges itself indebted to, and for value received hereby promises to pay to, the Registered Owner stated hereon or registered assigns, on the Maturity Date stated hereon, but solely from the funds pledged therefor, upon presentation and surrender of this bond to the Authority, the Principal Sum stated hereon in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and to pay from such pledged funds on June 1 and December 1, in each year, commencing December 1, 2017 until the Authority's obligation with respect to the payment of such Principal Sum shall be paid to the Registered Owner hereof, interest at the Interest Rate hereon from the Dated Date hereof on such Principal Sum by check or draft of the Paying Agent mailed to such Registered Owner who shall appear as of the fourteenth day (or if such day shall not be a business day, the preceding business day) next preceding such interest payment date on the books of the Authority maintained by the Bond Registrar.

No transfer of this bond shall be valid unless made on the registration books of the Authority and by surrender of this bond (together with a written instrument of transfer satisfactory to the Authority duly executed by the Registered Owner or by his or her duly authorized attorney) and the issuance of a new bond or bonds in the same form and tenor as the original bond except for the differences in the name of its Registered Owner and the denominations. The owner of this bond may surrender same (together with a written instrument of transfer satisfactory to the Authority duly executed by the Registered Owner or by his or her duly authorized attorney), in exchange for an equal aggregate principal provisions thereof. All covenants, agreements and obligations of the Authority under the Resolution may be discharged and satisfied at or prior to the maturity of redemption of this

bond if moneys or certain specified securities shall have been deposited with the Trustee. As provided in the Resolution, bonds may be issued from time to time pursuant to supplemental resolutions in one or more series, in various principal amounts, may mature at different times, may bear interest at different rates and may otherwise vary as in the Resolution provided.

The aggregate principal amount of bonds which may be issued under the Resolution is not limited, and all bonds issued and to be issued under the Resolution are and will be equally secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in the Resolution.

To the extent and in the manner permitted by the terms of the Resolution, the provisions of the Resolution, or any resolution amendatory thereof or supplemental thereto, may be modified or amended by the Authority, with the written consent of the holders of at least a majority in principal amount of the bonds outstanding under the Resolution at the time such consent is given, and, in case less than all of the several series of bonds then outstanding are affected thereby, with such consent of at least a majority in principal amount of the bonds of each series so affected and outstanding; provided, however, that, if such modification or amendment will, by its terms, not take effect so long as any bonds of any specified like series and maturity remain outstanding under the Resolution, the consent of the holders of such bonds shall not be required and such bonds shall not be deemed to be outstanding for the purpose of the calculation of outstanding bonds. No such modification or amendment shall permit a change in the terms of redemption (including sinking fund installments) or maturity of the principal of any outstanding bond or of any installment of interest thereon or a reduction in the principal amount of redemption price thereof or in the rate of interest thereon without the consent of the holder of such bond, or shall reduce the percentages or otherwise affect the classes of bonds the consent of the holders of which is required to effect any such modification or amendment, or shall change or modify any of the rights or obligations of the Trustee or of any Paying Agent without its written assent thereto.

This bond is transferable, as provided in the Resolution, only upon the books of the Authority kept of that purpose at the above mentioned office of the Trustee, as Bond Registrar, by the Registered Owner hereof in person, or by such Registered Owner's attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Registered Owner or such Registered Owner's duly authorized attorney, at thereupon a new fully registered bond or bonds in the same aggregate principal amount, shall be issued to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges therein prescribed. The Authority, the Trustee and any Paying Agent may deem and treat the Registered Owner as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

[The Sewer Revenue Bonds are not subject to redemption prior to maturity.]

[The Sewer Revenue Bonds maturing on and prior to December 1, 20__ are not subject to redemption. The Sewer Revenue Bonds maturing on or after December 1, 20__ are subject to redemption, on and after December 1, 20__ at the election of the Authority as a whole or in part in such order of maturities as determined by the Authority (and in the event that less than all of the Sewer Revenue Bonds of such maturity to be redeemed are to be selected at random in a manner deemed fair by the Trustee), at the principal amount thereof together with accrued interest to the redemption date.

[If less than all bonds of like maturity are to be redeemed, the particular bonds to be redeemed shall be selected by the Trustee.

