

RESOLUTION NO. 49 - 2013

RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING RELEASE OF THE WATER SYSTEM PERFORMANCE GUARANTEE FOR GUILLERMO AND MELISSA RAMOS REGARDING 219 GREENWAY ROAD N.E., BLOCK 235, LOTS 3, 4, 11 AND 12, BERKELEY TOWNSHIP, COUNTY OF OCEAN, STATE OF NEW JERSEY.

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter collectively referred to as the "Authority") has received a request from Guillermo and Melissa Ramos (hereinafter the "Applicant"), for release of the water system performance guarantee relative to the water system connection which was to be performed at 219 Greenway Road N.E., Block 235, Lots 3, 4, 11 & 12 in the Township of Berkeley; and

WHEREAS, the Performance Guarantee, being posted by John and Chere A. Cambra on behalf of Mr. & Mrs. Ramos, will be released to those individuals who have posted same; and

WHEREAS, the Applicant has completed the connection; and

WHEREAS, the Authority has been advised by the Authority's Engineer, CME Associates, that the project has been properly completed; and

WHEREAS, the Authority has received and reviewed a recommendation from its Engineer, which recommends that the request for the release of the water system performance guarantee be accepted and approved subject to the applicant posting a maintenance guarantee in the amount of Three Thousand – Six Hundred and Ninety Eight Dollars and Twenty-Seven Cents (\$3,698.27), for a minimum of two (2) years; and

WHEREAS, the Authority finds that the recommendation from its Engineer is fair, reasonable and in accordance with the Authority's rules and regulations; and

WHEREAS, Counsel for the Authority has reviewed the recommendations of the Engineer and concurs in the Engineer's recommendations:

NOW, THEREFORE, BE IT RESOLVED, this 25th day of July, 2013, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority accepts the recommendations of its professional staff and authorizes release of the water system performance guarantee for the project to the Applicant contingent upon the applicant complying with all conditions recommended by the Authority's Engineer, including, but not limited to, the posting of a satisfactory maintenance guarantee in the amount of Three Thousand – Six Hundred and Ninety Eight Dollars and Twenty-Seven Cents (\$3,698.27), for a minimum of two (2) years; payment of all outstanding escrow fees; and receipt and approval of all necessary closeout documents.

2. The Authority hereby authorizes and directs the Chairman, Secretary and Executive Director 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) CME Associates, Inc.
- (c) Guillermo and Melissa Ramos
- (d) Christopher K. Koutsouris, Esquire.

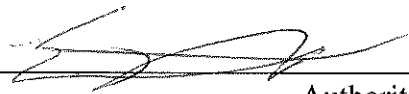
**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW


620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

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 a regular meeting held on the 25th day of July, 2013, a quorum being present and voting in the majority.



, Authority Secretary



acting Authority Chairman

Prepared by:

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

**DASTI, MURPHY
McGUCKIN, ULAKY,
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RESOLUTION NO. 50 2013-

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW
JERSEY, AUTHORIZING THE EXECUTION OF AN
AGREEMENT WITH THE TOWNSHIP OF BERKELEY
PERMITTING INSTALLATION OF SURVEILLANCE
CAMERA EQUIPMENT AT THE AUTHORITY'S STATION
ROAD SITE**

WHEREAS, on or about the 10th day of January, 2013 the Authority adopted a resolution memorializing the Authority's vote taken on April 26, 2012 approving the placement of surveillance camera equipment by the Township of Berkeley at the Authority's Station Road Site; and

WHEREAS, in order to comply with the intent of that Resolution, the Authority's Solicitor prepared an agreement which was the subject of discussions with the Township's Solicitor; and

WHEREAS, counsel has now agreed as to form and content of the Agreement and the Township Council of the Township of Berkeley has introduced an Ordinance, approved on First Reading, to execute the agreement with the Authority; and

WHEREAS, it appears that prompt action is necessary from the Authority to execute the agreement, despite the Ordinance having not yet been subject to second reading, as funding for the project is set to expire in the near future; and

WHEREAS, the Authority recognizes the benefits to the Authority's ratepayers, together with the wellbeing of the Township in general in executing the agreement promptly:

NOW, THEREFORE, BE IT RESOLVED, this 25th day of July, 2013, by the Berkeley Township Municipal Utilities Authority as follows:

