

AGENDA  
CUMBERLAND COUNTY UTILITIES AUTHORITY  
JANUARY 21, 2016

1. CALL TO ORDER
2. ANNOUNCEMENT THAT ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED IN ACCORDANCE WITH CHAPTER 231, P.L. 1975 (THE OPEN PUBLIC MEETINGS ACT)
3. FLAG SALUTE
4. ROLL CALL
5. MINUTES OF REGULAR MEETING OF DECEMBER 17, 2015
6. REPORTS
  - A. DIRECTOR
  - B. ENGINEER
  - C. AUDITOR
  - D. GENERAL COUNSEL
  - E. COMMITTEES
    - (1) COMMUNITY/INDUSTRIAL RELATIONS – Commissioner Friedman
    - (2) EMPLOYEE RELATIONS – Commissioners Rajacich
    - (3) FACILITIES EXPANSION/CONSTRUCTION – Chairman VanSant
    - (4) FINANCE AND BUDGET – Vice-Chairman Wasserman
    - (5) OPERATIONS/INSURANCE - Commissioner Bethea
    - (6) AD HOC – Commissioner Edwards
7. RESOLUTIONS
  - A. A RESOLUTION AUTHORIZING THE CUMBERLAND COUNTY UTILITIES AUTHORITY TO PURCHASE MATERIALS ACCORDING TO THE TERMS OF PERTINENT STATE CONTRACTS
  - B. SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,200,000 AGGREGATE PRINCIPAL AMOUNT OF SEWER SYSTEM REVENUE BONDS, SERIES 2016 OF THE CUMBERLAND COUNTY UTILITIES AUTHORITY
  - C. RESOLUTION TO AMEND RESOLUTION #2708 AUTHORIZING THE PURCHASE OF A POWER MANAGEMENT SYSTEM
8. TREASURER'S REPORT
  - A. CASH POSITION OF THE AUTHORITY
  - B. RESOLUTION APPROVING AND AUTHORIZING PAYMENT OF CERTAIN OPERATING ACCOUNT VOUCHERS
9. CHAIRMAN'S REMARKS
10. OPEN FLOOR FOR COMMENTS OF COMMISSIONERS
11. PUBLIC PORTION
12. MOTION FOR EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL MATTERS
13. ADJOURNMENT

## CUMBERLAND COUNTY UTILITIES AUTHORITY

January 21, 2016

The Cumberland County Utilities Authority (CCUA) held its Regular Monthly Meeting on Thursday, January 21, 2016 in the Meeting Room of the Operations Building, 333 Water Street, Bridgeton, New Jersey.

### Representing the CCUA:

Albert Jones, Chairman  
Edward Bethea, Commissioner  
Harvey Friedman, Commissioner  
Zarko Rajacich, Commissioner  
Douglas VanSant, CommioSSIONER  
Stephen Testa, Auditor  
James K. Grace, General Counsel  
Jerome A. Harris, Engineer  
C. Kenneth Hill, Secretary  
G. Steven Errickson, Director  
Dominic Buirch, Business Administrator  
Patti McAllister, Assistant Secretary – Treasurer

Chairman Jones called the meeting to order, announced that adequate notice of this meeting has been given in accordance with Chapter 231, P.L. (THE OPEN PUBLIC MEETING ACT) and led in the flag salute.

Secretary Hill called the roll and a quorum was present. Commissioner Edwards and Vice-Chairman Wasserman were absent. Vice-Chairman Wasserman was recorded as an excused absence.

Chairman Jones called for a motion to approve the minutes of the Regular Monthly Meeting of December 17, 2015. Motion was made by Commissioner VanSant, seconded by Commissioner Rajacich and carried unanimously at roll call.

Chairman Jones called for reports.

## REPORTS

### Director

Director Errickson submitted the December 2015 Discharge Monitoring Report (DMR) for inclusion in the minutes for this meeting. The Authority met all permit discharge conditions during the month and the plant continues to operate very well.

The Director reported attending a meeting with The County Finance Committee to explore possible methods to finance the extension of sewer lines to Cumberland County Bay Shore region and Municipalities along the way. We continue to examine funding through FEMA and Hurricane Sandy money as the main source of revenue.

Director Errickson also reported that we have been in contact with Atlantic City Electric and New Jersey Board of Public Utilities, and have had very good discussions and cooperation with them on the Solar Project. We are looking to finalize the application for preliminary site study by Atlantic City Electric sometime soon. The results of the study would indicate whether or not to move forward with the project. The Board of Public Utilities has available Grant and low interest loan programs that could be useful to the Authority or a contractor working for the Authority.

