

RESOLUTION NO. 0065-2013

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING  
APPOINTMENT OF CME ASSOCIATES AS AUTHORITY CONSULTING  
ENGINEER FOR THE BID AND CONSTRUCTION PHASES OF THE PHASE V  
WATER SYSTEM IMPROVEMENT PROJECT AND AUTHORIZING THE  
EXECUTION OF AN ENGINEERING AGREEMENT**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has a need to designate an engineering firm as consulting engineer for the bid and construction phases of the Phase V Water System Improvements; and

**WHEREAS**, the Authority has previously appointed CME Associates pursuant to the non-fair and open process set forth in *N.J.S.A. 19:44A-20.5* to service as Authority Consulting Engineer the year 2013; and

**WHEREAS**, although appointed in a blanket manner as the Authority Engineer for the year 2013, the rules and regulations of the New Jersey Environmental Infrastructure Trust ("NJEIT") require the designation of a Consulting Engineer of the Phase V Water System Improvements and the execution of an engineering agreement relative to that designation; and

**WHEREAS**, the appointment of such aforementioned professional constitutes a "professional appointment" and is therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

**WHEREAS**, CME Associates is duly qualified to serve as Authority Consulting Engineer for the Phase V Water System Improvements; and

**WHEREAS**, it is the desire of the Authority to appoint CME Associates, as Authority's Consulting Engineer for the Phase V Water System Improvements; and

DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS  
COUNSELLORS AT LAW  
620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

**WHEREAS**, the Local Public Contracts Law authorizes the award of contract for professional services without competitive bids and requires that the appointing resolution and contract be made available for public inspection:

**NOW, THEREFORE, BE IT RESOLVED** this 24th day of October, 2013, by the Berkeley Township Municipal Utilities Authority as follows:

1. CME Associates, 3141 Bordentown Avenue, Parlin, New Jersey, 08859, is designated and appointed as Authority Consulting Engineer for the Bid and Construction Phase of the Phase V Water System Improvements this date and continuing through and until the Bid and Construction Phases of the Phase V Water System Improvements have been completed, or until such time as a successor is appointed.
2. The Chairman and the Secretary of the Authority are hereby authorized to execute and attest to an agreement with CME Associates, in a form to be approved by the Authority and the Authority's Attorney, a copy of which shall be placed on file and available for inspection in the Authority's office.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A.* 40A:11-5(1)(a)(i) of the Local Public Contracts Law as engineering services are recognized as a professional service and CME Associates is an engineering firm with members licensed as professional engineers in the State of New Jersey.
4. This is a professional services contract and/or constitutes an extraordinary unspecifiable service and is therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts.

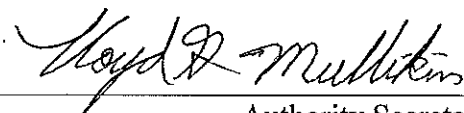
**DASTI, MURPHY**  
**McGUICKIN, ULAKY,**  
**KOUTSOURIS & CONNORS**  
  
COUNSELLORS AT LAW  
  
620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

5. A certified copy of this resolution shall be forwarded to:

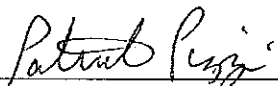
- a. Honorable Patrick Pizzi, Chairman
- b. Michele Nugent, Executive Director
- c. Christopher K. Koutsouris, Esquire
- d. CME Associates

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority at a regular meeting held on the 24th day of October, 2013, a quorum being present and voting in the majority.