[Notice of redemption, setting forth the place of payment, shall be mailed by the Trustee, postage prepaid, not less than 30 days prior to the redemption date, to the registered owners of any bonds or portions of bonds which are to be redeemed, at their last addresses, if any, appearing upon the registry books, all in the manner and upon the terms and conditions set forth in the Resolution. If notice of redemption shall have been mailed as aforesaid, the bonds or portions thereof specified in said notice shall become due and payable on the redemption date therein fixed, and it; on the redemption date, moneys for the redemption of all bonds and portions thereof to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the

redemption date interest on such bonds or portions thereof so called for redemption shall cease to accrue and be payable. Failure of the registered owner of any bonds which are to be redeemed to receive any such notice shall not affect the validity of the proceedings for the redemption of bonds.]

[Insert Term Bond Language]

The principal of and interest on the bonds are payable solely from the Pledged Property. The bonds shall not be in any way a debt or liability of the State or of any country or municipality and shall not create or constitute any indebtedness, liability or obligation of the State or of any such county or municipality, legal, moral or otherwise.

IN WITNESS WHEREOF, THE TOWNSHIP OF OCEAN SEWERAGE AUTHORITY has caused this bond to be executed in its name and on its behalf by the manual or facsimile signature of its Chairman, and its seal to be impressed, imprinted, engraved or otherwise reproduced hereon, and attested by the signature of its Secretary; all of the Dated Date hereof.

THE TOWNSHIP OF OCEAN
SEWERAGE AUTHORITY

BY: _____
Chairman

Attest:

Secretary

Roll Call: Bernhardt, Galvin, Stubbs, Theodora
Yes Yes Yes Yes

Resolution

Mr. Bernhardt offered the following Resolution and moved its adoption. Mr. Theodora seconded the motion.

16 - 88
AUTHORIZING AMENDMENT OF CONTRACT AWARD AMOUNT TO T&M ASSOCIATES FOR DESIGN AND CONSTRUCTION SERVICES FOR THE 2016/17 NJEIT PROJECT

WHEREAS, the Township of Ocean Sewerage Authority awarded a contract to T&M Associates for design and construction services for the reconstruction of the Asbury Avenue and Longview Pump Stations and various collection system repairs in the 2016/17 Environmental Infrastructure Trust round of funding; and

WHEREAS, the amount of the award was not to exceed \$109,723; and

WHEREAS, T&M Associates has requested the award be increased to \$118,673 for reasons set forth in their letter dated October 19, 2016; and

WHEREAS, the Authority’s Executive Director has certified that funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED that the Township of Ocean Sewerage Authority hereby increases the award of contract to T&M Associates to \$118,673 for design and construction services for the 2016/2017 NJEIT Project.

Roll Call: Bernhardt, Galvin, Stubbs, Theodora
Yes Yes Yes Yes

Resolution

Mr. Bernhardt offered the following Resolution and moved its adoption. Mr. Stubbs seconded the motion.

16 - 89

AUTHORIZING PAYMENT IN THE AMOUNT OF \$182,604.97 TO BLACK ROCK ENTERPRISES, LLC FOR WICKAPECKO DRIVE AND WANAMASSA DRIVE SANITARY SEWER REHABILITATION PROJECT

WHEREAS, the Authority made an award to Black Rock Enterprises LLC (“Black Rock”) in the amount of \$448,629.00 for the Wickapecko Drive and Wanamassa Drive Sanitary Sewer Rehabilitation project (the “Project”) on August 2, 2016; and

WHEREAS, Black Rock has performed certain work on the Project; and

WHEREAS, the Authority’s engineer has recommended payment in the amount of \$182,604.97 to Black Rock in accordance with Payment Certificate No. 1 dated October 19, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Township of Ocean Sewerage Authority hereby authorizes payment in the amount of \$182,604.97 to Black Rock Enterprises LLC for the Wickapecko Drive and Wanamassa Drive Sanitary Sewer Rehabilitation Project in accordance with the Authority’s engineer letter dated October 19, 2016.

Roll Call: Bernhardt, Galvin, Stubbs, Theodora
Yes Yes Yes Yes

Resolution

Mr. Stubbs offered the following Resolution and moved its adoption. Mr. Theodora seconded the motion.