The Director reported that the CCUA was the host for Supervisor Training on January 8, 2016. The Cumberland County College conducted a training course for several County Departments for those interested in learning new skills, and improving what they already know. Three Authority employees attended the class, and reported back how much they enjoyed the class and are looking forward to the next class, this Friday.

Director Errickson noted that Authority staff is looking into a new work order system for the plant, in order to increase efficiency and lower costs. By tracking the work and performing preventative maintenance we could cut down job time and lower replacement costs. A company named E-Maintenance has been on site to offer suggestions for the work order program.

Director Errickson informed the Board that the Authority has received approval to take liquid sludge to the DELCORA incinerator, in Chester, and will probably begin next week. This will fill the gap left by the closure of the GCUA incinerator, where we used to take liquid sludge during winter months. Hauling will initially be done by C&H, our contracted hauling service, as our trucks are not approved for interstate transport. We are looking into getting this approval also and, if we do our own hauling, we will need to get an EZ-Pass transmitter for the truck.

Mr. Errickson reported that we have rolled out our use of computer tablets for the operators to collect their data on. While it is certain to have some bugs to work out, once fully operational it will allow for automatic download into our operations data management software and eliminate a lot of paper and duplication of tasks. Our next task is to integrate it with the lab, which should produce additional time savings. A major component of this effort will be to expand our current wireless network throughout the plant. If all works as intended, we should be able expand the technology into maintenance to allow remote entry of work order data in the future.

The Director noted that the Authority's request for a stay of certain conditions in our new discharge permit was submitted and has been acknowledged by DEP.

Director Errickson reported that CME has submitted a report summarizing their observations and recommendations for dealing with the problem of rags and related solids in the plant influent. We have moved to address some of the items and hope to arrange some tours of other facilities to see how they are handling this issue in the coming months.

Director Errickson noted that there are three resolutions tonight. Resolution "A" authorizes the Authority to purchase materials according to State Contracts. Resolution "B", is a Supplemental resolution authorizing a "Not to Exceed" aggregate principle amount of sewer system revenue bonds. Resolution "C" is a resolution to amend Resolution # 2708 by restating the proper statute.

In conclusion, the Director offered his thanks to Deputy Director Michael Fernandez, Administrative Assistant Patti McAllister, Business Administrator Dominic Buirch and Authority Engineer Jerry Harris for their help with preparing his reports.

### **Engineer**

Mr. Harris reported that design activities continued relative to the design of the 2016 NJEIT Projects, which are the upgrade of the Upper Deerfield (Seabrook) Pumping Station and miscellaneous improvements to the Wastewater Treatment Plant. Work is continuing on developing plans and specifications suitable for bidding and responding to NJDEP comments. A Treatment Works Approval permit application for the Upper Deerfield Pump Station was submitted to the NJDEP. A waiver for a TWA permit for the plant project has been obtained from NJDEP.

Mr. Harris also reported that he reviewed the Final NJDES Discharge permit received from the NJDEP. He is coordinating comments with Deputy Director Fernandez. He also assisted in preparation of adjudicatory hearing and stay requested relative to certain permit requirements.

Mr. Harris noted that he reviewed the renewal application forms for Residuals Permit and sludge application LLAMA. He also reviewed NJDEP comments and assisted Deputy Director Fernandez with responses.

Mr. Harris lastly reported that he was available to provide assistance to the Director and Deputy Director on biogas, sludge management and clarifier coating issues.

### **Auditor**

Mr. Testa reported that he provided staff assistance. He also reported that he has begun planning and performing preliminary procedures on the 2015 Audit. He noted he has prepared and delivered the Engagement Letter and met with the Business Administrator today to plan fieldwork for the Audit. He stated fieldwork will begin once the records are complete and ready to be audited.

### **General Counsel**

Mr. Grace reported that the trial date for the clarifier case is now scheduled for January 25, 2016. A meeting with the Judge and all parties was held on January 13, 2016 to see where things stand. It is hoped that an agreement can be reached without the need of a Trial.

Mr. Grace stated he was available for any questions or concerns by the Director, staff and Commissioners.

### **Committees**

There were no Committee meetings this past month.

A motion to open a Public Hearing on the Revenue Bonds Series 2016 was made by Commissioner Bethea, seconded by Commissioner VanSant and carried unanimously at roll call.

