LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting
December 2, 2024, 6:00 pm
Lambertville Wastewater Treatment Facility,
3 Bridge Street, Lambertville
Minutes for Meeting Held in Person & Conference Call
Call In # 978-990-5000 Access Code: 2646329

The meeting was called to order at 6:00 p.m. by Mrs. MacGregor who read the statement of compliance with the Open Public Meetings Act, by adoption of Resolution 006-2024 setting forth meeting dates for 2024-2025. Notification was published on February 15, 2024, to the Hunterdon County Democrat and noticed in the Times of Trenton. A copy of the notice and agenda were posted on the web sites of the LMUA www.lambertvillemua.com and the City of Lambertville www.lambertvillenj.org.

Pledge of Allegiance.

Roll Call. Ms. Parsons called the roll as follows:

LMUA Board:

> Present: Janine MacGregor-Chairwoman, Vincent Uhl-Vice Chairman, Paul Rotondi-Treasurer Jacqueline Middleton-Secretary, Helen Pettit-Member, Holly Havens-Alternate I

Also Present: Thomas F. Horn, P.E.-Executive Director, Kathy Leary-Chief Financial Officer, David Rose, Operations Supervisor, Diane Alexander, Esq.-Authority Attorney of Maraziti Falcon, LLP, Kathryn Hatfield Esq.-Labor Attorney of Hatfield Schwartz Law Group, Christopher Langhart-Bond Counsel of McManimon, Scotland & Baumann (Attended via conference call)

Due to the length of the Agenda and time constraints of LMUA Board Members, related Agenda items were discussed together and some Agenda items were discussed out of order. These minutes reflect the order of discussions rather than the Agenda order.

Bond Resolutions 047 & 048-2024.

Mr. Langhart attended the meeting via conference call to review the Bond Resolutions before the Board to fund the 2025 Proposed Capital Projects. There are four proposed projects in addition to the N. Union Street pump station rebuild that Mr. Horn recommends funding through the NJ Infrastructure Bank (NJ I-Bank). They are Coryell Street pump station rebuild, Swan Street pump station upgrades and treatment plant projects.

Mr. Langhart explained that Resolution 047-2024 is for the proposed work at Coryell and Swan Street pump stations in an amount not to exceed $2.2 million. The second, Resolution 048-2024, is for the proposed treatment plant projects in an amount not to exceed $7.7 million. The last page of each of the Bond resolutions includes a summary of the proposed work. Mr. Langhart further explained that there is a bit of cushion built into each of these amounts to cover change orders and any increases in materials.

Ms. Pettit asked how the cushion was calculated. Mr. Langhart explained that the cushion covers engineering contingencies of up to $200,000 over the engineering estimates.

Mrs. MacGregor asked how the two proposed Bonds would affect our 10-year Cashflow Model. Mr. Langhart explained that the resolutions give the LMUA the ability to go forward with the projects, but it does not lock the Board into the full resolution amounts. The LMUA will be utilizing a Short-Term Bond (loan) that they will draw down on and once the projects are completed, the loans will be transferred to long term loans for only the amounts needed. Mr. Horn explained that the Bond amounts may be offset by grant money if awarded by the Federal Emergency Management Agency (FEMA).

Mr. Langhart explained that moving to Permanent Bonding depended on the construction schedules and permitting approvals. Once a project is fully completed, the NJ I-Bank will put the LMUA in the next permanent Bond Pool that is typically done twice a year. Mr. Horn anticipates full construction completion by late 2026.

After a discussion, Mr. Horn will have the Cash Flow model updated by our Financial Advisor to include the two proposed Bonds. Mr. Horn explained that the LMUA cannot move ahead with planning and designing until the Short-Term Bonds are in place. Mr. Langhart further explained that "just adopting these resolutions does not obligate LMUA to do anything" instead it authorizes Mr. Horn to move forward with the projects if the Board wishes him to. The Bond Resolutions include the worst-case scenario based upon the Asset Management Plan and the Board can determine which, if not all the proposed projects they would like to move ahead with. Seeing no further questions or concerns, Mrs. MacGregor requested a motion to move the two Bond Resolutions.

Mr. Langhart thanked the Board for their time and left the meeting at that time.

1. **Resolution 047-2024** *Supplemental Bond Resolution Authorizing the Issuance of Not to Exceed $2,200,000 Sewer Revenue Bonds of The Lambertville Municipal Utilities Authority Through The New Jersey Infrastructure Bank Financing Program* **(Attached at the end of the minutes**)

   Moved by: Ms. Pettit
   Seconded by: Mr. Uhl

Governing Body Member	**Recorded Vote:** Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

2. **Resolution 048-2024** *Supplemental Bond Resolution Authorizing the Issuance of Not to Exceed $7,700,000 Sewer Revenue Bonds of The Lambertville Municipal Utilities Authority Through The New Jersey Infrastructure Bank Financing Program* **(Attached at the end of the minutes)**

Moved by: Ms. Pettit
Seconded by: Mr. Rotondi

Governing Body Member	Recorded Vote: Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

Minutes.

1. The corrected minutes from the October 15, 2024, Regular & Closed Sessions were approved in a motion made by Mr. Rotondi and seconded by Ms. Pettit and followed by a unanimous vote roll call by all members present. MOTION CARRIED

Governing Body Member	Recorded Vote: Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

2. The corrected minutes from the November 5, 2024, Regular & Closed Sessions were approved in a motion made by Ms. Pettit and seconded by Mr. Uhl and followed by a unanimous vote roll call by all members present. MOTION CARRIED

Governing Body **Recorded Vote:**

Member	Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

Correspondence.

1. Fairview Avenue, New Hope, PA: Capacity verification was sent in a letter dated November 18, 2024, approving the proposed connection of an existing 1-family dwelling.

2. 60 Delaware Avenue, Lambertville, NJ: Capacity verification was sent in a letter dated November 21, 2024, for the proposed addition of a studio apartment above the existing garage. The property owner was advised that the addition of the apartment would increase the billing units from (1) one to (2) two units upon the issuance of a final certificate of occupancy.

3. 80 Lambert Lane, Lambertville, NJ: Capacity verification was sent in a letter dated November 21, 2024, for the proposed renovation of an existing 9,800 SF condo area currently used as an office space into a tasting room for Invertase Brewing. Mr. Horn advised that the location is being billed for three commercial units based on SF and does not anticipate an increase in capacity or user fees at this time.

4. 67 Bridge Street, Lambertville, NJ: Capacity verification was sent in a letter dated November 21, 2024, of the proposed addition of a studio apartment above the accessory garage at the existing single-family dwelling. Mr. Horn advised the architect for the project that the addition of the studio apartment would result in the billing of an additional residential unit.

5. 43 Perry Street, Lambertville, NJ: Capacity verification was sent in a letter dated November 21, 2024, for the proposed addition to an existing single-family dwelling that will add (1) one full bathroom and (2) ½ two half bathrooms. Mr. Horn did not anticipate an increase in capacity or user fees at this time.

6. 199 South Main Street, Lambertville, NJ: Capacity verification was sent in a letter dated November 25, 2024, for the proposed change in tenants. Mr. Horn explained that this is a new requirement from City of Lambertville's new Construction Code Official. Mr. Horn will contact

the new Official to inquire about the relevance of requiring capacity verification for a simple change in tenant.

Chairperson's Report.

1. Peracetic Acid (PAA) Incident Review.

   Mrs. MacGregor would like to review the PAA Incident along with Ms. Hatfield's report from the employee interviews in closed session.

2. Health and Safety Training.

   Mr. Horn has started looking into several Hazardous Waste Operations and Emergency Response (HAZWAPER) training program through the NJ Joint Insurance Fund. Mr. Horn recommends the 24-hour class and will start on implementation for training of all of the Operations Staff.

Executive Director's Report-Thomas Horn.

1. **Operations Report:**

   Treatment Plant & Collections System: Mr. Horn reported that at the treatment plant, one of the pumps had an issue over the past weekend that was resolved. The annual tank cleaning was started.

   Mr. Horn received an odor complaint from the Mayor on Sunday and is working on investigating the cause.

   Personnel: There were no new personnel issues.

   Regulatory Issues: The Plant NJPDES draft permit has been issued and Mr. Horn has had One Water submit comments based on their recommendations. There is one item that the Lambertville MUA should contest, which is dissolved oxygen concentration in the plant's effluent. NJ DEP is asked for a limit of 5 parts per million, but this is not a discharge limit, rather a stream quality limit which should not be applied as a plant effluent limit.

   The NJ Utilities Authority Joint Insurance Fund (NJUA JIF) has investigated the PAA spill emergency and has referred it to their claims committee.

   Administrative Issues: Carroll Engineering has completed the revisions to the O&M Manual and Emergency Response Plan as required by NJ DEP.

2. **Memo: Annual Report**

   Carroll Engineering has completed the Annual Inspection. The report will be sent to the Board ahead of the January 7th meeting.

   Operations Report Continued.

   The NJUA JIF has approved the LMUA's claim for the emergency belt filter press repairs, but only for hauling and disposal costs.

   Suplee Clooney has begun the annual audit of Fiscal Year 2024.

3. **Memo: Emergency Belt Filter Press Repair Services**

   Mr. Horn reviewed his memo and the resolution authorizing the emergency repairs and costs associated with sludge hauling and processing. The Board took a moment to review the costs listed on the resolution and noted the costs for disposal were not included. Mr. Horn pulled the actual costs from Stony Brook Regional Sewerage Authority and noted for the record they were $28,072.80. Mrs. MacGregor then requested a motion to amend Resolution 049-2024 to include the costs of sludge disposal in the amount not to exceed $28,072.80.

