

RESOLUTION NO. 001 - 2014

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, AUTHORIZING RELEASE OF THE BID BOND SUBMITTED BY HD SUPPLY IN CONNECTION WITH HD SUPPLY'S SUCCESSFUL BID TO PROVIDE WATER METERS AND RELATED ITEMS TO THE AUTHORITY**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") solicited bids for the provision of water meters and related items; and

**WHEREAS**, as required by law, the Authority required bidders to submit ten (10%) of the total price bid (but not in excess of \$20,000.00), a bid guarantee; and

**WHEREAS**, HD Supply, the lowest responsible bidder, did submit an adequate bid guarantee to the Authority in connection with its bid; and

**WHEREAS**, the Authority and HD Supply have now fully executed an agreement acceptable in form and content to the Authority; and

**WHEREAS**, as an agreement has been executed the Authority is now obligated by law to release the bid guarantee posted by HD Supply with the Authority:

**NOW, THEREFORE, BE IT RESOLVED**, this 23rd day of January, 2014, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

- (1) The Authority is hereby authorized and directed to release the bid guarantee posted by HD Supply in connection with its successful bid to provide water meters to the Authority; and
- (2) The Chairman and Executive Director are authorized to execute any and all documents necessary to comply with the intent of this resolution; and

**BE IT FURTHER RESOLVED** that a Certified Copy of this resolution shall be forwarded by the Executive Director to the following:

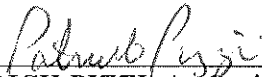
- a. Honorable Patrick Pizzi, Chairman
- b. Michele Nugent, Executive Director
- c. Christopher K. Koutsouris, Esquire; and
- d. HD Supply

**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 23rd day of January, 2014, a quorum being present and voting in the majority.



\_\_\_\_\_  
LLOYD MULLIKIN, Authority Secretary



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

Prepared by:

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

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

**RESOLUTION NO. 002 - 2014**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, AUTHORIZING RELEASE OF THE BID BOND SUBMITTED BY T-MOBILE NORTHEAST, LLC IN CONNECTION WITH T-MOBILE'S SUCCESSFUL BID RELATIVE TO A COMMUNICATIONS SITE LEASE AT THE AUTHORITY'S STATION ROAD WATER TANK**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") solicited bids relative to the placement of communications equipment upon the Authority's Station Road Water Tower ; and

**WHEREAS**, as required by law, the Authority required bidders to submit ten (10%) of the total price bid (but not in excess of \$20,000.00), a bid guarantee; and

**WHEREAS**, T-Mobile Northeast, LLC ("T-mobile"), the sole bidder, did submit an adequate bid guarantee to the Authority in connection with its bid; and

**WHEREAS**, the Authority and T-Mobile have now fully executed an agreement acceptable in form and content to the Authority; and

**WHEREAS**, as an agreement has been executed the Authority is now obligated by law to release the bid guarantee posted by T-Mobile with the Authority:

**NOW, THEREFORE, BE IT RESOLVED**, this 23<sup>rd</sup> day of January 2014, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

- (1) The Authority is hereby authorized and directed to release the bid guarantee posted by T-Mobile in connection with its bid relative to the communications site lease concerning the Authority's Station Road Water Tower; and
- (2) The Chairman and Executive Director are authorized to execute any and all documents necessary to comply with the intent of this resolution; and

**BE IT FURTHER RESOLVED** that a Certified Copy of this resolution shall be forwarded by the Executive Director to the following:

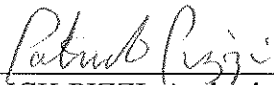
- a. Honorable Patrick Pizzi, Chairman
- b. Michele Nugent, Executive Director
- c. Christopher K. Koutsouris, Esquire; and
- d. T-Mobile Northeast, LLC

**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 23<sup>rd</sup> day of January 2014, a quorum being present and voting in the majority.