Chairman Jones called for any questions and Nancy Ridgeway asked what this resolution was about. Christopher B. Langhart, attorney from the Bond Counsel firm of McManimon Scotland & Banmann was called upon to explain the resolution and why the Authority was passing it tonight. There were no other questions so Chairman Jones called for a motion to close the public hearing.

A motion was made to close the public hearing by Commissioner Bethea, seconded by Commissioner VanSant and carried unanimously at roll call.

## **RESOLUTIONS**

RESOLUTION (2733) AUTHORIZING THE CUMBERLAND COUNTY UTILITIES AUTHORITY TO PURCHASE MATERIALS ACCORDING TO THE TERMS OF PERTINENT STATE CONTRACTS offered by Commissioner Bethea, seconded by Commissioner Rajacich and carried unanimously at roll call.

RESOLUTION (2734) SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$ 2,200,000 AGGREGATE PRINCIPAL AMOUNT OF SEWER REVENUE BONDS, SERIES 2016 OF THE CUMBERLAND COUNTY UTILITIES AUTHORITY offered by Commissioner Bethea, seconded by Commissioner VanSant and carried unanimously at roll call.

RESOLUTION (2735) TO AMEND RESOLUTION # 2708 AUTHORIZING THE PURCHASE OF A POWER MANAGEMENT SYSTEM offered by Commissioner Bethea, seconded by Commissioner Rajacich and carried unanimously at roll call.

### **Treasurers Report**

Revenue Account	\$ 1,798,808.65
Operating Account	108,418.59
Petty Cash	500.00
Sensor Account	8,039.04
General Account	2,944,305.18
Plant Reconstruction/Replacement	2,169,045.69
User Revenue Reserve	221,190.78
Trust Account	3,005,512.34
Total Cash Position	\$ 10,255,820.27

Assistant Treasurer McAllister reported that the bills submitted for payment today for the Operating Account total \$214,784.73. The Authority Chairperson and Secretary have checked the vouchers. The Operating Account has sufficient funds to cover these checks and approval of Resolution B is recommended.

The monthly bank statements are available for review if anyone is interested.

RESOLUTION (2736) APPROVING AND AUTHORIZING PAYMENT OF CERTAIN OPERATING ACCOUNT VOUCHERS, offered by Commissioner Bethea, seconded by Commissioner VanSant and carried unanimously at roll call.

### **Chairperson's Remarks**

Chairman Jones thanked everyone for their hard work and our dedicated staff and employees for doing a great job which keeps our costs low and keeps the facility running smoothly. The Chairman also extended his wishes for a safe snow event this weekend. Chairman Jones also welcomed our new General Counsel James Grace and said he looked forward to working with him.

### **Commissioners-Public**

Freeholder James Quinn stated that it was great to be at the meeting as the Authority Freeholder liaison. He stated that this was his 24<sup>th</sup> year associated with this Authority. Twenty three as Authority Treasurer and now as Freeholder liaison.

A motion was made to enter into an Executive Session to discuss Litigation and Personnel Matters by Commissioner VanSant, seconded by Commissioner Bethea and carried unanimously at roll call.

The Executive Session was adjourned upon a motion to return to the regular agenda, which was offered by Commissioner Bethea, seconded by Commissioner VanSant and carried unanimously at roll call.

A motion was made to allow Director Errickson to have the authority to agree to a settlement of the pending clarifier case in court, if it is in the parameters of what the Commissioners are looking to achieve.

The Director was also authorized to advertise for the position of Administrative Assistant.

The meeting was adjourned on a motion from Commissioner VanSant.

The next regular Monthly Meeting of the Cumberland Counties Utilities Authority will be held Thursday February 18, 2016 in the Public Meeting Room of the Operations Building, 333 Water Street, Bridgeton, New Jersey at 4:30 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "C. Kenneth Hill".

C. Kenneth Hill, Secretary

CUMBERLAND COUNTY UTILITIES AUTHORITY

COMMISSIONER	AYE	NAY	ABSTAIN	ABSENT
EDWARD BETHEA	x			
ANGELIA EDWARDS				x
HARVEY FRIEDMAN	x			
ZARKO RAJACICH	x			
DOUG VANSANT	x			
KEITH WASSERMAN				x
ALBERT JONES	x			

RESOLUTION 2733

Offered By Bethea

Seconded By Rajacich

Dated January 21, 2016

RESOLUTION AUTHORIZING THE CUMBERLAND COUNTY  
UTILITIES AUTHORITY TO PURCHASE MATERIALS ACCORDING TO  
THE TERMS OF PERTINENT STATE CONTRACTS

WHEREAS, the Cumberland County Utilities Authority in the course of conducting its operation is in need of purchasing materials; and

WHEREAS, the State of New Jersey has entered into contracts with suppliers of materials under the terms of said contracts, the Cumberland County Utilities Authority can purchase materials at the same costs as would be paid by the State of New Jersey; and

WHEREAS, it has been the experience of the Authority that purchase of materials pursuant to the terms of the State contracts is often more economical than attempting to purchase many items directly from suppliers of materials.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Cumberland County Utilities Authority to purchase materials pursuant to the terms of pertinent State contracts for the purchase of specific materials.

