

**RESOLUTION NO. 19 - 03**

**RESOLUTION OF THE NEW JERSEY INFRASTRUCTURE BANK  
APPROVING A CONSTRUCTION LOAN TO  
SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY,  
RUTGERS UNIVERSITY AND WOOLWICH TOWNSHIP**

**WHEREAS**, the New Jersey Infrastructure Bank (the “I-Bank”), in accordance with (i) the “New Jersey Infrastructure Trust Act”, constituting Chapter 334 of the Pamphlet Laws of 1985 of the State of New Jersey (codified at N.J.S.A. 58:11B-1 *et seq.*), as the same may from time to time be amended and supplemented (the “Act”), and (ii) the regulations promulgated pursuant to the Act (N.J.A.C. 7:22-2.1 *et seq.*), as the same may from time to time be amended and supplemented (the “Regulations”), is authorized, pursuant to an interim financing program (the “Interim Financing Program”), to make loans (each, an “Interim Loan”) to eligible project sponsors (each, a “Borrower”) for the purpose of financing the allowable costs of environmental infrastructure projects, provided that each such Interim Loan satisfies the requirements of the Regulations, including, without limitation, N.J.A.C. 7:22-4.47; and

**WHEREAS**, pursuant to the provisions of N.J.A.C. 7:22-4.47, a proposed project sponsor is eligible to be a Borrower for an Interim Loan pursuant to the Interim Financing Program, provided all of the following conditions are satisfied in full: (i) the projects are listed on the project priority list developed in accordance with N.J.A.C. 7:22-4.8(a) for funding in the forthcoming State Fiscal Year; (ii) the proposed project sponsors have submitted a complete application for the project in accordance with N.J.A.C. 7:22-4.11; (iii) the projects have been certified for funding by the I-Bank in accordance with N.J.A.C. 7:22-4.13; (iv) the projects are in the fundable range in the forthcoming funding cycle given the projects’ rank and the anticipated availability of Department of Environmental Protection (the “Department”) and I-Bank monies; and (v) the proposed project sponsors have not previously received an Interim Loan through the Interim Financing Program for the same project scope; and

**WHEREAS**, the I-Bank duly adopted Resolution No. 18-04 on January 11, 2018 entitled “Resolution Authorizing the Construction Loan Financing Program for State Fiscal Year 2019” (the “Authorizing Resolution”) to provide funding for the implementation of the Interim Financing Program during State Fiscal Year 2019 including the Construction Financing Program (the “Construction Loan Program”); and

**WHEREAS**, it is the desire of the Board to authorize Construction Loan Closings pursuant to the Interim Financing SFY2019 Construction Loan Program for loan closings occurring in SFY2019; and

**WHEREAS**, pursuant to the terms and definitions of the Authorizing Resolution, the Authorized Officers are each severally authorized, after consultation with Bond Counsel to the I-Bank and the Office of the Attorney General of the State, to approve the participation of a Borrower in the Construction Loan Program, provided that such Borrower qualifies for such

participation pursuant to the provisions of the Act and the Regulations and the terms of the Authorizing Resolution; and

**WHEREAS**, pursuant to Section 5 of the Authorizing Resolution, any Interim Loan approved by the Authorized Officers, following the requisite consultations, and made by the I-Bank to a Borrower as part of the Construction Loan Program shall not exceed \$15.0 million in principal amount (Construction Loan Limitation) unless a higher principal amount thereof is authorized by official action of the Board; and

**WHEREAS**, pursuant to Section 2 of the Authorizing Resolution, revisions and modifications may be made to terms and provisions of the Short-Term Financing Program pursuant to further official action in the form of the adoption of a resolution by the Board of Directors of the I-Bank; and

**WHEREAS**, Somerset Raritan Valley Sewerage Authority (SRVSA) has requested from the I-Bank a construction loan, in anticipation of a long-term loan from each of the I-Bank and the Department, to finance the planning, design and construction of Project # S340801-07, for stormwater control facility improvements to eliminate sewerage discharge (the "SRVSA Project"); and

**WHEREAS**, Rutgers University (Rutgers) has requested from the I-Bank a construction loan, in anticipation of a long-term loan from each of the I-Bank and the Department, to finance the planning, design and construction of Project #S340500-01, the Busch Cogeneration Plant Upgrade Project (the "Rutgers Project"); and