4. **Resolution 049-2024** *Resolution for Emergency Procurement of Belt Filter Press Repair Services*

WHEREAS, on September 27, 2024, as Lambertville Municipal Utilities Authority (LMUA) staff operated the belt filter press (BFP) to dewater the treatment plant's sludge, the operator heard a loud bang and the BFP stopped running; and

WHEREAS, Dave Rose and the operator investigated what had occurred and determined that a large roller had broken effectively shutting down the operation; and

WHEREAS, the Executive Director contacted the manufacturer of the BFP's local representative for availability of the roller and assistance with the repairs required; and

WHEREAS, the local representative indicated that the replacement roller was in stock and could be delivered the treatment plant by the week of October 14, 2024 and that technicians were available that week to make the necessary repairs; and

WHEREAS, said damage to the LMUA's BFP constituted a health and safety emergency; and

WHEREAS, due to the length of time the BFP would be out of service, the Executive Director contacted Stony Brook Regional Sewerage Authority (SBRSA) for permission to dispose of liquid sludge at their treatment plant, which was readily granted;and

WHEREAS, the Executive Director then contacted United Site Services to determine their availability to haul liquid sludge to SBRSA and a proposal for that service; and

WHEREAS, as United Site Services was available to haul liquid sludge to SBRSA and SBRSA had given permission to dispose of said liquid sludge, United Site Services began hauling the liquid sludge on October 1, 2024; and

WHEREAS, the replacement roller and repair technicians both arrived at the treatment plant on October 15, 2024; and

WHEREAS, the repair technicians were able to remove the damage roller and install the replacement roller and LMUA staff were able to install replacement belts for the BFP by October 16, 2024 making the BFP operable; and

WHEREAS, United Site Services completed the hauling of liquid sludge on October 16, 2024 at which time normal sludge dewatering operations could resume; and

WHEREAS, due to the estimated costs involved and the nature of the damages to the BFP, the Executive Director then contacted the New Jersey Utility Authorities Joint Insurance Fund (NJUAJIF) to file an insurance claim; and

WHEREAS, the NJUAJIF determined that the costs to repair the BFP would not be covered due to the age of the BFP but, the cost to haul and dispose of the liquid sludge would be covered; and

WHEREAS, the LMUA Board reviewed the memorandum prepared by the Executive Director requesting ratification of the emergency procurement of BFP repair services; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-6, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of the services; and

WHEREAS, the Authority is satisfied that, for the reasons articulated in the memorandum dated November 21, 2024, Thomas Horn, Executive Director, attached hereto and made a part hereof, the proposed emergency procurement is justified and meets the requirements of the Local Public Contracts Law and N.J.A.C. 5:34-6.1.

NOW, THEREFORE, BE IT RESOLVED by the Lambertville Municipal Utilities Authority as follows:

1. The LMUA hereby declares that an emergency existed due to the immediate need to obtain belt filter press repair services.
2. The LMUA hereby ratifies the actions of Thomas Horn, Executive Director and ratifies payment of the Invoices from Alfa Laval, in an amount of $14,240.00, for the provision of emergency BFP repair services, Alfa Laval, in an amount of $15,930.48 for the provision of replacement roller, United Site Services in an amount of $32,274.00 for the provision of emergency liquid sludge hauling services, and Stony Brook Regional Sewerage Authority in an amount of $28,072.80 for the provision of emergency liquid sludge disposal services, and as described in the memoranda dated November 15, 2024 and November 21, 2024 and documents attached hereto.
3. The CFO certifies that sufficient funds are available.
4. This Resolution shall take effect as provided by law.

Moved: Ms. Pettit
Seconded: Mr. Rotondi

Certification of Funds

I, Kathy Leary, Chief Financial Officer, do hereby certify that sufficient funds are available in the Capital Improvements Account, Fund 16.

/s/ Kathy Leary

Chief Financial Officer

Lambertville Municipal Utilities Authority

Dated: December 2, 2024

Governing Body **Recorded Vote:**

Member	Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

5. **Memo: Planned Vacation**

Mr. Horn let the Board know he will be on vacation from December 11th through the 13th. Ms. Pettit asked what the coverage would be during this time. Mr. Rose, Operations Supervisor, will be available should an emergency arise during Mr. Horn's vacation.

6. **N. Union Pump Station Replacement Update**

Mr. Horn updated the Board on the N. Union Pump Station replacement project progress.

In a letter dated November 5th Mr. Horn requested a time extension from FEMA to cover the emergency generator rental through June 30, 2025.
Dulaine Contracting Inc. has notified Mr. Horn that they could be ready to proceed with Phase two by March. Mrs. MacGregor took a moment to ask that Mr. Horn keep on top of any "critical path" of this project to keep it moving forward.

The Environmental Protection Agency (EPA) is scheduled to do a site visit on the 16th to do a quick review of the N. Union Street pump station project.

7. **Update Spreadsheet-Effluent Sampling Data**

The Board reviewed Mr. Horn's updated spreadsheet which showed a clearer representation of the monthly effluent sampling. Mr. Horn reported that all testing results were found to be within limits. Mr. Horn explained the weekly sampling schedule and explained the standards for each of the four testing requirements. The Board would like the columns to be organized so the daily and monthly limits are clear.

8. **Resolution 046-2024** *Appointing Thomas F. Horn as Public Agency Compliance Officer*

WHEREAS, section 17:27-3.5 of the New Jersey Administrative EEO Code requires that each public agency shall annually appoint a Public Agency Compliance Officer to ensure that municipal contracts comply with the policy of the State of New Jersey to promote equal employment opportunity and affirmative action with regard to public contracts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby appoints Thomas F. Horn as the Public Agency Compliance Officer for a term of one (1) year.

The Resolution shall be effective immediately upon adoption.

Moved:Mr. Rotondi
Seconded: Mr. Uhl

Governing Body Member	Recorded Vote: Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

9. Memo: Capital Projects Update

Mr. Horn reported that Environmental Policy Innovation Center (EPIC) has submitted the applications and planning reports for the Swan and Coryell Street pump station projects.

Carroll Engineering is working on preliminary design for the Coryell Street pump station project. A kickoff meeting has been scheduled for December 9th to go over the project details. Mr. Horn has prepared a timeline for the capital projects based on the annual inspection report from Carroll Engineering. The timeline will be included in the January 7th meeting packet for the Board's review. Mr. Horn then went over Carroll's proposal for the design and inspection of the pump station project. Mr. Horn recommends that the Board award a contract to Carroll Engineering for the pump station projects to combine the two together. The treatment plant project design can either be given to Carroll Engineering or the LMUA can solicit proposals.

Mr. Horn is waiting for FEMA to open the application period for the Building Resilience in Communities (BRIC) grant from FEMA.

10. Memo: Personnel Planning

Mrs. MacGregor would like to hold discussion on this memo for closed session.

Chief Financial Officer's Report.

1. Memo: Bills over $5,000 were reviewed by the Board, Ms. Leary reported nothing out of the ordinary for the larger bills. Ms. Middleton would like the bills list to also reflect the budgeted amounts. Mr. Horn is going to go through the budget with Ms. Leary and update line-item amounts to reflect the unexpected costs of the June 26th PAA emergency and Carroll Engineer's work on the Emergency Response Plan and the O&M Manual.

2. Mr. Rotondi made a motion to approve the bills list for November when funds become available. Ms. Pettit seconded the motion. An affirmative roll call was taken in favor of the motion by all members present. MOTION CARRIED

Governing Body Member	Recorded Vote: Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Helen Pettit	X				
Jacqueline Middleton	X				
Holly Havens				X	

Attorney's Report.

Ms. Alexander did not have anything new to report.

Ms. Hatfield will review her report on the personnel interviews in closed session with the Board.

Closed Session.

1. **Kathryn Hatfield-Labor Attorney Report.**

Mrs. MacGregor requested a motion to go into closed session for the purpose of reviewing the personnel interviews report from Kathryn Hatfield. Ms. Hatfield then advised the Board that pursuant to N.J.S.A. 10:4-12, Mr. Horn and Mr. Rose can be present during closed session following the Board's review of her report.

2. **Resolution 050-2024** *Resolution to Authorize a Closed Session to Discuss Personnel Planning Matters*

WHEREAS, the Board of the Lambertville Municipal Utilities Authority is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A. 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED that the Board of the Lambertville Municipal Utilities Authority hereby moves to go into closed session on Monday, December 2, 2024, at The LMUA Treatment Facility located at 3 Bridge Street, Lambertville for the purpose of discussing personnel matters pertaining to planning and staffing.

BE IT FURTHER RESOLVED that the matters discussed in the minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

The Resolution was adopted by a call of ayes and nays as follows:

Moved: Ms. Pettit
Seconded: Mr. Rotondi

Governing Body Member	**Recorded Vote:** Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

Closed Session Start: 7:04 p.m.
Resume Open Sesson: 8:15 p.m.

After the Board resumed open session, Mrs. MacGregor requested a motion to accept the employee investigation report as submitted by Kathryn Hatfield.

Moved: Ms. Pettit

Seconded: Mr. Uhl

Governing Body Member	Recorded Vote: Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

Mrs. MacGregor then requested a motion to begin the search for a successor to the Executive Director beginning in January.

Moved: Ms. Pettit
Seconded: Mr. Uhl

Governing Body Member	Recorded Vote: Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

Mrs. MacGregor then stated that in relation to Ms. Hatfield's report the Board is directing Mr. Horn and Mr. Rose to work on job descriptions of the Operators' Positions. In addition to the description, they must come up with a job evaluation for the Operators, Executive Director and Operations Supervisor. Mrs. MacGregor would like Mr. Horn to present the Board with a monthly training report to keep the Board updated on training as well as the evaluations.

Mr. Rotondi directed Mr. Horn to be more involved and to take an active role with his operational staff. Mr. Horn should include more frequent operations meetings to be at least on a monthly basis.

Ms. MacGregor requested that agenda item "Personnel Planning and Staffing", the Engineer's Annual Report, an update from the E-JIF on the Fire Department invoice and an updated 10 Year Pro-Forma Cash Flow spreadsheet be included on the next agenda.

