

RESOLUTION NO. 2013- 0039

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE RECEIPT OF BIDS FOR A LEASE OF A PORTION OF
THE STATION ROAD WATER TOWER SITE FOR THE INSTALLATION AND
OPERATION OF A WIRELESS COMMUNICATIONS ANTENNA(S) AND
APPURTENANCES**

WHEREAS, it is necessary for the Berkeley Township Municipal Utilities Authority (hereinafter the "Authority") to advertise for the receipt of bids for a lease of a portion of the Station Road Water Tower Site for the installation and operation of a Wireless Communications Antenna(s) and Appurtenances; and

WHEREAS, it has become necessary to seek bids for a portion of the Station Road Water Tower because the lease, currently held by tenant T-Mobile, is set to expire; and

WHEREAS, the anticipated cost for a lease of a portion of the Station Road Water Tower Site for the installation and operation of a Wireless Communications Antenna(s) and Appurtenances is expected to exceed the statutory threshold so as to require public bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, it is the desire of the Authority to advertise for and receive bids for a lease of a portion of the Station Road Water Tower Site for the installation and operation of a Wireless Communications Antenna(s) and Appurtenances; and

WHEREAS, the Authority voted in open session during the Authority's Regular Meeting held on May 23, 2013 to Authorize the Executive Director to receive bids as set forth herein above and this Resolution memorializes the vote taken on that date:

NOW, THEREFORE, be it resolved this 27th day of June, 2013 by the Berkeley Township Municipal Utilities Authority as follows:

1. The Berkeley Township Municipal Utilities Authority does hereby authorize the receipt of bids for a lease of the portion of the Station Road Water Tower currently occupied by tenant T-Mobile for the installation and operation of a Wireless Communications Antenna(s) and Appurtenances. The Executive Director of the Authority shall determine the time, date, place and manner for the receipt of said bids, which shall be received in accordance with the New Jersey Local Public Contracts Law.
2. A notice to bidders shall be published in regard to the receipt of bids for the lease of a portion of the Station Road Water Tower for the installation and operation of a Wireless Communications Antenna(s) and Appurtenances in accordance with specifications prepared by the Authority.
3. A certified copy of this Resolution shall be forwarded to:
 - a. Honorable Patrick Pizzi, Chairman
 - b. Michele Nugent, Executive Director
 - c. Christopher K. Koutsouris, Esquire

CERTIFICATION

I certify that the foregoing Resolution was adopted by the Berkeley Township Municipal Utilities Authority at a regular meeting held on the 27th day of June, 2013, a quorum being present and voting in the majority.



Authority Secretary



Authority Chairman

Prepared by:

Christopher K. Koutsouris, Esquire
Dasti, Murphy, McGuckin, Ulaky,
Koutsouris & Connors
620 West Lacey Road
Post Office Box 1057
Forked River, New Jersey 08731

RESOLUTION NO. 2013-0046

RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF NEW JERSEY, NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AND THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

WHEREAS, in the Fall of 2012, Superstorm Sandy devastated the Jersey Shore area; and

WHEREAS, the devastation caused by Superstorm Sandy included portions of the Township of Berkeley and both the Berkeley Township Municipal Utilities Authority ("Authority") directly and those customers and ratepayers serviced by the Authority; and

WHEREAS, Federal Law (the Stafford Act) has authorized the Federal Emergency Management Agency ("FEMA") to make available monetary grants pursuant to two administered programs (Public Assistance and Hazard Mitigation) in areas declared presidentially as major disasters ; and

WHEREAS, the funds made available by FEMA pursuant to the Stafford Act program are administered through the New Jersey Office of Emergency Management ("NJOEM"); and

WHEREAS, it appears that the Authority may be available to receive grants made available pursuant to the Stafford Act through the Public Assistance and/or Hazard Mitigation programs to financially assist with the devastation caused by Superstorm Sandy; and

WHEREAS, in order to make application for and receive grant funds made available pursuant to the programs, NJOEM and FEMA require the Authority to enter into a Memorandum of Understanding ("MOU") in the form appended hereto as "Schedule A"; and

WHEREAS, the Executive Director of the Authority recommends that the Authority authorize execution of the MOU as set forth in Schedule A; and

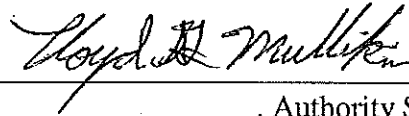
WHEREAS, the Authority finds it to be in the best interests of the Authority and the ratepayers of the Authority to execute the MOU in the form appended hereto as Schedule A:

NOW, THEREFORE, BE IT RESOLVED this 27th day of June, 2013, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Authority accepts the recommendations of its Executive Director and Professional Staff and authorizes the Execution of the MOU.
2. The Authority hereby authorizes and directs the Executive Director, Chairman and Secretary of the Authority to execute any and all necessary documents in order to implement the intent of this Resolution.
3. A certified copy of this Resolution shall be forwarded by the Executive Director to the following:
 - (a) Honorable Patrick Pizzi, Chairman;
 - (b) Michele Nugent, Executive Director;
 - (c) New Jersey Office of Emergency Management;
 - (d) Keith Chiaravallo, P.E.;
 - (e) Christopher K. Koutsouris; and

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at the Authority's Regular meeting held on the 27th day of June, 2013, a quorum being present and voting in the majority.



, Authority Secretary



, Authority Chairman

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS
Forked River, New Jersey 08731

RESOLUTION NO. 2013-0047

RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL AUTHORITY, TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A WATER FACILITIES AGREEMENT BETWEEN THE AUTHORITY AND THE CENTRAL REGIONAL SCHOOL DISTRICT, APPROVING FORM OF DEED OF DEDICATION AND AFFIDAVIT OF TITLE, AND AUTHORIZING RECEIPT AND RECORDING OF APPROVED DOCUMENTS

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter "Authority") is a Municipal Utilities Authority authorized, existing and operating pursuant to the Laws of the State of New Jersey for the purpose of providing water service to customers within the Authority's franchise area in the Township of Berkeley, State of New Jersey, County of Ocean; and

WHEREAS, the Central Regional School District (hereinafter "CRSD") is a duly constituted Regional School District existing and operating in accordance with the Laws of the State of New Jersey; and

WHEREAS, CRSD is the owner of a potable water system constructed and existing upon real property located within the Authority's franchise area known as Lot 1, Block 356 on the official Tax Map of the Township of Berkeley, County of Ocean, State of New Jersey; and

WHEREAS, the Authority has determined that it is in the interest of the Authority, its ratepayers and the general public interest to own, operate and maintain certain aspects of the potable water facilities located upon the CRSD property; and

WHEREAS, the water facilities that the Authority desires to acquire from CRSD appear colored in “blue” upon a Map, appended hereto and dated December 12, 2012, drawn on behalf of the Authority by the Authority’s consulting engineer, CME Associates; and

WHEREAS, in order to acquire the subject water facilities, the Authority and CRSD must execute a Water Facilities Agreement, detailing the terms of the purchase; and

WHEREAS, the Authority’s Attorney has prepared a Water Facilities Agreement, which has been reviewed by the Authority’s Consulting Engineer and Authority Staff, and which is recommended to the Authority to be authorized for execution; and

WHEREAS, counsel and engineering staff for CRSD have reviewed and approved the Water Facilities Agreement in form and content; and

WHEREAS, in order to effectuate the purchase of the subject water facilities, the Authority must receive from CRSD a Deed of Dedication, together with an Affidavit of Title and Resolution of the CRSD authorizing the conveyance of said water facilities to the Authority; and

WHEREAS, a Deed of Dedication, Affidavit and appropriate resolution have been prepared by counsel for the Authority and approved in form and content by counsel for CRSD; and

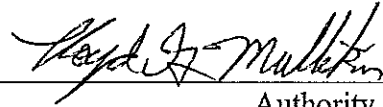
WHEREAS, the Authority’s Staff and Professional Staff recommend that the Authority provide authorization to accept from CSRD a Deed of Dedication, Affidavit of Title and Resolution relative to the subject water facilities for recording with the County Clerk of the County of Ocean:

NOW, THEREFORE, BE IT RESOLVED this 27th day of June, 2013, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Authority accepts the recommendations of its Executive Director and Professional Staff and authorizes the Execution of the Water Facilities Agreement.
2. The Authority hereby Authorizes and directs the Executive Director, Chairman and Secretary of the Authority to accept and record from the Central Regional School District a Deed of Dedication and other documents necessary in order to implement the intent of this Resolution.
3. The Authority hereby authorizes and directs the Executive Director, Chairman and Secretary of the Authority to execute any and all necessary documents in order to implement the intent of this Resolution.
4. A certified copy of this Resolution shall be forwarded by the Executive Director to the following:
 - (a) Honorable Patrick Pizzi, Chairman;
 - (b) Michele Nugent, Executive Director;
 - (c) William T. Hiering, Jr., Esquire;
 - (d) Keith Chiaravallo, P.E.;
 - (e) Alan Dittenhoffer, P.E.; and
 - (f) Christopher K. Koutsouris, Esquire

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at the Authority's Regular meeting held on the 27th day of June, 2013, a quorum being present and voting in the majority.