Passed and adopted at the regular meeting of the Cumberland County Utilities Authority, held at the Authority's Administration Building, 333 Water Street, Bridgeton, New Jersey, on Thursday afternoon, January 21, 2016 at 4:30 p.m. prevailing time.

DATED: January 21, 2016

CUMBERLAND COUNTY UTILITIES AUTHORITY

COMMISSIONER	AYE	NAY	ABSTAIN	ABSENT
EDWARD BETHEA	x			
ANGELIA EDWARDS				x
HARVEY FRIEDMAN	x			
ZARKO RAJACICH	x			
DOUG VANSANT	x			
KEITH WASSERMAN				x
ALBERT JONES	x			

RESOLUTION 2734

Offered By Bethea

Seconded By VanSant

Dated January 21, 2016

SUPPLEMENTAL RESOLUTION AUTHORIZING THE  
ISSUANCE OF NOT TO EXCEED \$2,200,000 AGGREGATE  
PRINCIPAL AMOUNT OF SEWER SYSTEM REVENUE BONDS,  
SERIES 2016 OF THE CUMBERLAND COUNTY UTILITIES  
AUTHORITY

WHEREAS, The Cumberland County Utilities Authority was originally created as The Cumberland County Sewerage Authority pursuant to the county sewerage authorities law, which constituted Chapter 123 of the Pamphlet Laws of 1946 and the acts amendatory thereof or supplemental thereto, codified as N.J.S.A. 40:36A-1 et seq., which was repealed by P.L. 1977, c. 384, Section 16, effective February 10, 1978; and

WHEREAS, The Cumberland County Sewerage Authority was reorganized as The Cumberland County Utilities Authority and continues to exist and to operate pursuant to the municipal and county utilities authorities law, N.J.S.A. 40:14B-1 et seq. (P.L. 1957, Chapter 183, effective August 22, 1957, and the acts amendatory thereof and supplemental thereto) (the “Act”) and pursuant to a resolution of the Board of Commissioners, which was duly filed with the Secretary of State of the State of New Jersey (The Cumberland County Sewerage Authority until its reorganization and The Cumberland County Utilities Authority after its reorganization being herein referred to as the “Authority”); and

WHEREAS, the Act provides that the Authority shall have the power to borrow money and issue its bonds and other obligations and to provide for the rights of the holders of its bonds and other obligations, as provided in the Act, for the purpose of financing the cost of any part of the sewer system (the “System”) servicing certain residents of the County of Cumberland (the “County”) and for the refunding of outstanding obligations of the Authority; and

WHEREAS, on February 7, 1977, the Authority adopted a general bond resolution entitled, “Resolution Providing for the Issuance of Bonds of The Cumberland County Sewerage Authority and for the Rights of the Holders Thereof, Determining to Construct the Phase I Project of the Authority, Estimating the Cost of the Phase I Project, and Authorizing Initial Bonds to Finance the Portion of Such Estimated Cost Not Paid or Provided for from Governmental Grants for the Phase I Project” (the “General Bond Resolution”); and

WHEREAS, the General Bond Resolution authorizes the Authority to provide for the construction or acquisition of Projects (as defined in the General Bond Resolution) other than the Initial Project (as defined in the General Bond Resolution) and to repay or refund any outstanding bonds and to issue one or more series of Additional Bonds (as defined in the General Bond Resolution) for such purposes; and

WHEREAS, the Authority has determined to issue sewer revenue bonds pursuant to and in accordance with the General Bond Resolution in the principal amount of not to exceed \$2,200,000 for (i) improvements to the Upper Deerfield Pump Station consisting of the conversion from a wet well/dry well configuration to a submersible style station,

Cumberland County  
Utilities Authority



and including the installation of submersible pumps, electrical and control components, screening devices, mixers, new valve chambers, the replacement of generators, the construction of a housing structure, and all work necessary and ancillary thereto, (ii) improvements to the Wastewater Treatment Plant consisting of headworks improvements including the replacement of handrails, gratings, sluice gates, grit removal units, and screen improvements, replacement of aeration blowers and clarifier improvements, and all work necessary and ancillary thereto, and (iii) payment of the costs of issuance associated with the issuance of the sewer revenue bonds; and