There was a discussion on the liability of the Lambertville Fire Department bill and the best approach to take when discussing it with the Fire Department. At the conclusion of the discussion, it was the decision of the Board to have Mr. Uhl and Mr. Rotondi review the bill and Mr. Horn will request more details from the Fire Department and send the information to Mr. Uhl and Mr. Rotondi to review further.

A motion was made by Mr. Rotondi and seconded by Ms. Middleton to approve payment of the secondary checks for Fund 16, Capital Projects. Then followed by a unanimous roll call vote by all members present. MOTION CARRIED

Governing Body Member	Recorded Vote: Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Jacqueline Middleton	X				
Helen Pettit	X				
Holly Havens				X	

There was a question on the definition of “Special Engineering” line item on the Fund 16, Capital Projects. Ms. Leary explained that the line item is for anything above and beyond the normal scope of work for awarded engineering projects.

Public Comment.

At this time Ms. Parsons confirmed that there were no members of the public in attendance.

Adjournment.

The meeting adjourned at 8:34 p.m. with a motion made by Mrs. MacGregor seconded by Mr. Uhl and followed by a unanimous voice vote taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,
Melissa S. Parsons
Melissa S. Parsons, Administrative Assistant

Resolutions 047 & 048-2024 Attached.

Resolution 047-2024 *Supplemental Bond Resolution Authorizing the Issuance of Not to Exceed $2,200,000 Sewer Revenue Bonds of The Lambertville Municipal Utilities Authority Through The New Jersey Infrastructure Bank Financing Program*

Approved at Executive Summary of Resolution 047-2024

The adoption of Resolution 047-2024 by the Board of Commissioners authorizes the issuance of bonds and/or notes of the Lambertville Municipal Utilities Authority (the "Authority") in an amount not to exceed $2,200,000 to finance the reconstruction and rehabilitation of (i) the Coryell Street Pump Station and (ii) the Swan Street Pump Station, including but not limited to, wet well replacements, the purchase and replacement of pumps and grinders, construction of a valve vault, ventilation and odor control upgrades, motor control center upgrades, electrical upgrades, platform and building reconstruction, pipe and utility work as needed, and all work and costs necessary and ancillary therefor. The bonds and/or notes of the Authority are authorized to be issued pursuant to the terms and conditions as set forth by the New Jersey Infrastructure Bank.

2024 SUPPLEMENTAL BOND RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $2,200,000 SEWER REVENUE BONDS OF THE LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY THROUGH THE NEW JERSEY INFRASTRUCTURE BANK FINANCING PROGRAM

WHEREAS, The Lambertville Municipal Utilities Authority (formerly known as the Lambertville Sewerage Authority, before being legally reorganized as the Lambertville Municipal Utilities Authority pursuant to ordinance 2009-04 of the City of Lambertville, adopted on March 16, 2009) is a public body corporate and politic of the State of New Jersey, 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 Authority adopted a general bond resolution on February 16, 1982 entitled "Resolution Authorizing the Issuance of Sewer Revenue Bonds of The Lambertville Sewerage Authority", as supplemented on February 16, 1982 and as amended on March 16, 1982 (said resolution as so amended and supplemented is hereinafter referred to as the "1982 Bond Resolution"); and

WHEREAS, in accordance with the provisions of Sections 315 and 316 of the 1982 Bond Resolution the Authority has determined to authorize one or more series of Additional Bonds of the Authority, to be designated "Sewer Revenue Bonds of The Lambertville Municipal Utilities Authority", with such further designation as the Authority may determine, and project notes which will be issued in anticipation thereof, (hereinafter collectively referred to as the “2024 Pump Station Project Sewer Bonds”); and

WHEREAS, such 2024 Pump Station Project Sewer Bonds shall be issued in the principal amount of not to exceed $2,200,000 to finance the reconstruction and rehabilitation of (i) the Coryell Street Pump Station and (ii) the Swan Street Pump Station, including but not limited to, wet well replacements, the purchase and replacement of pumps and grinders, construction of a valve vault, ventilation and odor control upgrades, motor control center upgrades, electrical upgrades, platform and building reconstruction, pipe and utility work as needed, and all work and costs necessary and ancillary therefor, all as listed in more detail on Exhibit A hereto (the “2024 Pump Station Project”) and (ii) the payment of all or a portion of the costs associated with the issuance of the 2024 Pump Station Project Sewer Bonds pursuant to this 2024 Supplemental Bond Resolution (as defined herein); and

WHEREAS the Authority wishes to provide terms and conditions with respect to such 2024 Pump Station Project Sewer Bonds; and

WHEREAS, the 2024 Pump Station Project Sewer Bonds are to be issued as Additional Bonds under the 1982 Bond Resolution, provided that funding of the Debt Service Reserve Fund to meet the requirements of the Bond Resolution shall be effected over a three (3) year period; and

WHEREAS, the Authority is permitted under Sections 315 and 316 of the 1982 Bond Resolution to issue Additional Bonds to finance the 2024 Pump Station Project; and

WHEREAS, the Authority desires to adopt this resolution to supplement and amend the 1982 Bond Resolution in order to authorize the issuance of the 2024 Pump Station Project Sewer Bonds as "Additional Bonds" within the meaning of the 1982 Bond Resolution and thereby finance the 2024 Pump Station Project;

NOW, THEREFORE, BE IT RESOLVED by The Lambertville Municipal Utilities Authority as follows:

ARTICLE I

Definitions and Authority for Supplemental Resolution

Section 101. Definitions. All terms used as defined terms in the 1982 Bond Resolution are used with the same meaning herein unless expressly given different meanings or unless the context clearly otherwise requires. All terms used herein which are defined in the recitals hereto shall have the meaning given to the same in such recitals unless the context clearly otherwise requires.

In this 2024 Supplemental Bond Resolution:

"2024 Financing Program" means the 2024 New Jersey Infrastructure Bank Financing Program.

“2024 Pump Station Project Sewer Bonds” means the Authority’s Sewer Revenue Bonds, and/or any notes issued in anticipation thereof in a principal amount not to exceed $2,200,000 pursuant to this 2024 Supplemental Bond Resolution.

“2024 Supplemental Bond Resolution” means this supplemental bond resolution of the Authority adopted on December 2, 2024.

“Authority” means The Lambertville Municipal Utilities Authority (formerly known as the Lambertville Sewerage Authority).

“Authorized Officer” means the Chairman, the Vice Chairman, the Executive Director or the Chief Financial Officer of the Authority.

"Bank" means the New Jersey Infrastructure Bank.

"Bank Loan Agreement" means that certain loan agreement to be entered into by and between the Authority and the Bank, pursuant to the 2024 Financing Program.

“Code” means the Internal Revenue Code of 1986, as amended.

“Cost” or “Costs” shall have the same meaning as set forth in the Act.

"Escrow Agreement" means that certain escrow agreement to be entered into by and between the Authority, the Bank, the State and the escrow agent named in such agreement (the "Escrow Agent"), as trustee for the holders of the 2024 Pump Station Project Sewer Bonds issued pursuant to the 2024 Financing Program.

“Escrow Trustee” shall have the meaning assigned to such term in the Certificate defined herein in Article III.

"Financing Documents" means the Bank 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 2024 Financing Program.

“Herein,” “hereunder,” “hereby,” “hereto,” and “hereof” and any similar terms refer to this Supplemental Bond Resolution; the term “heretofore” means before the adoption of this 2024

Supplemental Bond Resolution; and the term "hereafter" means after the adoption of this 2024 Supplemental Bond Resolution.

"Paying Agent" shall mean such financial institution, appointed by the Authority pursuant to a Certificate of an Authorized Officer, to carry out its duties and obligations as set forth in the Financing Documents.

"Registrar" shall mean such financial institution, appointed by the Authority pursuant to a Certificate of an Authorized Officer, to carry out its duties and obligations as set forth in the Financing Documents;

"State" means the State of New Jersey, and when used in reference to the 2024 Financing Program, the State, acting by and through the New Jersey Department of Environmental Protection.

"Treasury Regulations" means the regulations promulgated by the United States Department of Treasury in connection with the Internal Revenue Code of 1986, as amended.

"Trustee" shall mean such financial institution, appointed by the Authority pursuant to a Certificate of an Authorized Officer, to carry out its duties and obligations as set forth in the Financing Documents.

Section 102. Incorporation of Resolution. This 2024 Supplemental Bond Resolution supplements and amends the 1982 Bond Resolution. The 1982 Bond Resolution is incorporated herein by reference thereto.

Section 103. Severability of Invalid Provisions. If any one or more of the covenants or agreements provided in this 2024 Supplemental Bond Resolution, on the part of the Authority, the Bank, 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 this 2024 Supplemental Bond Resolution or of any 2024 Pump Station Project Sewer Bond.

ARTICLE II

Determinations By and Obligations of the Authority

Section 201. Authority for 2024 Supplemental Bond Resolution. This 2024 Supplemental Bond Resolution is adopted pursuant to the Act and the 1982 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 2024 Supplemental Bond Resolution is appropriate in order to carry out and effectuate the purposes of the Authority in accordance with the Act and the 1982 Bond Resolution to further secure the payment of the principal or redemption price of and interest on the 2024 Pump Station Project Sewer Bonds hereby authorized.

Section 202. 2024 Pump Station Project Sewer Bonds to Constitute Additional Bonds. The 2024 Pump Station Project Sewer Bonds shall constitute Additional Bonds as such term is defined in the 1982 Bond Resolution and shall be issued pursuant to and in accordance with the 1982 Bond Resolution.

Section 203. Resolution to Constitute Contract. In consideration of the purchase and acceptance of the 2024 Pump Station Project Sewer Bonds by those who shall hold the same from time to time, the provisions of the 1982 Bond Resolution shall be deemed to be and shall constitute a contract between the Authority, the Trustee Bank and the holders from time to time of the 2024 Pump Station Project Sewer Bonds; the pledge made in the 1982 Bond 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 2024 Pump Station Project Sewer 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 Bonds over any other thereof except as expressly provided in or pursuant to the 1982 Bond Resolution.