\_\_\_\_\_  
LLOYD MULLIKIN, Authority Secretary



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

Prepared by:

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

DASTI, MURPHY  
McGUCKIN, ULAKY,  
CHERKOS & CONNORS

COUNSELLORS AT LAW

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

**RESOLUTION NO. 003-2014**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE AUTHORITY TO RELEASE ANY OUTSTANDING PERFORMANCE GUARANTEES AND FURTHER TO WAIVE THE POSTING OF MAINTENANCE GUARANTEES FOR CENTRAL REGIONAL SCHOOL DISTRICT, LOT 1, BLOCK 356**

**WHEREAS**, Central Regional School District (CRSD) installed water facilities upon and around Lot 1, Block 356 as shown on the Official Tax Map of the Township of Berkeley, County of Ocean, State of New Jersey; and

**WHEREAS**, the referenced water facilities are located within the franchise area of the Berkeley Township Municipal Utilities Authority (the "Authority"); and

**WHEREAS**, the water facilities have been installed and operating for more than two years, since August 31, 2011; and

**WHEREAS**, in exchange for good and valuable consideration, CRSD has conveyed title to a substantial portion of the referenced water facilities to the Authority by way of recorded deed; and

**WHEREAS**, the Authority has received from CRSD a request for the release of any remaining performance guarantees relative to the above referenced project together with a formal request for the waiver of any maintenance guarantee requirements of the Authority relative to the above referenced project; and

**WHEREAS**, the Authority's Engineer has recommended release of the performance guarantees and further has recommended a waiver of the posting of any required maintenance guarantees; 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 Authority believes that the requested release of any remaining performance guarantees and the waiver of any maintenance guarantee posting requirements is fair, proper and in accordance with the Authority's Rules and Regulations:

**NOW, THEREFORE, BE IT RESOLVED**, this 29<sup>th</sup> day of January, 2014, 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 for the project and authorizes a release of all performance guarantees. In addition, as recommended by the Authority's Consulting Engineer, the Authority waives the requirement to post a maintenance guarantee for the project.

2. 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) Central Regional School District; and
- (e) 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 29<sup>th</sup> day of January, 2014, a quorum being present and voting in the majority.



---

Lloyd G. Mullikin, Authority Secretary



---

PATRICK PIZZI, Authority Chairman

Prepared by:

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

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

COUNSELLORS AT LAW

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

**RESOLUTION NO. 004-2014**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDED CONTRACT FOR CONSTRUCTION OF THE AUTHORITY'S PHASE V WATER SYSTEM IMPROVEMENTS**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has solicited bid for construction of the Authority's Phase V Water System Improvements (the "project"); and

**WHEREAS**, the Authority has solicited bids for the project in conformance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, in response to the bid solicitation, a total of eleven (11) bids have been received by the Authority; and

**WHEREAS**, the lowest bid received by the Authority in response to the bid solicitation was P & A Construction of Colonia, NJ; and

**WHEREAS**, the bid received by the apparent lowest responsible bidder, P & A Construction of Colonia, NJ, totaled \$1,194,451.60; and

**WHEREAS**, the bid documentation submitted by the apparent lowest responsible bidder has been reviewed by the Authority's professional staff and found to be acceptable as to form and content; and

**WHEREAS**, the bid submitted by the apparent lowest responsible bidder is found by the Authority to be in compliance with the Authority's budgetary constraints:

**NOW, THEREFORE, BE IT RESOLVED**, this 29<sup>th</sup> day of January, 2014 by the Berkeley Township Municipal Utilities Authority, as follows:



1. The Authority accepts the recommendations of its professional staff and awards the bid for this project to the apparent lowest responsible bidder P & A Construction of Colonia, NJ, for and in consideration of \$1,194,451.60.

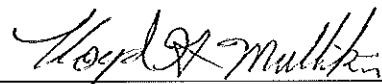
2. The Authority authorizes and directs the Chairman, Secretary and Executive Director to execute any and all necessary documents in order to implement the intent of this Resolution.

3. A certified copy of this Resolution shall be forwarded by the Administrative Secretary of the Authority to the following:

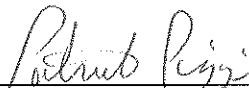
- (a) Honorable Patrick Pizzi, Chairman;
- (b) Michele Nugent, Executive Director;
- (c) Keith Chiaravallo, P.E.
- (d) Christopher K. Koutsouris, Esquire; and
- (e) P & A Construction of Colonia, NJ

#### CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority at a regular meeting held on January 29, 2014, a quorum being present and voting in the majority.



\_\_\_\_\_  
LLOYD G. MULLIKIN, Authority Secretary



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

Prepared by:

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

**RESOLUTION NO. 005 – 2014**

**RESOLUTION**

**VOID DUE TO NUMBER ERROR**