\_\_\_\_\_  
, Authority Secretary



\_\_\_\_\_  
Honorable Patrick Pizzi, Authority Chairman

Prepared by:

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

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**RESOLUTION NO. 0066 -2013**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING  
APPOINTMENT OF CME ASSOCIATES AS AUTHORITY CONSULTING  
ENGINEER FOR THE BID AND CONSTRUCTION PHASES OF THE WELL  
NUMBER 4 CONSTRUCTION PROJECT AND AUTHORIZING THE EXECUTION  
OF AN ENGINEERING AGREEMENT**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has a need to designate an engineering firm as consulting engineer for the bid and construction phases of the Well Number 4 construction project; and

**WHEREAS**, the Authority has previously appointed CME Associates pursuant to the non-fair and open process set forth in *N.J.S.A. 19:44A-20.5* to service as Authority Consulting Engineer the year 2013; and

**WHEREAS**, although appointed in a blanket manner as the Authority Engineer for the year 2013, the rules and regulations of the New Jersey Environmental Infrastructure Trust ("NJEIT") require the designation of a Consulting Engineer of the Wells No. 4 construction project and the execution of an engineering agreement relative to that designation; and

**WHEREAS**, the appointment of such aforementioned professional constitutes a "professional appointment" and is therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

**WHEREAS**, CME Associates is duly qualified to serve as Authority Consulting Engineer for the Well No 4 Construction Project; and

**WHEREAS**, it is the desire of the Authority to appoint CME Associates, as Authority's Consulting Engineer for the Well No. 4 Construction Project; and

**WHEREAS**, the Local Public Contracts Law authorizes the award of contract for professional services without competitive bids and requires that the appointing resolution and contract be made available for public inspection:

**NOW, THEREFORE, BE IT RESOLVED** this 24th day of October, 2013, by the Berkeley Township Municipal Utilities Authority as follows:

1. CME Associates, 3141 Bordentown Avenue, Parlin, New Jersey, 08859, is designated and appointed as Authority Consulting Engineer for the Bid and Construction Phase of the Well No. 4 Construction Project this date and continuing through and until the Bid and Construction Phases of the Well No. 4 Construction Project have been completed, or until such time as a successor is appointed.
2. The Chairman and the Secretary of the Authority are hereby authorized to execute and attest to an agreement with CME Associates, in a form to be approved by the Authority and the Authority's Attorney, a copy of which shall be placed on file and available for inspection in the Authority's office.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1)(a)(i)* of the Local Public Contracts Law as engineering services are recognized as a professional service and CME Associates is an engineering firm with members licensed as professional engineers in the State of New Jersey.
4. This is a professional services contract and/or constitutes an extraordinary unspecifiable service and is therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts.

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

COUNSELLORS AT LAW

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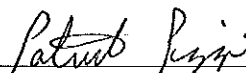
5. A certified copy of this resolution shall be forwarded to:

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

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority at a regular meeting held on the 24th day of October, 2013, a quorum being present and voting in the majority.

  
\_\_\_\_\_  
, Authority Secretary

  
\_\_\_\_\_  
Honorable Patrick Pizzi, Authority Chairman

Prepared by:

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

DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS

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**RESOLUTION NO. 0067 - 2013**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE AUTHORITY TO RELEASE THE REMAINING PERFORMANCE GUARANTEES FOR THE DEVELOPMENT PROJECT KNOWN AS LARGO ESTATES AND WAIVING THE AUTHORITY'S REQUIREMENT THAT THE DEVELOPER OR SURETY POST A MAINTENANCE GUARANTEE**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (the "Authority") has previously adopted Resolution 62-2013 authorizing pre-litigation settlement with United States Surety Company ("USSC"), the surety for the Largo Estates project which was being developed by Lakeside Developers, Inc. until that entity's default; and

**WHEREAS**, the Authority has executed a Settlement Agreement, authorized by Resolution 62-2013, which requires the Authority to release USSC issued Performance Bond No. 15058; and

**WHEREAS**, the Authority's settlement discussions with USSC indicated that, given the age of the proposed development and the lack of issues which have thus-far arisen therein, the Authority would waive the Authority's requirement that the Applicant and/or USSC post a maintenance bond for the project; and

**WHEREAS**, the Authority's professional staff recommends a release of Performance Bond No. 15058 together with a waiver of the posting of all maintenance guarantees given the status of the project:

**NOW, THEREFORE, BE IT RESOLVED**, this 24th day of October, 2013, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

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

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1. The Authority accepts the recommendations of its management and professional staff.