Section 204. Estimated Cost of 2024 Pump Station Project. The Authority hereby determines that the aggregate estimated Cost of the 2024 Pump Station Project shall not exceed $2,200,000.

ARTICLE III

Authorization, Purpose, Execution and Issuance of 2024 Pump Station Project Sewer Bonds

Section 301. Authorization and Purpose of the 2024 Pump Station Project Sewer Bonds. The 2024 Pump Station Project Sewer Bonds of the Authority in the principal amount of not to exceed $2,200,000 are hereby authorized to be issued pursuant to Sections 315 and 316 of the 1982 Bond Resolution, such Bonds to be entitled “Sewer Revenue Bonds, Series 2024 of The Lambertville Municipal Utilities Authority" or such other title as the Authority may designate. The 2024 Pump Station Project Sewer Bonds are authorized and will be issued to provide funds for the Cost of the 2024 Pump Station Project.

Section 302. Description of the 2024 Pump Station Project Sewer Bonds; Delegation of Sale of the 2024 Pump Station Project Sewer Bonds.

(A) Term. The 2024 Pump Station Project Sewer Bonds shall be fixed in number and issued to the State and the Bank, respectively, with interest rates fixed to maturity. The 2024 Pump Station Project Sewer Bonds shall be dated, numbered and shall bear interest at the rate or rates as shall be determined, shall mature over a term not exceeding thirty (30) years, shall mature and shall be payable at such dates and in the amounts as provided for by the Financing Documents or the Certificate authorized pursuant to subparagraph (B) of this Section.

(B) Delegation to Issue 2024 Pump Station Project Sewer Bonds. The Authorized Officer (as hereinafter defined) of the Authority is hereby designated as the individual who shall have the power to sell and to award the 2024 Pump Station Project Sewer Bonds (of the same or different series) on behalf of the Authority, to the State and Bank, respectively, pursuant to the 2024 Financing Program, including the power to determine (giving due consideration to the terms and conditions of the preceding paragraph and any applicable rules or restrictions of the 2024 Financing Program), among other things (i) the amount of 2024 Pump Station Project Sewer Bonds to be issued, provided such amount does not to exceed $2,200,000, (ii) the time and the manner of sale of the 2024 Pump Station Project Sewer Bonds and the Escrow Closing (as hereinafter defined) in connection therewith, (iii) the denominations and rate or rates of interest to be borne by the 2024 Pump Station Project Sewer Bonds, and (iv) such other terms and conditions as may be necessary or related to the sale of the 2024 Pump Station Project Sewer Bonds. Such sale, award, terms and conditions of the 2024 Pump Station Project Sewer Bonds issued pursuant to the 2024 Financing Program shall be determined and evidenced by the Financing Documents, to be executed by the Authorized Officer on behalf of the Authority, subject to the rules, conditions, maturity schedule and interest rate established by the 2024 Financing Program, with respect to the 2024 Pump Station Project Sewer Bonds being issued to the Bank, with such interest rate on such 2024 Pump Station Project Sewer Bonds being based upon the pass through interest rates received by the Bank in connection with its sale of bonds (plus administrative fees) (the “Bank Loan Bond”), combined with the cash funds received from the State in connection with the 2024 Financing Program, with respect to the 2024 Pump Station Project Sewer Bonds being issued to the State (the “Fund Loan Bond”). Such sale and award provisions of the 2024 Pump Station Project Sewer Bonds, as set forth herein, may be further evidenced by a certificate of the Authorized Officer (the “Certificate”), executed as of the date of sale and award of the 2024 Pump Station Project Sewer Bonds. The Certificate is hereby deemed to satisfy the requirements of Section 316(b) of the 1982 Bond Resolution. The Financing Documents and the Certificate, to the extent one is required, shall be presented by the Executive Director to the Members of the Authority at the next regular meeting of the Authority following such sale and award as evidence of the terms and details of the sale of such 2024 Pump Station Project Sewer Bonds.

(C) Execution of the Financing Documents. The Financing Documents are hereby authorized to be executed and delivered in connection with the 2024 Financing Program. Such Financing Documents may be executed and delivered on behalf of the Authority by 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 Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and 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.

(D) Escrow Closing. The Authorized Officers of the Authority are hereby authorized to execute the Financing Documents and any additional certificates and opinions as may be required by the 2024 Financing Program or Bond Counsel to the Authority, as further described in subsection (F) herein (together, the "Escrowed Documents") on or before the date when the Authority is scheduled to close the loans in escrow with the 2024 Financing Program (the "Escrow Closing"), such Escrowed Documents to be delivered to Bond Counsel to the Authority and held by Bond Counsel to the Authority until such time as an Authorized Officer of the Authority authorizes release of same. Bond Counsel to the Authority is hereby authorized to accept and hold the Escrowed Documents in escrow on or before the Escrow Closing and to release same from escrow and deliver same upon direction of an Authorized Officer of the Authority.

(E) Form of 2024 Pump Station Project Sewer Bonds. The 2024 Pump Station Project Sewer Bonds shall be in substantially the form described herein with such changes as may be required by the Financing Documents.

(F) Further Authorizations. The Authorized Officers of the Authority are hereby further severally authorized to (i) 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 transactions 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 (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution thereof.

Section 303. **Issuance of the 2024 Pump Station Project Sewer Bonds and Application of Proceeds of Sale.** The 2024 Pump Station Project Sewer Bonds authorized by Section 301 herein, are hereby directed to be executed by or on behalf of the Authority by its Authorized Officer and delivered to the State and the Bank, respectively. All of the proceeds of sale of the 2024 Pump Station Project Sewer Bonds, including accrued interest (if any) received upon delivery thereof, shall, simultaneously with the issuance of the 2024 Pump Station Project Sewer Bonds, be paid and applied by the Authority in accordance with the 1982 Bond Resolution and the Financing Documents and as provided in a Certificate of the Authority executed by the Chairman or the Executive Director of the Authority consistent with the 1982 Bond Resolution and the Financing Documents.

Section 304. **No Recourse on the 2024 Pump Station Project Sewer Bonds.** No recourse shall be had for the payment of the principal of or the interest on the 2024 Pump Station Project Sewer Bonds or for any claim based thereon or on this 2024 Supplemental Bond Resolution or the 1982 Bond Resolution against any member or other officer of the Authority or any person executing the 2024 Pump Station Project Sewer Bonds. The 2024 Pump Station Project Sewer Bonds are not and shall not be in any way a debt or liability of the State of New Jersey or of any county or municipality and do not and shall not create or constitute any indebtedness, liability or obligation of said State or of any county or municipality, either legal, moral or otherwise.

Section 305. **Execution of 2024 Pump Station Project Sewer Bonds**. The Chairman or Executive Director of the Authority is hereby authorized to execute by the manual or facsimile signature the 2024 Pump Station Project Sewer Bonds in the name and on behalf of the Authority attested by the manual or facsimile signature of its Secretary or Assistant Secretary.

Section 306. **Appointment of Trustee, Paying Agent and Registrar.** In accordance with the provisions of Article 11 of the General Bond Resolution, a certain financial institution (the "Trustee Bank") shall be appointed Trustee (the "Trustee"), Paying Agent (the "Paying Agent"), and Registrar (the "Registrar") for the 2024 Pump Station Project Sewer Bonds. The Trustee 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 1982 Bond Resolution.

Section 307. **Funding of the Debt Service Reserve Fund.** The Authority shall deposit one-third of the amount of the Debt Service Reserve Requirement for the 2024 Pump Station Project Sewer Bonds in the Debt Service Reserve Fund on the first day of the twelfth month following the first day of the month following the date of their issuance, on the first day of the twenty-fourth month following the first day of the month following the date of their issuance and on the first day of the thirty-sixth month following the first day of the month following the date of their issuance, so that on the first day of the thirty-sixth month following the first day of the month following the date of issuance of the

2024 Pump Station Project Sewer Bonds the amount on deposit in the Debt Service Reserve Fund shall equal the Debt Service Reserve Requirement. The amounts deposited in the Debt Service Reserve Fund shall be invested with such yield restrictions as are required by the terms of the Bank Loan Agreement and the Code. The Trustee Bank is hereby directed to deposit in the Debt Service Reserve Fund the amounts, if any, required by this Section or the 1982 Bond Resolution, as amended hereby.

Section 308. **Form of the 2024 Pump Station Project Sewer Bonds.** The 2024 Pump Station Project Sewer Bonds shall be in substantially the form set forth in Section 1207 of the 1982 Bond Resolution and as provided in Section 302 of the 1982 Bond Resolution, with such omissions, insertions and variations as are appropriate and, in addition, shall include the following:

[FORM OF THE 2024 BOND FOR FUND]

FOR VALUE RECEIVED, THE LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY, a public body corporate and politic, with corporate succession duly created and validly existing under the Constitution and laws of the State of New Jersey (the "Authority"), hereby promises to pay to the order of the State of New Jersey (the "State") the principal amount of ____________________ DOLLARS ($________________), or such lesser amount as shall be disbursed to the Authority under the Loan Agreement (as hereinafter defined) at the times and in the amounts determined as provided in the Loan Agreement, plus any other amounts due and owing under the Loan Agreement at the times and in the amounts as provided therein. The Authority irrevocably pledges its Pledged Funds (as defined in the Loan Agreement) for the punctual payment of the principal of, and all other amounts due under, this 2024 Bond and the Loan Agreement according to their respective terms.

This 2024 Bond is issued pursuant to the Municipal and County Utilities Authorities Law, P.L. 1957, c.183 (N.J.S.A. 40:14B-1, et seq), the Local Authorities Fiscal Control Law, P.L. 1983, c.313 (N.J.S.A. 40A:5A-1, et seq.), and other applicable laws and the Loan Agreement dated as of [November l, 2024], by and between the State, acting by and through the New Jersey Department of Environmental Protection, and the Authority (the "Loan Agreement"). This 2024 Bond is issued in consideration of the loan made thereunder (the "Loan) and to evidence the payment obligations of the Authority set forth therein. Payments under this 2024 Bond shall, except as otherwise provided in the Loan Agreement, be made directly to the Loan Servicer (as defined in the Loan Agreement) for the account of the State. This 2024 Bond is subject to assignment or endorsement in accordance with the terms of the Loan Agreement. All of the terms, conditions and provision of the Loan Agreement are, by this reference thereto, incorporated herein as part of this 2024 Bond.