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1. The Authority hereby approves and authorizes the execution of the agreement between the Township and the Authority for installation of surveillance camera equipment upon the Authority's station road site.
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) Honorable Carmen F. Amato, Jr., Mayor;
 - (d) Keith Chiaravallo, P.E.;
 - (e) Christopher K. Koutsouris; and

CERTIFICATION

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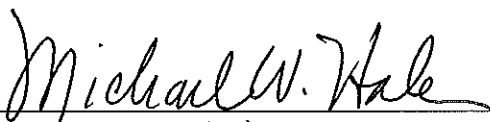
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, Authority Secretary



Acting, Authority Chairman

Prepared by:

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

ORDINANCE NO. 2013-41-OA

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE LEASE OF TOWER SPACE ON BLOCK
974, LOT 1 FROM THE BERKELEY TOWNSHIP MUNICIPAL
UTILITIES AUTHORITY IN ACCORDANCE WITH N.J.S.A.
40A:12-5**

July 22, 2013

WHEREAS, the Berkeley Township Municipal Utilities Authority ("MUA")
is the assessed owner of a water tower on Block 974 Lot 1; and

WHEREAS, the MUA wishes to authorize the use of its tower at the
subject property to the Township of Berkeley to be used for the installation and
maintenance of a wireless surveillance antenna system; and

WHEREAS, N.J.S.A. 40A:12-5 authorizes a municipality to lease
property and/or structures.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the
Township of Berkeley, County of Ocean, State of New Jersey, as follows:

SECTION 1. That the governing body does hereby authorize the
lease of the structure on Block 974 Lot 1 from the Berkeley Township MUA. This
property is being leased by the Township of Berkeley pursuant to N.J.S.A. 40A:12-
5 to be used for the installation and maintenance of a wireless surveillance
antenna system.

SECTION 2. That the Mayor and Municipal Clerk are hereby
authorized to execute any and all documents necessary for the lease of the
subject property from the Berkeley Township MUA.

SECTION 3. All ordinances or parts of ordinances inconsistent
herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

CARMEN F. AMATO, JR., Mayor

JAMES J. BYRNES, Council President
JUDITH NOONAN, Council Vice President

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on **July 22, 2013**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 12th day of August, 2013 at 7:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

BEVERLY M. CARLE, RMC
Township Clerk, Township of Berkeley

RESOLUTION NO. 51 2013-

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW
JERSEY, AWARDING A 5-YEAR LEASE AGREEMENT,
WITH OPTIONS, FOR THE PLACEMENT OF CELLULAR
ANTENNAS TO T-MOBILE NORTHEAST LLC**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has solicited bids for the lease of space for the construction and maintenance of wireless antennas and communications shelters for the Authority's water tower located at 42 Station Road in the Bayville section of the Township of Berkeley, County of Ocean, State of New Jersey; and

WHEREAS, the bids have been solicited by the Authority in conformance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.S.A. 40A:12-13 et seq.; and

WHEREAS, the bid specifications provide, in part, for a 5-year lease agreement, with two (2) 5-year options; and

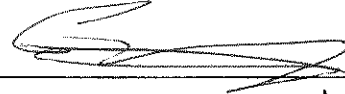
WHEREAS, the sole bid received by the Authority is from T-Mobile Northeast LLC for a five (5) year term with an initial annual rent of \$38,000.00; and

WHEREAS, the initial annual rent will be adjusted annually in accordance with increase in the Consumer Price Index for Urban Wage Earners and Clerical Works for Metropolitan New York-North Eastern New Jersey, or four (4%) percent, whichever is lower; and

WHEREAS, the same terms of rent adjustment shall serve to govern the exercise of any options by T-Mobile Northeast LLC; 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 a regular meeting held on the 25th day of July, 2013, a quorum being present and voting in the majority.



, Authority Secretary



acting , Authority Chairman

Prepared by:

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

DASTI, MURPHY
McGUCKIN, ULAKY,
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RESOLUTION NO. 52 - 2013

APPROVING THE WAIVER OF PAYMENT OF THE FEE FOR THE MANDATORY CONNECTION, METER FEES AND REVIEW AND INSPECTION FEES FOR BERKELEY TOWNSHIP UNDERWATER SEARCH AND RESCUE UNIT, INC., FOR 10 STATION ROAD, IN THE TOWNSHIP OF BERKELEY (BAYVILLE), COUNTY OF OCEAN, STATE OF NEW JERSEY