**WHEREAS**, Woolwich Township (Woolwich) has requested from the I-Bank a construction loan, in anticipation of a long-term loan from each of the I-Bank and the Department, to finance the planning, design and construction of Project # S340432-01, for a New Collection System and Treatment (the "Woolwich Project"); and

**WHEREAS**, pursuant to the SRVSA Project, Rutgers Project, and Woolwich Project construction schedules, Construction Loans not to exceed two years for planning and three full fiscal years for construction will be made, all or a portion of which will be completed prior to each borrower's receipt of I-Bank and Department long-term New Jersey Environmental Infrastructure Financing Program loans, thereby resulting in SRVSA's request for a construction loan in an amount not to exceed \$21,000,000, Rutgers' request for a construction loan in an amount not to exceed \$36,000,000, Woolwich's request for a construction loan in an amount not to exceed \$17,400,000; and

**WHEREAS**, with respect to the Authorizing Resolution's Construction Loan Limitation providing that any Construction Loan approved by any of the Authorized Officers, following the requisite consultations, and made by the I-Bank to a Borrower as part of the Construction Loan Program shall not exceed \$15.0 million in principal amount, subject to further official action in the form of the adoption of a resolution by the Board of Directors of the I-Bank, the I-Bank now desires, given the facts and circumstances set forth in the recitals hereto, to create as an

exception to such limitation of Construction Loans, as part of the Construction Loan Program, to the aforementioned project sponsors in amount not to exceed the amount stated for the purpose of completing the SRVSA Project, Rutgers Project, and Woolwich Project; and

**WHEREAS**, it is the desire of the I-Bank that, other than the Authorizing Resolution’s Construction Loan Limitation described in the immediately preceding recital, the project sponsor shall comply with (i) all other requirements of the Authorizing Resolution, (ii) all applicable requirements of the Act, and (iii) all applicable requirements of the Regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the New Jersey Infrastructure Bank, as follows:

**Section 1.** Notwithstanding the Authorizing Resolution’s Construction Loan Limitation providing that all Loans approved by the Authorized Officers, following the requisite consultations, and made by the I-Bank to Borrowers as part of the Construction Loan Program, shall not exceed \$15.0 million in principal amount, the Board of Directors of the I-Bank, given the facts and circumstances set forth in the recitals hereto, hereby authorizes, as an exception to Construction Loan Limitation, an Interim Loan, as part of the Construction Loan Program, to the following project sponsors for the stated projects in an amount not to exceed the amount stated for the purpose of completing the project.

<b>Project Sponsor</b>	<b>Project #</b>	<b>Description</b>	<b>Total Authorized Loan Amount</b>
Somerset Raritan Valley Sewerage Authority	S340801-07	Stormwater control facility to eliminate sewage discharge	\$21,000,000
Rutgers University	S340500-01	Busch Cogeneration Plant Upgrade	\$36,000,000
Woolwich Township	S340432-01	New Collection System and Treatment	\$17,400,000

**Section 2.** Notwithstanding the stated loan amounts of \$21,000,000 to SRVSA, \$36,000,000 to Rutgers, and \$17,400,000 to Woolwich, the Construction Financing Program funding commitment for each loan shall be limited to the operable segments certified, in amounts set forth in the Department’s allowable cost determination for each such operable segment, and such funding commitment shall arise at the time of loan closing of the first such operable segment, and upon the Department’s allowable cost determination for each subsequent operable segment certified thereafter, recognizing that the terms and conditions of the long-term New Jersey Environmental Infrastructure Financing Program loans for each said project shall reflect the terms and conditions of the financing program year in which construction is certified.

**Section 3.** Other than the exceptions created by the provisions of Section 1 of this Resolution, the Construction Loans made to the aforementioned project sponsors as part of the Construction Loan Program shall comply fully with (i) each of the terms, provisions and conditions precedent set forth in the Authorizing Resolution, (ii) all applicable requirements of the Act, and (iii) all applicable requirements of the Regulations.

Adopted Date: January 17, 2019

Motion Made By: Ms. Michele Putnam

Motion Seconded By: Ms. Laine Rankin

Ayes: 6

Nays: 0

Abstentions: 0