Pursuant to the Loan Agreement, disbursements shall be made by the State to the Authority upon the receipt by the State of requisitions from the Authority executed and delivered in accordance with the requirements set forth in Section 3.02 of the Loan Agreement.

This 2024 Bond is entitled to the benefits and is subject to the conditions of the Loan Agreement. The obligations of the Authority to make the payment required hereunder shall be absolute and unconditional without any defense or right of set-off, counterclaim or recoupment by reason of any default by the State under the Loan Agreement or under any other agreement between the Authority and the State or out of any indebtedness or liability at any time owing to the Authority by the State or for any other reason.

This 2024 Bond is subject to optional prepayment under the terms and conditions, and in the amounts, provided in Section 3.07 of the Loan Agreement. To the extent allowed by applicable law, this 2024 Bond may be subject to acceleration under the terms and conditions, and in the amounts, provided in Section 5.03 of the Loan Agreement.

To the extent provided by law, this 2024 Bond is junior and subordinate in all respect to any Bonds of the Authority issued on even date herewith to the New Jersey Infrastructure Bank as to lien on and source and security for payment from the Pledged Funds of the Authority.

IN WITNESS WHEREOF, the Authority has caused this 2024 Bond to be duly executed, sealed and delivered, as of this [15th] day of [_________], 2024.

(SEAL) THE LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

ATTEST: By: ____

[FORM OF THE 2024 BOND FOR BANK]

FOR VALUE RECEIVED, THE LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY, a public body corporate and politic, with corporate succession duly created and validly existing under the Constitution and laws of the State of New Jersey (the "Authority"), hereby promises to pay to the order of the New Jersey Infrastructure Bank (the "Bank") (i) the principal amount of $________________ DOLLARS ($_____________), or such lesser amount as shall be determined in accordance with Section 3.01 of the Loan Agreement (as hereinafter defined), at the times and in the amounts determined as provided in the Loan Agreement, together with (ii) Interest on the Loan constituting the Interest Portion, the Administrative Fee and any late charges incurred under the Loan Agreement (as such terms are defined in the Loan Agreement) in the amount calculated as provided in the Loan Agreement, payable on the days and in the amounts and as provided in the Loan Agreement, which principal amount and Interest Portion of the Interest on the Loan shall, unless otherwise provided in the Loan Agreement, be payable on the days and in the amounts as also set forth on Attachment A attached hereto under the column headings respectively entitled "Principal" and "Interest," plus (iii) any other amounts due and owing under the Loan Agreement at the times and in the amounts as provided therein. The Authority irrevocably pledges its Pledged Funds (as defined in the Loan Agreement) for the punctual payment of the principal of and the Interest on this 2024 Bonds (as defined in the Loan Agreement), and for the punctual payment of all other amounts due under this 2024 Bond and the Loan Agreement according to its terms.

This 2024 Bond is issued pursuant to the Municipal and County Utilities Authorities Law, P.L. 1957, c.183 (N.J.S.A. 40:14B-1, et seq.), the Local Authorities Fiscal Control Law, P.L. 1983, c.313 (N.J.S.A. 40A:5A-1, et seq.), and other applicable laws and the Loan Agreement dated as of [November 1, 2024], by and between the Bank and the Authority (the "Loan Agreement"). This 2024 Bond is issued in consideration of the loan made under the Loan Agreement (the "Loan") to evidence the payment obligations of the Authority set forth in the Loan Agreement. This 2024 Bond has been assigned to [________], as trustee (the "State Trustee") under the "Environmental Infrastructure Bond Resolution, Series 2024 [A]" adopted by the Bank [DATE], as the same may be amended and supplemented in accordance with the terms thereof (the "Bond Resolution"), and payments hereunder shall, except as otherwise provided in the Loan Agreement, be made directly to the Loan Servicer (as defined in the Loan Agreement) for the account of the Bank pursuant to such assignment. Such assignment has been made as security for the payment of the [Bank] Bonds (as defined in the Loan Agreement) issued to finance or refinance the Loan and as otherwise described in the Loan Agreement. This 2024 Bond is subject to further assignment or endorsement in accordance with the terms of the Bond Resolution and the Loan Agreement. All of the terms, conditions and provisions of the Loan Agreement are, by this reference thereto, incorporated herein as part of this 2024 Bond.

Pursuant to the Loan Agreement, disbursements shall be made by the State Trustee to the Authority, in accordance with written instructions of the Bank, upon the receipt by the Bank and the State Trustee of requisitions from the Authority executed and delivered in accordance with the requirements set forth in Section 3.02 of the Loan Agreement.

This 2024 Bond is entitled to the benefits and is subject to the conditions of the Loan Agreement. The obligations of the Authority to make the payments required hereunder shall be absolute and unconditional without any defense or right of set-off, counterclaim or recoupment by reason of any default by the Bank under the Loan Agreement or under any other agreement between the Authority and the Bank or out of any indebtedness or liability at any time owing to the Authority by the Bank or for any other reason.

This 2024 Bond is subject to optional prepayment under the terms and conditions, and in the amounts, provided in Section 3.07 of the Loan Agreement. To the extent allowed by applicable law, this 2024 Bond is subject to acceleration under the terms and conditions, and in the amounts, provided in section 5.03 of the Loan Agreement.

IN WITNESS WHEREOF, the Authority has caused this 2024 Bond to be duly executed, sealed and delivered, as of this [15th] day of [_________], 2024.

(SEAL) THE LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

ATTEST: By:________________________

Section 309. __Further Action.__ The Authority Officers are hereby further severally authorized to (i) execute and deliver, and the 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 Authority Officers or the 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 transactions 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 (ii) perform such actions as the Authority Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 310. __Financial Information.__ The Authority hereby authorizes the preparation and distribution of financial statements and demographic and other information concerning the Authority and any related government entity, if applicable, as may be required by the State or the Bank.

ARTICLE IV
Miscellaneous

Section 401. __2024 Pump Station Project Sewer Bonds are Additional Bonds Under 1982 Bond Resolution.__ The 2024 Pump Station Project Sewer Bonds shall constitute Additional Bonds under the 1982 Bond Resolution and after their authentication and delivery, the 2024 Pump Station Project Sewer Bonds shall for all purposes of the 1982 Bond Resolution be deemed to constitute Bonds within the meaning of the 1982 Bond Resolution, shall be entitled to the pledge provided by the 1982 Bond Resolution and shall have equal rank with any other Bonds issued and outstanding under the 1982 Bond Resolution.

Section 402. __Reimbursement of Costs of the 2024 Pump Station Project.__ The Authority reasonably expects to reimburse its expenditure of costs of the 2024 Pump Stations Project paid prior to the issuance of the 2024 Pump Station Project Sewer Bonds.

A. The Authority hereby declares its official intent to reimburse the expenditure of costs of the 2024 Pump Station Project paid prior to the issuance of the 2024 Pump Station Project Sewer Bonds with the proceeds of a borrowing to be incurred by the Authority, in accordance with Treasury Regulations §1.150-2.

B. The costs of the 2024 Pump Station Project to be reimbursed with the proceeds of the 2024 Pump Station Project Sewer Bonds will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

C. 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 Internal Revenue Code of 1986, as amended. The proceeds of the 2024 Pump Stations Project Sewer Bonds used to reimburse the Authority for costs of the 2024 Pump Station Project, 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 §1.1481), of the 2024 Pump Station Project Sewer Bonds or another issue of debt obligations of the Authority, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

D. 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 2024 Pump Station Project Sewer Bonds is paid, or (ii) the date the 2024 Pump Station 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 403. Supplemental Resolution to Govern. To the extent that the provisions of this 2024 Supplemental Bond Resolution are inconsistent with the provisions of the 1982 Bond Resolution, the provisions of this 2024 Supplemental Bond Resolution shall control.

Section 404. Effective Date. This 2024 Supplemental Bond Resolution shall take effect immediately upon the filing with the Trustee Bank of a copy thereof certified by the Secretary, all in accordance with Section 801 of the 1982 Bond Resolution the regularly scheduled Lambertville MUA Board meeting held on _____________.

Executive Summary of Resolution 048-2024

The adoption of Resolution 048-2024 by the Board of Commissioners authorizes the issuance of bonds and/or notes of the Lambertville Municipal Utilities Authority (the "Authority") in an amount not to exceed $7,700,000 to finance improvements at the Authority's Wastewater Treatment Plant including, but not limited to, generator relocation and replacement, dewatering improvements, headworks improvements, scum collection and disposal removal, clarifier and aeration improvements, and all work and costs necessary and ancillary therefor. The bonds and/or notes of the Authority are authorized to be issued pursuant to the terms and conditions as set forth by the New Jersey Infrastructure Bank.