, Authority Secretary



, Authority Chairman

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS
Forked River, New Jersey 08731

RESOLUTION 2013- 0048

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY AUTHORIZING INCREASE OF EMPLOYEE'S SALARY AND
ADOPTING TERMS OF EMPLOYMENT**

WHEREAS, [REDACTED] has been employed as the Chief of Operations of the Berkeley Township Municipal Utilities Authority (hereinafter the "Authority"); and

WHEREAS, the Authority and its Personnel Committee have recommended that the Authority establish the terms of [REDACTED] employment for the period of May 21, 2013 through May 21, 2016; and

WHEREAS, the Authority and its Personnel Committee have further recommended the establishment of a salary guide to govern the establishment of [REDACTED] salary for the period of May 20, 2013 through May 19, 2016 ("the relevant period") only; and

NOW THEREFORE, BE IT RESOLVED this 27th day of June, 2013 by the Berkeley Township Municipal Utilities Authority as follows:

1. Compensation for [REDACTED] shall be computed at an annual rate according to the following schedule, payable at such times and pursuant to the standard Authority payroll procedures:

May 20, 2013 – May 19, 2014	[REDACTED] per annum
May 20, 2014 – May 19, 2015	[REDACTED] per annum
May 20, 2015 – May 19, 2016	[REDACTED] per annum

2. As a full time, hourly employee, [REDACTED] is eligible for overtime pay in accordance with the policies of the Authority existing at the time overtime is claimed to be due from the Authority by the employee.

3. For the relevant period, [REDACTED] shall be entitled to vacation as defined in the Authority Employee Manual as amended effective January 26, 2012.
4. For the relevant period, [REDACTED] shall be entitled to sick leave as defined in the Authority Employee Manual as amended effective January 26, 2012.
5. [REDACTED] shall be entitled to three (3) personal days per annum, during the relevant period, which days shall not accumulate from year to year. [REDACTED] shall provide the Authority Chairman or his designee with at least seventy-two (72) hours written notice prior to taking personal time off, except in cases of emergency. Day(s) shall not be used to extend a holiday or vacation period.
6. The Authority agrees to adhere to the Authority's longevity stipend policy, as amended by the Resolutions of the Berkeley Township Municipal Utilities Authority and the Employee Manual of the Authority.
7. The Authority agrees to adhere to the Authority's license stipend policy as amended by the Resolutions of the Berkeley Township Municipal Utilities Authority and the Employee Manual of the Authority.
8. The Authority agrees to provide an Authority owned vehicle to [REDACTED] to be utilized for official Authority business only, unless authorized by a separate resolution of the Authority.
9. The Authority recognizes that [REDACTED] has in the past been an employee at-will of the Authority and will continue to be an employee at-will of the Authority in the Authority's sole and unfettered discretion. This Resolution shall not be considered as a Guarantee of the Contract for a specific period of

employment. With respect to any terms of employment not mentioned herein, including but not limited to hours of employment, restrictions on outside employment, duties and responsibilities, employee benefits, employee expenses, termination of employment and modifications to terms of employment, [REDACTED] shall be bound by the terms as expressed in the Berkeley Township Municipal Utilities Authority Manual as he is in fact an employee at-will.

10. The terms of [REDACTED] employment with the Authority as expressed herein shall not extend beyond May 19, 2016.

11. A Certified copy of this Resolution shall be forwarded by the Secretary of the Authority to:

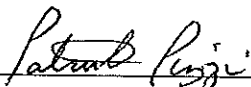
- a. Honorable Patrick Pizzi, Chairman
- b. Michele Nugent, Executive Director
- c. Brian Blair
- d. Christopher K. Koutsouris, Esquire

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at the Authority's Regular meeting held on the 27th day of June, 2013, a quorum being present and voting in the majority.



, Authority Secretary



, Authority Chairman

Prepared by:
DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS
Forked River, New Jersey 08731