16 - 90

AUTHORIZING HAZEN & SAWYER TO PROCEED WITH OCEAN OUTFALL PIPE INSPECTION PROPOSAL PREPARED BY PURE TECHNOLOGIES

WHEREAS, the Township of Ocean Sewerage Authority awarded a contract to Hazen & Sawyer (“Hazen”) on July 21, 2016 for engineering services with regard to its ocean outfall pipe; and

WHEREAS, Hazen has recommended an inspection of the ocean outfall pipe from the chlorine contact tank to the ocean outfall pipe wye in order to provide the best engineering alternatives to the Authority; and

WHEREAS, Pure Technologies has provided a proposal in the amount of \$284,000 to prepare a report on the condition of the Authority’s ocean outfall pipe (the “Proposal”); and

WHEREAS, the Proposal breaks the inspection into three sections--the chlorine contact tank to the beach manhole (“B”), the beach manhole to the wye “A”), the spool pieces (“C”).

NOW, THEREFORE, BE IT RESOLVED by the Township of Ocean Sewerage Authority hereby authorizes Hazen & Sawyer to proceed with the Pure Technologies proposal with the exception of the inspection of Section C.

Roll Call: Bernhardt, Galvin, Stubbs, Theodora
Yes Yes Yes Yes

Resolution

Mr. Bernhardt offered the following Resolution and moved its adoption. Mr. Stubbs seconded the motion.

16 - 91
AUTHORIZING MAKING ACCOUNT NUMBER 19651-0 INACTIVE

WHEREAS, account number 19651-0 is for commercial property located at 910 Highway 35 in the Township of Ocean (the “Property”); and

WHEREAS, the Property was included in Application Number 168 where the applicant proposed to expand the existing auto sales and service building and expand the existing vehicle inventory lot; and

WHEREAS, the Property is now used as a vehicle inventory lot and no structure exists on the Property.

NOW, THEREFORE, BE IT RESOLVED by the Township of Ocean Sewerage Authority that account number 19651-0 be declared inactive; and

BE IT FURTHER RESOLVED that any charges on account number 19561-0 for the third and fourth quarters of 2016 be removed.

Roll Call: Bernhardt, Galvin, Stubbs, Theodora
 Yes Yes Yes Yes

Resolution

Mr. Bernhardt offered the following Resolution and moved its adoption. Mr. Theodora seconded the motion.

16 - 92
AUTHORIZING AGREEMENT FOR SPECIALIZED LEGAL SERVICES

WHEREAS, the Township of Ocean Sewerage Authority (the “Authority”) has a need for specialized legal services in connection with the authorization and issuance of bonds and project notes by the Authority, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided by a recognized bond counsel firm, and the law firm of Davison, Eastman & Munoz, P.A. is so recognized by the financial community; and

WHEREAS, the Executive Director has certified that funds are or will be available for this purpose; and

WHEREAS, the services to be performed are “professional services” as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-2(6) and therefore are exempted from the Local Public Contracts Law requirements for competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i).

NOW, THEREFORE, BE IT RESOLVED by the Township of Ocean Sewerage Authority as follows:

1. The law firm of Davison, Eastman & Munoz, P.A. is hereby retained to provide the specialized legal services necessary in connection with the authorization and issuance of bonds and notes by the Authority in accordance with the Fee Agreement attached to this Resolution.
2. This Contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law because the services

involved are of such a qualitative nature and are not readily susceptible or subject to competitive bidding and further, that the above named firm has been determined to have expertise in this area and, in the opinion of the Authority Members, this firm can best provide the appropriate legal services required.

3. A copy of this Resolution and the contract shall be placed on file with the Executive Director of the Authority.

4. A notice in accordance with the Local Public Contracts Law shall be published in the Coaster within twenty (20) days of the date of this Resolution.

Roll Call: Bernhardt, Galvin, Stubbs, Theodora
Yes Yes Yes Yes

Resolution

Mr. Theodora offered the following Resolution and moved its adoption. Mr. Bernhardt seconded the motion.

RESOLUTION DECLARING CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Township of Ocean Sewerage Authority as follows:

- 1. The Public shall be excluded from discussion of and action upon the hereinafter-specified subject matters.
- 2. The general nature of the subject matter to be discussed is as follows:

Personnel

- 3. It is anticipated at this time that the above stated subject matter would be made public when matters are resolved.

This resolution shall take effect immediately.

Roll Call: Bernhardt, Galvin, Stubbs, Theodora
Yes Yes Yes Yes

There being no further business to come before the Authority, Mr. Bernhardt moved that the meeting be adjourned. Mr. Theodora seconded the motion and all voted in favor of adjournment.

Respectfully submitted,

RALPH E. STUBBS, Secretary