2024 SUPPLEMENTAL BOND RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $7,700,000 SEWER REVENUE BONDS OF THE LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY THROUGH THE NEW JERSEY INFRASTRUCTURE BANK FINANCING PROGRAM

Adopted December 2, 2024

WHEREAS, The Lambertville Municipal Utilities Authority (formerly known as the Lambertville Sewerage Authority, before being legally reorganized as the Lambertville Municipal Utilities Authority pursuant to ordinance 2009-04 of the City of Lambertville, adopted on March 16, 2009) is a public body corporate and politic of the State of New Jersey, 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 Authority adopted a general bond resolution on February 16, 1982 entitled "Resolution Authorizing the Issuance of Sewer Revenue Bonds of The Lambertville Sewerage Authority", as supplemented on February 16, 1982 and as amended on March 16, 1982 (said resolution as so amended and supplemented is hereinafter referred to as the "1982 Bond Resolution"); and

WHEREAS, in accordance with the provisions of Sections 315 and 316 of the 1982 Bond Resolution the Authority has determined to authorize one or more series of Additional Bonds of the Authority, to be designated "Sewer Revenue Bonds of The Lambertville Municipal Utilities Authority", with such further designation as the Authority may determine and project notes which

will be issued in anticipation thereof, (hereinafter referred to as the "2024 Wastewater Treatment Plant Project Sewer Bonds"); and

WHEREAS, such 2024 Wastewater Treatment Plant Project Sewer Bonds shall be issued in the principal amount of not to exceed $7,700,000 to finance improvements at the Authority's Wastewater Treatment Plant including, but not limited to, generator relocation and replacement, dewatering improvements, headworks improvements, scum collection and disposal removal, clarifier and aeration improvements, and all work and costs necessary and ancillary therefor, as listed in more detail on Exhibit A hereto (the "2024 Wastewater Treatment Plant Project") and (ii) the payment of all or a portion of the costs associated with the issuance of the 2024 Project Sewer Bonds pursuant to this Supplemental Resolution (as defined herein); and

WHEREAS the Authority wishes to provide terms and conditions with respect to such 2024 2024 Wastewater Treatment Plant Project Sewer Bonds; and

WHEREAS, the 2024 Wastewater Treatment Plant Project Sewer Bonds are to be issued as Additional Bonds under the 1982 Bond Resolution, provided that funding of the Debt Service Reserve Fund to meet the requirements of the Bond Resolution shall be effected over a three (3) year period; and

WHEREAS, the Authority is permitted under Sections 315 and 316 of the 1982 Bond Resolution to issue Additional Bonds to finance the 2024 Wastewater Treatment Plant Project; and

WHEREAS, the Authority desires to adopt this 2024 Supplemental Bond Resolution to supplement and amend the 1982 Bond Resolution in order to authorize the issuance of the 2024 Wastewater Treatment Plant Project Sewer Bonds as "Additional Bonds" within the meaning of the 1982 Bond Resolution and thereby finance the 2024 Wastewater Treatment Plant Project;

NOW, THEREFORE, BE IT RESOLVED by The Lambertville Municipal Utilities Authority as follows:

ARTICLE I

Definitions and Authority for Supplemental Resolution

Section 101. Definitions. All terms used as defined terms in the 1982 Bond Resolution are used with the same meaning herein unless expressly given different meanings or unless the context clearly otherwise requires. All terms used herein which are defined in the recitals hereto shall have the meaning given to the same in such recitals unless the context clearly otherwise requires.

In this 2024 Supplemental Bond Resolution:

"2024 Financing Program" means the 2024 New Jersey Infrastructure Bank Financing Program.

“2024 Supplemental Bond Resolution” means this supplemental bond resolution of the Authority adopted on December 2, 2024.

“2024 Wastewater Treatment Plant Project Sewer Bonds” means the Authority’s Sewer Revenue Bonds, or any notes issued in anticipation thereof in a principal amount not to exceed $7,700,000 pursuant to this 2024 Supplemental Bond Resolution.

“Authority” means The Lambertville Municipal Utilities Authority (formerly known as the Lambertville Sewerage Authority).

“Authorized Officer” means the Chairman, the Vice Chairman, the Executive Director or the Chief Financial Officer of the Authority.

"Bank" means the New Jersey Infrastructure Bank.

"Bank Loan Agreement" means that certain loan agreement to be entered into by and between the Authority and the Bank, pursuant to the 2024 Financing Program.

“Code” means the Internal Revenue Code of 1986, as amended.

“Cost” or “Costs” shall have the same meaning as set forth in the Act.

"Escrow Agreement" means that certain escrow agreement to be entered into by and between the Authority, the Bank, the State and the escrow agent named in such agreement (the "Escrow Agent"), as trustee for the holders of the 2024 Wastewater Treatment Plant Project Sewer Bonds issued pursuant to the 2024 Financing Program.

“Escrow Trustee” shall have the meaning assigned to such term in the Certificate defined herein in Article III.

"Financing Documents" means the Bank 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 2024 Financing Program.

“Herein,” “hereunder,” “hereby,” “hereto,” and “hereof” and any similar terms refer to this Supplemental Bond Resolution; the term “heretofore” means before the adoption of this 2024 Supplemental Bond Resolution; and the term “hereafter” means after the adoption of this 2024 Supplemental Bond Resolution.

"Paying Agent" shall mean such financial institution, appointed by the Authority pursuant to a Certificate of an Authorized Officer, to carry out its duties and obligations as set forth in the Financing Documents.

"Registrar" shall mean such financial institution, appointed by the Authority pursuant to a Certificate of an Authorized Officer, to carry out its duties and obligations as set forth in the Financing Documents;

"State" means the State of New Jersey, and when used in reference to the 2024 Financing Program, the State, acting by and through the New Jersey Department of Environmental Protection.

“Treasury Regulations” means the regulations promulgated by the United States Department of Treasury in connection with the Internal Revenue Code of 1986, as amended.

"Trustee" shall mean such financial institution, appointed by the Authority pursuant to a Certificate of an Authorized Officer, to carry out its duties and obligations as set forth in the Financing Documents.

Section 102. Incorporation of Resolution. This 2024 Supplemental Bond Resolution supplements and amends the 1982 Bond Resolution. The 1982 Bond Resolution is incorporated herein by reference thereto.

Section 103. Severability of Invalid Provisions. If any one or more of the covenants or agreements provided in this 2024 Supplemental Bond Resolution, on the part of the Authority, the Bank, 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 this 2024 Supplemental Bond Resolution or of any 2024 Wastewater Treatment Plant Project Sewer Bond.

ARTICLE II Determinations By and Obligations of the Authority

Section 201.Authority for 2024 Supplemental Bond Resolution. This 2024 Supplemental Bond Resolution is adopted pursuant to the Act and the 1982 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 2024 Supplemental Bond Resolution is appropriate in order to carry out and effectuate the purposes of the Authority in accordance with the Act and the 1982 Bond Resolution to further secure the payment of the principal or redemption price of and interest on the 2024 Wastewater Treatment Plant Project Sewer Bonds hereby authorized.

Section 202.2024 Wastewater Treatment Plant Project Sewer Bonds to Constitute Additional Bonds. The 2024 Wastewater Treatment Plant Project Sewer Bonds shall constitute Additional Bonds as such term is defined in the 1982 Bond Resolution and shall be issued pursuant to and in accordance with the 1982 Bond Resolution.

Section 203.Resolution to Constitute Contract. In consideration of the purchase and acceptance of the 2024 Wastewater Treatment Plant Project Sewer Bonds by those who shall hold the same from time to time, the provisions of the 1982 Bond Resolution shall be deemed to be and shall constitute a contract between the Authority, the Trustee Bank and the holders from time to time of the 2024 Wastewater Treatment Plant Project Sewer Bonds; the pledge made in the 1982 Bond 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 2024 Wastewater Treatment Plant Project Sewer 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 Bonds over any other thereof except as expressly provided in or pursuant to the 1982 Bond Resolution.

Section 204.Estimated Cost of 2024 Wastewater Treatment Plant Project. The Authority hereby determines that the aggregate estimated Cost of the 2024 Wastewater Treatment Plant Project shall not exceed $7,700,000.

ARTICLE III

Authorization, Purpose, Execution and Issuance of 2024 Wastewater Treatment Plant Project Sewer Bonds

Section 301.Authorization and Purpose of the 2024 Wastewater Treatment Plant Project Sewer Bonds. The 2024 Wastewater Treatment Plant Project Sewer Bonds of the Authority in the principal amount of not to exceed $7,700,000 are hereby authorized to be issued pursuant to Sections 315 and 316 of the 1982 Bond Resolution, such Bonds to be entitled “Sewer Revenue Bonds, Series 2024" or such other title as the Authority may designate. The 2024 Wastewater Treatment Plant Project

Sewer Bonds are authorized and will be issued to provide funds for the Cost of the 2024 Wastewater Treatment Plant Project.

Section 302.Description of the 2024 Wastewater Treatment Plant Project Sewer Bonds; Delegation of Sale of the 2024 Project Sewer Bonds.

(A) Term. The 2024 Wastewater Treatment Plant Project Sewer Bonds shall be fixed in number and issued to the State and the Bank, respectively, with interest rates fixed to maturity. The 2024 Wastewater Treatment Plant Project Sewer Bonds shall be dated, numbered and shall bear interest at the rate or rates as shall be determined, shall mature over a term not exceeding thirty (30) years, shall mature and shall be payable at such dates and in the amounts as provided for by the Financing Documents or the Certificate authorized pursuant to subparagraph (B) of this Section.

(B) Delegation to Issue 2024 Wastewater Treatment Plant Project Sewer Bonds. The Authorized Officer (as hereinafter defined) of the Authority is hereby designated as the individual who shall have the power to sell and to award the 2024 Wastewater Treatment Plant Project Sewer Bonds (of the same or different series) on behalf of the Authority, to the State and Bank, respectively, pursuant to the 2024 Financing Program, including the power to determine (giving due consideration to the terms and conditions of the preceding paragraph and any applicable rules or restrictions of the 2024 Financing Program), among other things (i) the amount of 2024 Wastewater Treatment Plant Project Sewer Bonds to be issued, provided such amount does not to exceed $7,700,000, (ii) the time and the manner of sale of the 2024 Wastewater Treatment Plant Project Sewer Bonds and the Escrow Closing (as hereinafter defined) in connection therewith, (iii) the denominations and rate or rates of interest to be borne by the 2024 Wastewater Treatment Plant Project Sewer Bonds, and (iv) such other terms and conditions as may be necessary or related to the sale of the 2024 Wastewater Treatment Plant Project Sewer Bonds. Such sale, award, terms and conditions of the 2024 Wastewater Treatment Plant Project Sewer Bonds issued pursuant to the 2024 Financing Program shall be determined and evidenced by the Financing Documents, to be executed by the Authorized Officer on behalf of the Authority, subject to the rules, conditions, maturity schedule and interest rate established by the 2024 Financing Program, with respect to the Sewer Revenue Bond being issued to the Bank, with such interest rate on such Sewer Revenue Bond being based upon the pass through interest rates received by the Bank in connection with its sale of bonds (plus administrative fees) (the "Bank Loan Bond"), combined with the cash funds received from the State in connection with the 2024 Financing Program, with respect to the Sewer Revenue Bond being issued to the State (the "Fund Loan Bond"). Such sale and award provisions of the 2024 Wastewater Treatment Plant Project Sewer Bonds, as set forth herein, may be further evidenced by a certificate of the Authorized Officer (the "Certificate"), executed as of the date of sale and award of the 2024 Wastewater Treatment Plant Project Sewer Bonds. The Certificate is hereby deemed to satisfy the requirements of Section 316(b) of the 1982 Bond Resolution. The Financing Documents and the Certificate, to the extent one is required, shall be presented by the Executive Director to the Members of the Authority at the next regular meeting of the Authority following such sale and award as evidence of the terms and details of the sale of such 2024 Wastewater Treatment Plant Project Sewer Bonds.