2. The Authority authorizes the release of Performance Bond No. 15058 to United States Surety Company.

3. The Authority authorizes for the above referenced project a waiver from the Rules and Regulations of the Authority which require the posting of a maintenance guarantee given the settlement of the aforementioned litigation, the absence of the developer and the age of the aforementioned development.

4. The Authority hereby authorizes and directs the Chairman, Secretary Executive Director and Authority Attorney to execute any and all necessary documents in order to implement the intent of this Resolution.

5. 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) Keith Chiaravallo, P.E.;
- (d) Jill A. Fisher, Esquire;
- (e) Christopher K. Koutsouris, Esquire.

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

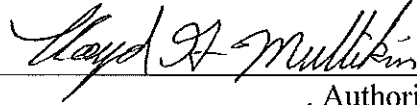
COUNSELLORS AT LAW

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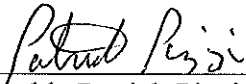


**CERTIFICATION**

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 24th day of October, 2013, a quorum being present and voting in the majority.



\_\_\_\_\_  
, Authority Secretary



\_\_\_\_\_  
Honorable Patrick Pizzi, Authority Chairman

Prepared by:

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

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**RESOLUTION NO. 0068 - 2013**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF ALL PROJECT CLOSE-OUT DOCUMENTS AND RELEASE OF THE WATER SYSTEM PERFORMANCE GUARANTEE FOR PINE CREST DEVELOPERS, LLC -- LIVINGSTON AVENUE ROAD IMPROVEMENTS, BLOCK 363, LOTS 6 THROUGH 10 AND BLOCK 370, LOTS 11 THROUGH 15, BERKELEY TOWNSHIP, COUNTY OF OCEAN, STATE OF NEW JERSEY.**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has received a request from the Pine Crest Developers, LLC (hereinafter the "Applicant"), the developer of a previously approved project along Livingston Avenue which includes improvements at Block 363, Lots 6-10 and Block 370, Lots 11-15 for acceptance of all project close-out documents and release of the water system performance guarantee for the project; and

**WHEREAS**, the Applicant has completed the project; and

**WHEREAS**, the Authority has been advised by the Authority's Engineer, CME Associates, that the project has been properly completed, and the project close-out documents are acceptable; and

**WHEREAS**, the Authority has received and reviewed a letter of recommendation dated October 18, 2013 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 One Thousand - Five Hundred and Eleven Dollars and Eighty-Three Cents (\$1,511.83), for a minimum of two (2) years; and

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

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**WHEREAS**, Counsel for the Authority has reviewed the recommendations of the Engineer contained in the Engineer's October 18, 2013 correspondence and concurs in the Engineer's recommendations contained therein; and

**WHEREAS**, the Applicant has requested the Authority, when undertaking to release the Applicant's performance guarantee in compliance with this Resolution, retain the sum of \$1,511.83 from the amount previously posted with the Authority as the Applicant's performance guarantee:

**NOW, THEREFORE, BE IT RESOLVED**, this 24th day of October, 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 acceptance the project and a release of the water system performance guarantee for the project to the Applicant contingent upon the applicant complying with all conditions set forth in the aforementioned review letter dated October 18, 2013, including, but not limited to, the posting of a satisfactory maintenance guarantee in the amount of One Thousand - Five Hundred and Eleven Dollars and Eighty-Three Cents (\$1,511.83), for a minimum of two (2) years; approval of and recording of an easement agreement in a form acceptable to the Authority; payment of all outstanding escrow fees; and receipt and approval of all necessary closeout documents.

2. The Authority approves and authorizes the Applicant's request that the Authority retain \$1,511.83 from the Applicant's previously posted performance guarantees to satisfy the Applicant's maintenance guarantee requirement.