**WHEREAS**, the Authority, in accordance with the provisions of the General Bond Resolution, desires to authorize the issuance and delivery of such sewer revenue bonds in an aggregate principal amount of not to exceed \$2,200,000 to be designated “Sewer Revenue Bonds, Series 2016” (the “Series 2016 Bonds”) pursuant to this supplemental resolution (the “2016 Supplemental Resolution”); and

**WHEREAS**, the Authority desires to sell such Series 2016 Bonds to the State and Trust (each as defined herein) pursuant to the New Jersey Environmental Infrastructure Trust Financing Program and the terms of the Financing Documents (as hereinafter defined) to be executed in connection therewith; and

**WHEREAS**, the Authority wishes to provide terms and conditions with respect to such Series 2016 Bonds in addition to those which have been previously established under and pursuant to the General Bond Resolution and delegate the sale of such Series 2016 Bonds to the Chairperson or Vice Chairperson of the Authority;

**NOW THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY UTILITIES AUTHORITY, as follows:**

**ARTICLE I**  
**General Provisions**

**Section 101. Short Title.** This resolution may hereafter be cited by the Authority and is hereinafter sometimes referred to as the “2016 Supplemental Resolution”.

**Section 102. Terms Defined in Resolution.** Whenever used or referred to in this 2016 Supplemental Resolution all words and terms which are defined in Section 101 of the General Bond Resolution, shall have the same meanings given to such words and

terms, as determined in Section 101 thereof, except to the extent words and terms are defined or shall otherwise be established in Section 103 hereof.

**Section 103. Other Definitions.** As used or referred to, and unless the context clearly indicates a different meaning or use, in this 2016 Supplemental Resolution:

“Act” means the municipal and county utilities authorities law, constituting Chapter 183 of the Laws of the State of New Jersey of 1957, as amended and supplemented;

“2016 Project” means (i) improvements to the Upper Deerfield Pump Station consisting of the conversion from a wet well/dry well configuration to a submersible style station, and including the installation of submersible pumps, electrical and control components, screening devices, mixers, new valve chambers, the replacement of generators, the construction of a housing structure, and all work necessary and ancillary thereto, (ii) improvements to the Wastewater Treatment Plant consisting of headworks improvements including the replacement of handrails, gratings, sluice gates, grit removal units, and screen improvements, replacement of aeration blowers and clarifier improvements, and all work necessary and ancillary thereto, and (iii) payment of the costs of issuance associated with the issuance of the Series 2016 Bonds;

“2016 Supplemental Resolution” means this supplemental resolution of the Authority;

"Escrow Agreement" means that certain escrow agreement to be entered into by and between the Authority, the Trust, the State and the escrow agent named in such agreement (the "Escrow Agent"), as trustee for the holders of the Series 2016 Bonds issued pursuant to the Program.

"Financing Documents" means the Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement, as defined herein.

“Fund Loan Agreement” means that certain loan agreement to be entered into by and between the Authority and the State, pursuant to the Program.

“General Bond Resolution” means the general bond resolution of the Authority adopted on February 7, 1977, entitled, “Resolution Providing for the Issuance of Bonds of The Cumberland County Sewerage Authority and for the Rights of the Holders Thereof, Determining to Construct the Phase I Project of the Authority, Estimating the Cost of the Phase I Project, and Authorizing Initial Bonds to Finance the Portion of Such

*Cumberland County Utilities Authority*

---

Estimated Cost Not Paid or Provided for from Governmental Grants for the Phase I Project” as amended and supplemented;

“Obligated Person” shall have the meaning given to such term in Rule 15c2-12 of the Securities and Exchange Commission.

"Paying Agent" shall mean such financial institution, appointed by the Authority, to carry out its duties and obligations as set forth herein and in the Financing Documents;

“Participant Data” means the financial and statistical data of the City of Bridgeton and the Township of Upper Deerfield of the type to be included in a final Official Statement, if required, and for any fiscal year, similar financial and statistical data for any other Participant which may be an Obligated Person during such fiscal year.