(C) Execution of the Financing Documents. The Financing Documents are hereby authorized to be executed and delivered in connection with the 2024 Financing Program. Such Financing Documents may be executed and delivered on behalf of the Authority by 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 Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and 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.

(D) Escrow Closing. The Authorized Officers of the Authority are hereby authorized to execute the Financing Documents and any additional certificates and opinions as may be required by the 2024 Financing Program or Bond Counsel to the Authority, as further described in subsection (F) herein (together, the "Escrowed Documents") on or before the date when the Authority is scheduled to close the loans in escrow with the 2024 Financing Program (the "Escrow Closing"), such Escrowed Documents to be delivered to Bond Counsel to the Authority and held by Bond Counsel to the Authority until such time as an Authorized Officer of the Authority authorizes release of same. Bond Counsel to the Authority is hereby authorized to accept and hold the Escrowed Documents in escrow on or before the Escrow Closing and to release same from escrow and deliver same upon direction of an Authorized Officer of the Authority.

(E) Form of 2024 Wastewater Treatment Plant Project Sewer Bonds. The 2024 Wastewater Treatment Plant Project Sewer Bonds shall be in substantially the form described herein with such changes as may be required by the Financing Documents.

(F) Further Authorizations. The Authorized Officers of the Authority are hereby further severally authorized to (i) 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 transactions 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 (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution thereof.

Section 303. Issuance of the 2024 Wastewater Treatment Plant Project Sewer Bonds and Application of Proceeds of Sale. The 2024 Wastewater Treatment Plant Project Sewer Bonds authorized by Section 301 herein, are hereby directed to be executed by or on behalf of the Authority by its Authorized Officer and delivered to the State and the Bank, respectively. All of the proceeds of sale of the 2024 Wastewater Treatment Plant Project Sewer Bonds, including accrued interest (if any) received upon delivery thereof, shall, simultaneously with the issuance of the 2024 Wastewater Treatment Plant Project Sewer Bonds, be paid and applied by the Authority in accordance with the 1982 Bond Resolution and the Financing Documents and as provided in a Certificate of the Authority executed by the Chairman or the Executive Director of the Authority consistent with the 1982 Bond Resolution and the Financing Documents.

Section 304.__**No Recourse on the 2024 Wastewater Treatment Plant Project Sewer Bonds.**__ No recourse shall be had for the payment of the principal of or the interest on the 2024 Wastewater Treatment Plant Project Sewer Bonds or for any claim based thereon or on this 2024 Supplemental Bond Resolution or the 1982 Bond Resolution against any member or other officer of the Authority or any person executing the 2024 Wastewater Treatment Plant Project Sewer Bonds. The 2024 Wastewater Treatment Plant Project Sewer Bonds are not and shall not be in any way a debt or liability of the State of New Jersey or of any county or municipality and do not and shall not create or constitute any indebtedness, liability or obligation of said State or of any county or municipality, either legal, moral or otherwise.

Section 305.__**Execution of 2024 Wastewater Treatment Plant Project Sewer Bonds.**__ The Chairman or Executive Director of the Authority is hereby authorized to execute by the manual or facsimile signature the 2024 Wastewater Treatment Plant Project Sewer Bonds in the name and on behalf of the Authority attested by the manual or facsimile signature of its Secretary or Assistant Secretary.

Section 306.__**Appointment of Trustee, Paying Agent and Registrar.**__ In accordance with the provisions of Article 11 of the General Bond Resolution, a certain financial institution (the "Trustee Bank") shall be appointed Trustee (the "Trustee"), Paying Agent (the "Paying Agent"), and Registrar (the "Registrar") for the 2024 Wastewater Treatment Plant Project Sewer Bonds. The Trustee 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 1982 Bond Resolution.

Section 307. __**Funding of the Debt Service Reserve Fund.**__ The Authority shall deposit one-third of the amount of the Debt Service Reserve Requirement for the 2024 Wastewater Treatment Plant Project Sewer Bonds in the Debt Service Reserve Fund on the first day of the twelfth month following the first day of the month following the date of their issuance, on the first day of the twenty-fourth month following the first day of the month following the date of their issuance and on the first day of the thirty-sixth month following the first day of the month following the date of their issuance, so that on the first day of the thirty-sixth month following the first day of the month following the date of issuance of the 2024 Wastewater Treatment Plant Project Sewer Bonds the amount on deposit in the Debt Service Reserve Fund shall equal the Debt Service Reserve Requirement. The amounts deposited in the Debt Service Reserve Fund shall be invested with such yield restrictions as are required by the terms of the Bank Loan Agreement and the Code. The Trustee Bank is hereby directed to deposit in the Debt Service Reserve Fund the amounts, if any, required by this Section or the 1982 Bond Resolution, as amended hereby.

Section 308. **Form of the 2024 Wastewater Treatment Plant Project Sewer Bonds.** The 2024 Wastewater Treatment Plant Project Sewer Bonds shall be in substantially the form set forth in Section 1207 of the 1982 Bond Resolution and as provided in Section 302 of the 1982 Bond Resolution, with such omissions, insertions and variations as are appropriate and, in addition, shall include the following:

[FORM OF THE 2024 BOND FOR FUND]

FOR VALUE RECEIVED, THE LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY, a public body corporate and politic, with corporate succession duly created and validly existing under the Constitution and laws of the State of New Jersey (the "Authority"), hereby promises to pay to the order of the State of New Jersey (the "State") the principal amount of _____________________ DOLLARS ($________________), or such lesser amount as shall be disbursed to the Authority under the Loan Agreement (as hereinafter defined) at the times and in the amounts determined as provided in the Loan Agreement, plus any other amounts due and owing under the Loan Agreement at the times and in the amounts as provided therein. The Authority irrevocably pledges its Pledged Funds (as defined in the Loan Agreement) for the punctual payment of the principal of, and all other amounts due under, this 2024 Bond and the Loan Agreement according to their respective terms.

This 2024 Bond is issued pursuant to the Municipal and County Utilities Authorities Law, P.L. 1957, c.183 (N.J.S.A. 40:14B-1, et seq), the Local Authorities Fiscal Control Law, P.L. 1983, c.313 (N.J.S.A. 40A:5A-1, et seq.), and other applicable laws and the Loan Agreement dated as of [November l, 2024], by and between the State, acting by and through the New Jersey Department of Environmental Protection, and the Authority (the "Loan Agreement"). This 2024 Bond is issued in consideration of the loan made thereunder (the "Loan) and to evidence the payment obligations of the Authority set forth therein. Payments under this 2024 Bond shall, except as otherwise provided in the Loan Agreement, be made directly to the Loan Servicer (as defined in the Loan Agreement) for the account of the State. This 2024 Bond is subject to assignment or endorsement in accordance with the terms of the Loan Agreement. All of the terms, conditions and provision of the Loan Agreement are, by this reference thereto, incorporated herein as part of this 2024 Bond.

Pursuant to the Loan Agreement, disbursements shall be made by the State to the Authority upon the receipt by the State of requisitions from the Authority executed and delivered in accordance with the requirements set forth in Section 3.02 of the Loan Agreement.

This 2024 Bond is entitled to the benefits and is subject to the conditions of the Loan Agreement. The obligations of the Authority to make the payment required hereunder shall be absolute and unconditional without any defense or right of set-off, counterclaim or recoupment by reason of any default by the State under the Loan Agreement or under any other agreement between the Authority and the State or out of any indebtedness or liability at any time owing to the Authority by the State or for any other reason.

This 2024 Bond is subject to optional prepayment under the terms and conditions, and in the amounts, provided in Section 3.07 of the Loan Agreement. To the extent allowed by applicable law, this 2024 Bond may be subject to acceleration under the terms and conditions, and in the amounts, provided in Section 5.03 of the Loan Agreement.

To the extent provided by law, this 2024 Bond is junior and subordinate in all respect to any Bonds of the Authority issued on even date herewith to the New Jersey Infrastructure Bank as to lien on and source and security for payment from the Pledged Funds of the Authority.

IN WITNESS WHEREOF, the Authority has caused this 2024 Bond to be duly executed, sealed and delivered, as of this [15th] day of [_________], 2024.

