

RESOLUTION NO. 2014-230

**RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26, 40A:2-11(c) and 58:11B-9(a) FOR FINANCING UNDER THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST 2015 FINANCING PROGRAM FOR THE REMOVAL AND REPLACEMENT OF ASBESTOS CEMENT WATER MAINS AND RELATED IMPROVEMENTS ON SENECA BOULEVARD, 11<sup>TH</sup> STREET AND IN THE SKIPPER'S COVE AREA WITHIN THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY**

**WHEREAS**, the Township of Ocean, in the County of Ocean (the "**Township**"), has filed an application with the New Jersey Department of Environmental Protection ("**DEP**") and the New Jersey Environmental Infrastructure Trust (the "**Trust**") for the financing of a drinking water project involving the removal and replacement of asbestos cement water mains and service connections along Seneca Boulevard, 11<sup>th</sup> Street, and in the Skipper's Cove area in the Township that will support compliance by the Township with the drinking water regulations of the State of New Jersey (the "**2015 Drinking Water Project**") under the 2015 New Jersey Environmental Infrastructure Trust Financing Program (the "**2015 NJEIF Program**"); and

**WHEREAS**, the Township intends to issue to the Trust and NJDEP either its general obligation bonds or notes in a maximum aggregate principal amount of **Two Million Five Hundred Thousand Dollars (\$2,500,000)**, which amount shall be sufficient to pay the costs of the 2015 Drinking Water Project and the associated costs of issuance of such bonds or notes (the "**2015 Drinking Water Obligations**"); and

**WHEREAS**, N.J.S.A. 58:11B-9(a) requires a municipality to make written application to the Local Finance Board for its review and/or approval for all bonds issued to the Trust and NJDEP by the local government unit; and

**WHEREAS**, the loans from the Trust and NJDEP to the Township under the 2015 NJEIF Program will require a level maturity schedule over the life of such loans; and

**WHEREAS**, the Township Committee, as the governing body of the Township, has determined that the limitations as to maturities or amounts of annual installments under N.J.S.A. 40A:2-26 will adversely affect the financial position of the Township in connection with the issuance of the 2015 Drinking Water Obligations; and

**WHEREAS**, N.J.S.A. 40A:2-26 authorizes a municipality to make written application to the Local Finance Board for its review and/or approval of a proposed non-conforming debt service schedule; and

**WHEREAS**, the Township Committee also desires to request a waiver of the down

payment requirement in connection with the issuance of the 2015 Drinking Water Obligations pursuant to the provisions of N.J.S.A. 40A:2-7(d) and 40A:2-11(c), as the 2015 Drinking Water Obligations are being issued for purposes that are in the public interest and are for the health, welfare, convenience and betterment of the inhabitants of the Township, that such amounts to be financed are not unreasonable or exorbitant and will not materially impair the credit of the Township or substantially reduce its ability to pay punctually the principal of and interest on its debts and to supply essential public improvements and services; and

**WHEREAS**, the Township Committee believes it is in the best interest of the Township and the inhabitants thereof to submit such a written request to the Local Finance Board to allow the use of a non-conforming debt service schedule and waiver of the down payment requirement in connection with the issuance of the 2015 Drinking Water Obligations.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN AS FOLLOWS:**

**Section 1.** The use of a non-conforming debt service schedule and a waiver of the down payment requirement in connection with the issuance of the 2015 Drinking Water Obligations pursuant to the provisions of N.J.S.A. 40A:2-7(d) and 40A:2-11(c) are hereby approved by the Township Committee. The application to the Local Finance Board setting forth the requested non-conforming debt service schedule and waiver of the down payment requirement on the 2015 Drinking Water Obligations is hereby approved, and the Township's Bond Counsel and Auditor, along with other representatives of the Township, are hereby authorized to prepare and file such application and to represent the Township in all matters pertaining thereto.

**Section 2.** Dennis F. Tredy, Mayor, Christine Thorne, Chief Financial Officer of the Township, Diane Ambrosio, Township Clerk, and David Breeden, Township Administrator are each hereby authorized to act as the Authorized Representative to represent the Township of Ocean in all matters relating to the 2015 Drinking Water Project undertaken pursuant to the above referenced 2015 NJEIF Program to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representatives may be contacted at the Township of Ocean, 50 Railroad Avenue, Waretown, New Jersey 08758, Phone No. 609-693-3302.

**Section 3.** The Township hereby authorizes the Authorized Representatives to file all applications as may be required for loans under the 2015 NJEIF Program and to execute and deliver all applications, documents, bonds, instruments, or closing certificates as may be required in connection with such loan program.

**Section 4.** The Clerk of the Township is hereby directed to prepare and file a copy of this Resolution with the Local Finance Board as part of such application.

**Section 5.** The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

**Section 6.** This Resolution shall take effect immediately.

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DENNIS F. TREDY, MAYOR

APPROVED: June 12, 2014

ATTEST:

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Diane B. Ambrosio, RMC, Township Clerk

**CERTIFICATE**

I, Diane B. Ambrosio, RMC, Township Clerk of the Township of Ocean, in the County of Ocean, New Jersey, HEREBY CERTIFY, that the foregoing copy of the Resolution of the Township Committee duly adopted on June 12, 2014, has been compared by me with the original Resolution as officially recorded in my office in the Minutes Book of the governing body and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this \_\_\_\_ day of June, 2014.

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Diane B. Ambrosio, RMC, Township Clerk

[SEAL]

Certified to be a true copy of a Resolution  
adopted by Township Committee on June 12, 2014.

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Diane B. Ambrosio, RMC, Township Clerk