WHEREAS, the Berkeley Township Underwater Search and Rescue Unit, Inc. (BTUSAR) is a 501(c)(3) Public Charity located in the Township of Berkeley and is undertaking to complete the construction of facilities located at 10 Station Road in the Township of Berkeley (Bayville), State of New Jersey, County of Ocean; and

WHEREAS, the facilities being constructed at 10 Station Road are located within the franchise area of the Berkeley Township Municipal Utilities Authority and has available to it water service in a location requiring mandatory connection in accordance with the Ordinances of the Township of Berkeley and other applicable law; and

WHEREAS, the Rules and Regulation of the Authority provide for the payment of fees for mandatory connections in the Authority's franchise area, as well as fees for the provision of water meters and for review and inspection fees by the Authority's professionals; and

WHEREAS, the BTUSAR has requested that the Authority waive its fees for the mandatory connection, the water meter and for inspection and review for premises being constructed at 10 Station Road; and

WHEREAS, the Authority has considered and recognized the volunteer status of the BTUSAR emergency responders, together with the charitable purpose of the BTUSAR and the benefits provided to the Township of Berkeley and the ratepayers in the Authority's franchise area by the services provided by the BTUSAR:

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NOW, THEREFORE, BE IT RESOLVED, this 25th day of July, 2013, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Berkeley Township Municipal Utilities Authority hereby approves the request of the BTUSAR and authorizes the waiver of all payments for the mandatory connection fees, together with all fees related to the meter, as well as inspection and review fees, due from the BTUSAR for the premises being constructed at 10 Station Road in Bayville, New Jersey.

5. A certified copy of this Resolution shall be forwarded by the Executive Director to the following:

- (a) Honorable Patrick Pizzi, Chairman
- (b) Honorable Carmen F. Amato, Jr., Mayor;
- (c) Michele Nugent, Executive Director;
- (d) Carl Mattocks, President of BTUSAR; and
- (e) Christopher K. Koutsouris, Esquire.


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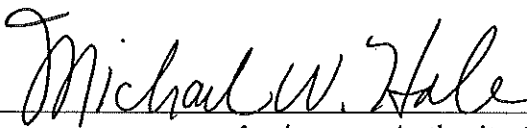
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CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at a regular meeting held on the 25th day of July, 2013, a quorum being present and voting in the majority.



, Authority Secretary



Acting, Authority Chairman

Prepared by:

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RESOLUTION NO. 53 2013-

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 SINCE ISSUES CONCERNING THE AVAILABILITY OF INSURANCE HAVE BEEN RESOLVED

WHEREAS, during the June 27, 2013 regular meeting of the Berkeley Township Municipal Utilities Authority, the Authority authorized execution of a Memorandum of Understanding (MOU) between the Authority and the New Jersey Office of Emergency Management (NJOEM) and the Federal Emergency Management Agency (FEMA) for the Authority's participation in the Public Assistance and Hazard Mitigation Programs administered pursuant to the Stafford Act; and

WHEREAS, the authorization granted by the Authority on June 27, 2013 was conditioned upon the resolution of an issue addressed in the MOU which required the Authority to maintain certain levels of insurance in order to be eligible for participation in the aforementioned programs; and

WHEREAS, the issue concerning the availability of insurance has been resolved to the satisfaction of the Authority based upon representations made by Michael Reedy, the NJOEM liaison to FEMA; and

WHEREAS, Mr. Reedy assured the Authority that the Authority has no obligation to insure water meters and the Authority intends to utilize any received funds to replace water meters affected by Superstorm Sandy; and

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WHEREAS, the Authority now desires to confirm the authorization it has extended for execution of the MOU:

NOW, THEREFORE, BE IT RESOLVED, this 25th day of July, 2013, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Authority is satisfied that any issues concerning insurance have been resolved to the satisfactorily and the Executive Director, Chairman and any necessary Commissioners are authorized to execute the aforementioned 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

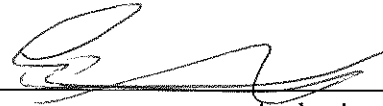
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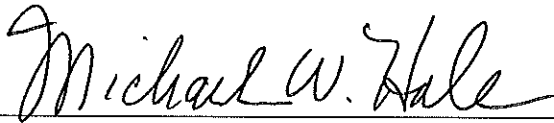
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, Authority Secretary



acting Authority Chairman

Prepared by:

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