(SEAL) THE LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

ATTEST: By:_________________________

[FORM OF THE 2024 BOND FOR BANK]

FOR VALUE RECEIVED, THE LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY, a public body corporate and politic, with corporate succession duly created and validly existing under the Constitution and laws of the State of New Jersey (the "Authority"), hereby promises to pay to the order of the New Jersey Infrastructure Bank (the "Bank") (i) the principal amount of $________________ DOLLARS ($_____________), or such lesser amount as shall be determined in accordance with Section 3.01 of the Loan Agreement (as hereinafter defined), at the times and in the amounts determined as provided in the Loan Agreement, together with (ii) Interest on the Loan constituting the Interest Portion, the Administrative Fee and any late charges incurred under the Loan Agreement (as such terms are defined in the Loan Agreement) in the amount calculated as provided in the Loan Agreement, payable on the days and in the amounts and as provided in the Loan Agreement, which principal amount and Interest Portion of the Interest on the Loan shall, unless otherwise provided in the Loan Agreement, be payable on the days and in the amounts as also set forth on Attachment A attached hereto under the column headings respectively entitled "Principal" and "Interest," plus (iii) any other amounts due and owing under the Loan Agreement at the times and in the amounts as provided therein. The Authority irrevocably pledges its Pledged Funds (as defined in the Loan Agreement) for the punctual payment of the principal of and the Interest on this 2024 Bonds (as defined in the Loan Agreement), and for the punctual payment of all other amounts due under this 2024 Bond and the Loan Agreement according to its terms.

This 2024 Bond is issued pursuant to the Municipal and County Utilities Authorities Law, P.L. 1957, c.183 (N.J.S.A. 40:14B-1, et seq.), the Local Authorities Fiscal Control Law, P.L. 1983, c.313 (N.J.S.A. 40A:5A-1, et seq.), and other applicable laws and the Loan Agreement dated as of [November 1, 2024], by and between the Bank and the Authority (the "Loan Agreement"). This 2024 Bond is issued in consideration of the loan made under the Loan Agreement (the "Loan") to evidence the payment obligations of the Authority set forth in the Loan Agreement. This 2024 Bond has been assigned to [________], as trustee (the "State Trustee") under the "Environmental Infrastructure Bond Resolution, Series 2024 [A]" adopted by the Bank [DATE], as the same may be amended and supplemented in accordance with the terms thereof (the "Bond Resolution"), and payments hereunder shall, except as otherwise provided in the Loan Agreement, be made directly to the Loan Servicer (as defined in the Loan Agreement) for the account of the Bank pursuant to such assignment. Such assignment has been made as security for the payment of the [Bank] Bonds (as defined in the Loan Agreement) issued to finance or refinance the Loan and as otherwise described in the Loan Agreement. This 2024 Bond is subject to further assignment or endorsement in accordance with the terms of the Bond Resolution and the Loan Agreement. All of the terms, conditions and provisions of the Loan Agreement are, by this reference thereto, incorporated herein as part of this 2024 Bond.

Pursuant to the Loan Agreement, disbursements shall be made by the State Trustee to the Authority, in accordance with written instructions of the Bank, upon the receipt by the Bank and the State Trustee of requisitions from the Authority executed and delivered in accordance with the requirements set forth in Section 3.02 of the Loan Agreement.

This 2024 Bond is entitled to the benefits and is subject to the conditions of the Loan Agreement. The obligations of the Authority to make the payments required hereunder shall be absolute and unconditional without any defense or right of set-off, counterclaim or recoupment by reason of any default by the Bank under the Loan Agreement or under any other agreement between the Authority and the Bank or out of any indebtedness or liability at any time owing to the Authority by the Bank or for any other reason.

This 2024 Bond is subject to optional prepayment under the terms and conditions, and in the amounts, provided in Section 3.07 of the Loan Agreement. To the extent allowed by applicable law, this 2024 Bond is subject to acceleration under the terms and conditions, and in the amounts, provided in section 5.03 of the Loan Agreement.

IN WITNESS WHEREOF, the Authority has caused this 2024 Bond to be duly executed, sealed and delivered, as of this [15th] day of [_________], 2024.

(SEAL) THE LAMBERTVILLE MUNICIPAL UTILITIES

AUTHORITY

ATTEST: By:_________________________

Section 309. <u>Further Action.</u> The Authority Officers are hereby further severally authorized to (i) execute and deliver, and the 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 Authority Officers or the 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 transactions 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 (ii) perform such actions as the Authority Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 310. <u>Financial Information.</u> The Authority hereby authorizes the preparation and distribution of financial statements and demographic and other information concerning the Authority and any related government entity, if applicable, as may be required by the State or the Bank.

ARTICLE IV
Miscellaneous

Section 401. 2024 <u>Wastewater Treatment Plant Project Sewer Bonds are Additional Bonds Under 1982 Bond Resolution.</u> The 2024 Wastewater Treatment Plant Project Sewer Bonds shall constitute Additional Bonds under the 1982 Bond Resolution and after their authentication and delivery, the 2024 Wastewater Treatment Plant Project Sewer Bonds shall for all purposes of the 1982 Bond Resolution be deemed to constitute Bonds within the meaning of the 1982 Bond Resolution, shall be entitled to the pledge provided by the 1982 Bond Resolution and shall have equal rank with any other Bonds issued and outstanding under the 1982 Bond Resolution.

Section 402. <u>Reimbursement of Costs of the 2024 Wastewater Treatment Plant Project.</u> The Authority reasonably expects to reimburse its expenditure of costs of the 2024 Wastewater Treatment Plant Project paid prior to the issuance of the 2024 Wastewater Treatment Plant Project Sewer Bonds.

A. The Authority hereby declares its official intent to reimburse the expenditure of costs of the 2024 Wastewater Treatment Plant Project paid prior to the issuance of the 2024 Wastewater Treatment Plant Project Sewer Bonds with the proceeds of a borrowing to be incurred by the Authority, in accordance with Treasury Regulations §1.150-2.

B. The costs of the 2024 Wastewater Treatment Plant Project to be reimbursed with the proceeds of the 2024 Wastewater Treatment Plant Project Sewer Bonds will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

C.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 Internal Revenue Code of 1986, as amended. The proceeds of the 2024 Wastewater Treatment Plant Project Sewer Bonds used to reimburse the Authority for costs of the 2024 Wastewater Treatment Plant Project, 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 2024 Wastewater Treatment Plant Project Sewer Bonds or another issue of debt obligations of the Authority, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

D.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 2024 Wastewater Treatment Plant Project Sewer Bonds is paid, or (ii) the date the 2024 Wastewater Treatment Plant 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 403. **Supplemental Resolution to Govern.** To the extent that the provisions of this 2024 Supplemental Bond Resolution are inconsistent with the provisions of the 1982 Bond Resolution, the provisions of this 2024 Supplemental Bond Resolution shall control.

Section 404. **Effective Date.** This 2024 Supplemental Bond Resolution shall take effect immediately upon the filing with the Trustee Bank of a copy thereof certified by the Secretary, all in accordance with Section 801 of the 1982 Bond Resolution.

The following resolution is a true and complete copy of a resolution of The Lambertville Municipal Utilities Authority adopted at a regular meeting thereof duly called and held on December 2, 2024.

____

SECRETARY

EXHIBIT A

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

SCOPE OF WORK

WASTEWATER TREATMENT PLANT PROJECT

EMERGENCY GENERATOR REPLACEMENT

The project involves the replacement and relocation of the existing 600 KW emergency generator to an elevated platform in the vicinity of the secondary clarifiers with a sub-base tank for fuel storage. The elevated platform will be at the 500-year flood elevation. The existing generator and above ground fuel tank will be removed. The ventilation system in the sludge pumping station, where the generator is currently located, will be replaced and upgraded to address overheating issues.

SLUDGE DEWATERING FACILITIES

The project involves the replacement of the existing belt filter press, feed pumps, polymer system, odor control and ventilation systems, sludge transfer pumps, and electrical upgrades as necessary. Aeration for the sludge holding tanks will be upgraded to improve mixing and aeration of the sludge.

HEADWORKS FACILITIES

The project involves the rehabilitation of the headworks area of the plant. The complete removal and replacement of all concrete in the headworks will be done to permit construction of larger channels and installation of new equipment. Existing rotating screen, grit removal equipment, biofilter odor control system, and wash down sump pump will be removed and replaced with new equipment.

SCUM COLLECTION & DISPOSAL

The project involves the removal and replacement of the inoperable scum troughs in the primary and secondary clarifiers with new automated scum troughs to collect and route the scum via gravity to a concrete wet well grinder pump station with floodproof cover on the parking lot side of the clarifiers. The concrete wet well grinder pump station with floodproof cover and associated piping will route the collected scum to the sludge holding tanks. The collected scum will not adversely impact the dewatering facilities, as the improved aeration and mixing of the sludge holding tank included in the sludge dewatering facilities improvements will keep the fats, oils, and grease (FOGs) suspended and well mixed in the sludge holding tank. As a part of the sludge dewatering facility improvements, the scum will be mixed with the sludge and routed to the belt filter press for dewatering and disposal. During our research, it was noted that the performance of the belt filter press will only be slightly impacted by the presence of scum and may result in additional routine maintenance, such as power washing the belt conveyors in order to prevent the FOGs from clogging the belt filter pores. With the improvements to the grit screening and solids capturing in the Headworks, the improved aeration of the sludge holding tanks, and increase in belt filter press maintenance, the presence of scum throughout the plant should be collected and removed prior to discharging into the Delaware River.

PRIMARY AND SECONDARY CLARIFIER WEIR & LAUNDER REPLACEMENT

The project involves the replacement of existing sluice gates, weirs, and launders in the primary and secondary clarifiers. These items are over 40 years old and show signs of their age. The sluice gates are difficult to operate.

RBCS AERATION IMPROVEMENTS

The project involves the replacement and relocation of the existing blowers that supply air to the RBCs into the Sludge Pump Station Building. The air header feeding the RBCs will be replaced and if possible, an additional back up blower will be installed. The existing diffusers will be evaluated and replaced if necessary.

SLUDGE CONVEYANCE FROM THE PRIMARY & SECONDARY CLARIFIERS TO THE SLUDGE HOLDING TANKS

Due to issues with the gravity line routing the sludge from the primary and secondary clarifiers to the sludge wells behind the Sludge Pump Station Building, the sludge will be pumped directly to the sludge holding tanks. New pumps and parallel force mains will be installed to pump sludge from the primary and secondary clarifiers straight to the sludge holding tanks.