“Program” means the 2016 New Jersey Environmental Infrastructure Trust Financing Program

"Registrar" shall mean such financial institution, appointed by the Authority, to carry out its duties and obligations as set forth herein and in the Financing Documents;

“Resolution” means the General Bond Resolution and the 2016 Supplemental Resolution;

“Series 2016 Bonds” means the bonds in the principal amount of not to exceed \$2,200,000 to be designated “Sewer System Revenue Bonds, Series 2016”;

“State” means the State of New Jersey, and when used in reference to the Program, the State, acting by and through the New Jersey Department of Environmental Protection;

“Trust” means the New Jersey Environmental Infrastructure Trust;

“Trust Loan Agreement” means that certain loan agreement to be entered into by and between the Authority and the Trust, pursuant to the Program;

"Trustee" shall mean such financial institution, appointed by the Authority, to carry out its duties and obligations as set forth herein and in the Financing Documents;

Words importing persons include firms, associations and corporations; and

Words importing the singular number include the plural number and vice versa.

**Section 104. Incorporation of Resolution.** This 2016 Supplemental Resolution supplements and amends the General Bond Resolution. The General Bond Resolution is incorporated herein by reference thereto.

**Section 105. Severability of Invalid Provisions.** If any one or more of the covenants or agreements provided in this 2016 Supplemental Resolution, on the part of the Authority, the Trust, the State, the Escrow Agent or the Trustee, to be performed should be contrary to law, then such covenant or covenants, agreement or agreements, shall be deemed separable from the remaining covenants and agreements and shall in no way affect the validity of the other provisions of the 2016 Supplemental Resolution or of any Series 2016 Bond.

## ARTICLE II

### Determinations By and Obligations of the Authority

**Section 201. Authority for 2016 Supplemental Resolution.** This 2016 Supplemental Resolution is adopted pursuant to the Act and the General Bond Resolution, and the Authority has ascertained and hereby determines that each and every act, matter, thing or course of conduct as to which provision is made in this 2016 Supplemental Resolution is appropriate in order to carry out and effectuate the purposes of the Authority in accordance with the Act and the Resolution to further secure the payment of the principal or redemption price of and interest on the Series 2016 Bonds.

**Section 202. Series 2016 Bonds to Constitute Additional Bonds.** The Series 2016 Bonds shall constitute Additional Bonds as such term is defined in the Resolution and shall be issued pursuant to and in accordance with the Resolution.

**Section 203. Resolution to Constitute Contract.** In consideration of the purchase and acceptance of the Series 2016 Bonds by the State and the Trust pursuant to the Program, the provisions of the 2016 Supplemental Resolution shall be deemed to be and shall constitute a contract between the Authority, the Escrow Agent, the Trustee, the Trust and the State; the pledge made in the 2016 Supplemental Resolution and the covenants and agreements herein set forth to be performed by or on behalf of the Authority shall be for the equal benefit, protection and security of the holders of any and all of the Series 2016 Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction of any of the

Series 2016 Bonds over any other thereof except as expressly provided in or pursuant to the 2016 Supplemental Resolution.

### ARTICLE III

#### **Authorization, Purpose, Execution and Issuance of Series 2016 Bonds**

**Section 301. Authorization and Purpose of the Series 2016 Bonds.** Series 2016 Bonds of the Authority in the principal amount of not to exceed \$2,200,000 are hereby authorized to be issued pursuant to Section 301 of the Resolution, such Series 2016 Bonds to be entitled “Sewer System Revenue Bonds, Series 2016” or such other title as the Authority shall determine. The Series 2016 Bonds are authorized and will be issued to provide funds for the 2016 Project.

**Section 302. Description of the Series 2016 Bonds; Delegation of Sale of the Series 2016 Bonds.**

(1) Term. The Series 2016 Bonds shall be two (2) in number issued to the State and the Trust, respectively, with interest rates fixed to maturity, shall be dated as of issue as determined by the Program, shall mature over a term of not exceeding thirty years, and be payable on February 1 and August 1 in the years and amounts as provided for by the Financing Documents, the Resolution and subparagraph (2) of this section and as provided by subsequent resolution of the Authority or a certificate of the Director, Chairperson or Vice Chairperson executed upon consultation with the Authority’s professionals (the “Award Certificate”) duly adopted or executed, as applicable, prior to the authentication and the delivery upon original issuance of the Series 2016 Bonds. Such subsequent resolution or Award Certificate (referred to herein as the “Award Document”). The Award Document may contain such other terms and provisions with respect to the Series 2016 Bonds that are not established by the terms of the Resolution or by the terms hereof and that are not inconsistent with the provisions thereof and hereof provided that it is consistent with the terms and conditions set forth in in a letter to the Director of the Local Finance Board in the Division of Local Government Services, New Jersey Department of Community Affairs on October 26, 2015.