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

COUNSELLORS AT LAW

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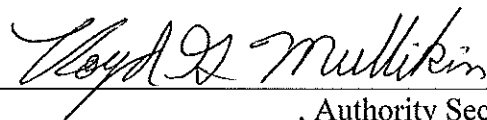
3. The Authority hereby authorizes and directs the Chairman, Secretary and Executive Director to execute any and all necessary documents in order to implement the intent of this Resolution.

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

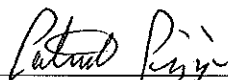
- (a) Honorable Patrick Pizzi, Chairman
- (b) The Municipal Clerk of the Township of Berkeley;
- (c) CME Associates;
- (d) Pine Crest Developers, LLC; and
- (e) Christopher K. Koutsouris, Esquire.

**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 a regular meeting held on the 24th day of October, 2013, a quorum being present and voting in the majority.



\_\_\_\_\_  
, Authority Secretary



\_\_\_\_\_  
Honorable Patrick Pizzi, Chairman

Prepared by:

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

DASTI, MURPHY  
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RESOLUTION NO. 0069 - 2013

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, CONCERNING NEW JERSEY STATE LEAGUE OF MUNICIPALITIES ANNUAL STATEWIDE CONFERENCE EXPENSES**

**WHEREAS**, annually the New Jersey State League of Municipalities hosts a statewide conference in Atlantic City, New Jersey; and

**WHEREAS**, the Berkeley Township Municipal Utilities Authority ("Authority") has encouraged the Commissioners and Management Staff of the Authority to attend the New Jersey State League of Municipalities conference due to the offered educational opportunities in the areas of municipal government and local authority operations; and

**WHEREAS**, Resolution 1995-13 established procedures for the reimbursement of certain expenses by the Authority to Authority Commissioners for conference related expenses; and

**WHEREAS**, the Authority now believes it is appropriate to amend and update the Authority's conference reimbursement policy:

**NOW, THEREFORE, BE IT RESOLVED**, this 24th day of October, 2013, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority encourages its Commissioners and Management Staff to attend the New Jersey State League of Municipalities Annual Conference held each year in Atlantic City so that the Commissioners and Management Staff can avail themselves of the many educational opportunities offered throughout the Conference.

2. The Authority shall directly arrange and pay the costs of: (a) conference floor registration fees for Commissioners and Management Staff attending the

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conference, and (b) hotel room costs for Commissioners and Management Staff attending the conference.

3. Each Commissioner and member of Management Staff attending the conference may submit to the Authority a request for reimbursement for food, transportation and miscellaneous conference related expenses in an amount not to exceed \$300.00.

4. The Executive Director of the Authority is authorized to make reimbursements to Commissioners and Management Staff members for food, transportation and miscellaneous conference related expenses in an amount not to exceed \$300.00 per person. Reimbursement shall not be made by the Executive Director to any requesting person unless and until the Executive Director has been provided with verifiable proof of expenses, such as receipts, invoices, etc. The Executive Director shall have the authority to deny requests for reimbursement should the request be deemed unnecessary in the discretion of the Executive Director.

5. Any request for reimbursement made by any Commissioner or Management Staff Member that is denied by the Executive Director may be, at the discretion of the denied Commissioner or Management Staff Member, submitted to the Commissioners of the Authority for reconsideration during any regular meeting of the Authority which follows the denial.

6. 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) Christopher K. Koutsouris, Esquire.

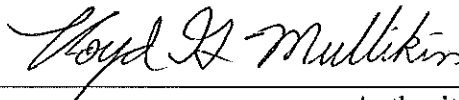
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**CERTIFICATION**

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 24th day of October, 2013, a quorum being present and voting in the majority.



\_\_\_\_\_  
, Authority Secretary



\_\_\_\_\_  
PATRICK PIZZI, Authority Chairman

Prepared by:

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

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