(2) Denomination and Place of Payment. The Series 2016 Bonds shall be issued in fully registered form, without coupons, and are issuable in the denomination of one bond for each maturity thereof. The principal or redemption price of the Series 2016

Bonds shall be payable to the registered owner thereof, or registered assigns, at maturity or on the applicable date fixed for redemption upon presentation and surrender of the Series 2016 Bonds at the principal corporate trust office of the Paying Agent. Interest on the Series 2016 Bonds will be paid to the registered owner by check and such payment will be mailed by the Paying Agent to such Registered Owner at the most recent address appearing on the registration books of the Authority. All other terms and conditions with respect to the payment of the principal or redemption price of and interest on the Series 2016 Bonds shall be as provided in the Resolution.

(3) Execution of the Financing Documents. The Financing Documents are hereby authorized to be executed and delivered in connection with the Program. Such Financing Documents may be executed and delivered on behalf of the Authority by either its Director, Chairperson or Vice Chairperson (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Authority (collectively, the "Authority Consultants"), and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", together with the Authority Consultants, the "Consultants") shall determine, with such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Secretary or Assistant Secretary of the Authority is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Authority as determined hereunder, and to affix the corporate seal of the Authority to such Financing Documents.

(4) Form of Series 2016 Bonds. The Series 2016 Bonds shall be in substantially the form contained in Section 1208 of the General Bond Resolution with such amendments as required by the Program.

(5) Further Authorizations. The Authorized Officers of the Authority are hereby further severally authorized to (1) execute and deliver, and the Secretary or Assistant Secretary of the Authority is hereby further authorized to attest to such execution and to affix the corporate seal of the Authority to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers, the Secretary or Assistant Secretary of the Authority, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transaction contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (2) perform such other

actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution thereof.

**Section 303. Execution of Series 2016 Bonds.** The Director and/or Chairperson of the Authority is hereby authorized to execute by the manual or facsimile signature the Series 2016 Bonds in the name and on behalf of the Authority attested by the manual or facsimile signature of its Secretary.

**Section 304. Application of Bond Proceeds.** The proceeds of the Series 2016 Bonds, including accrued interest on such Series 2016 Bonds and including any premium payable to the Authority thereon, shall be applied simultaneously with the delivery of such Series 2016 Bonds as directed by written order of the Director, Chairperson, Vice Chairman or Treasurer of the Authority.

**Section 305. Appointment of Trustee, Paying Agent and Registrar.** In accordance with the provisions of Article XI of the Resolution, T.D. Bank, National Association, Cherry Hill, New Jersey (the "Bank") is hereby appointed Trustee (the "Trustee"), Paying Agent (the "Paying Agent"), and Registrar (the "Registrar") for the Series 2016 Bonds. The Bank shall accept and shall carry out its duties and obligations as Trustee, Paying Agent and Registrar as provided in and as required by the terms of the Resolution.

**Section 307. Project Report.** The acceptance of the "Planning Document For Wastewater Treatment Plant and Pump Station Improvements" prepared by CME Associates and dated October 10, 2014 at a meeting of the Authority on December 17, 2015 is hereby ratified and all prior actions of the Authority taken in connection with the 2016 Project are hereby ratified.

**Section 308. Additional Professionals.** The Director, Chairperson, Vice Chairperson, Treasurer and Secretary of the Authority are, and each of them is hereby, authorized and directed to retain on behalf of the Authority such auditors, financial consultants, verification agents, escrow agents, other professional advisors and printers as may from time to time be necessary, convenient or desirable in connection with the issuance of the Series 2016 Bonds under the Resolution.

(End of Article III)

ARTICLE IV

**Section 401. Intentionally Omitted.**

**Section 402. Intentionally Omitted.**

**Section 403. Covenant of Authority as to Compliance with Federal Tax Matters.** The Authority hereby covenants that it will take all actions within its control that are necessary to assure that interest on the Series 2016 Bonds is excludable from gross income under the Internal Revenue Code of 1986, as amended (the "Code"), and the Authority will refrain from taking any action that would adversely affect the exclusion of interest on the Series 2016 Bonds from gross income under the provisions of the Code.

**Section 404. Amendments.** The Chairperson or the Vice Chairperson and Secretary of the Authority are, and each of them is hereby, authorized and directed to revise this 2016 Supplemental Resolution if so required.

**Section 405. Additional Actions.** It is the intent of the Authority hereby to authorize the Executive Director, Chairperson or the Vice Chairperson, Treasurer and Secretary to take all action and steps and to execute all instruments, documents and contracts on behalf of the Authority that are necessary, convenient or desirable in connection with the execution and delivery of the Series 2016 Bonds and for carrying out the transactions and other matters contemplated by the Resolution, and which are specifically authorized or are not inconsistent with the terms and provisions of the Resolution, the Act or any action relating to the Series 2016 Bonds heretofore taken by the Authority.

**Section 406. Effective Date.** This resolution shall take effect:

(i) after the Authority shall have filed a copy of this 2016 Supplemental Resolution and a report of the 2016 Project (prepared by the Consulting Engineer and approved by the Authority, such approval evidenced by the adoption of the 2016 Supplemental Resolution) with the Trustee for inspection by the Bondholders and with each Participant (as such capitalized terms are defined in the General Bond Resolution); and

(ii) at a meeting of the Authority to be held at least fifteen (15) days after the Authority shall have published once in the Authorized Newspaper(s) of the Authority the time and location of a public hearing to be held by the Authority at which all at which



any Bondholder or Participant (as such terms are defined in the General Bond Resolution) may be heard. The Secretary of the Authority is hereby directed to publish a notice for the public hearing as provided herein and to forward a copy of this 2016 Supplemental Resolution to the Trustee and each Participant (as defined in the General Bond Resolution).

(End of Article IV)

Passed and adopted at the regular meeting of the Cumberland County Utilities Authority, held at the Authority’s Administration Building, 333 Water Street, Bridgeton, Jersey, on Thursday afternoon, January 21, 2016 at 4:30 p.m. prevailing time.

DATED: January 21, 2016

CUMBERLAND COUNTY UTILITIES AUTHORITY

COMMISSIONER	AYE	NAY	ABSTAIN	ABSENT
EDWARD BETHEA	x			
ANGELIA EDWARDS				x
HARVEY FRIEDMAN	x			
ZARKO RAJACICH	x			
DOUG VANSANT	x			
KEITH WASSERMAN				x
ALBERT JONES	x			

RESOLUTION 2735

Offered By Bethea

Seconded By Rajacich

Dated January 21, 2016

A RESOLUTION TO AMEND RESOLUTION #2708 AUTHORIZING THE PURCHASE OF A POWER MANAGEMENT SYSTEM

WHEREAS, the Cumberland County Utilities Authority approved Resolution #2708, dated November 23, 2015, authorizing the purchase of a Power Management System; and

WHEREAS, the newly appointed Legal Counsel informed the Authority that the statue referenced for such a fair and open process is incorrect as stated in the resolution; and

WHEREAS, the Director of the Authority desires to correct this oversight as follows; and

WHEREAS, the corrected paragraph should read “the Authority solicited sealed Requests for Qualifications (RFQ) for a Power Management System through a fair and open process in accordance with N.J.S.A. 40A:11-5(1)” et. seq.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Utilities Authority Commissioners as follows:

- 1. That the Authority shall amend Resolution #2708 with the corrected Statue N.J.S.A 40A:11-5(1).

Passed and adopted at the regular meeting of the Cumberland County Utilities Authority, held at the Authority’s Administration Building, 333 Water Street, Bridgeton, New Jersey, on Thursday afternoon, January 21, 2016 at 4:30 p.m. prevailing time.

DATED: January 21, 2016

CUMBERLAND COUNTY UTILITIES AUTHORITY

COMMISSIONER	AYE	NAY	ABSTAIN	ABSENT
EDWARD BETHEA	x			
ANGELIA EDWARDS				x
HARVEY FRIEDMAN	x			
ZARKO RAJACICH	x			
DOUG VANSANT	x			
KEITH WASSERMAN				x
ALBERT JONES	x			

RESOLUTION 2736

Offered By Bethea

Seconded By VanSant

Dated January 21, 2016

A RESOLUTION APPROVING AND AUTHORIZING  
THE PAYMENT OF CERTAIN OPERATING ACCOUNT VOUCHERS

WHEREAS, certain operating account vouchers have been received, reviewed, approved and recommended for payment by the Cumberland County Utilities Authority’s Finance Committee,

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Cumberland County Utilities Authority that, subject to the availability of funds, the vouchers listed herein in the total sum of \$214,784.73 be and the same are hereby approved for payment and that the Chairman and Treasurer are authorized and directed to issue checks against the Operating Account in payment of the same.

Cumberland County  
Utilities Authority

DATED: January 21, 2016