

RESOLUTION NO. 26 2014

RESOLUTION AUTHORIZING THE TRANSFER OF REQUESTED FUNDS TO THE TOWNSHIP OF BERKELEY IN ACCORDANCE WITH *N.J.S.A. 40A:5A-12.2*

WHEREAS, the Township of Berkeley, by and through its Resolution No. 2014-140-R, has made an official request of the Berkeley Township Municipal Utilities Authority (hereinafter the "Authority") to transfer to the Township of Berkeley unreserved retained earnings in an amount of five percent (5%) of the annual costs of operation to the local budget pursuant to the New Jersey Local Budget Law and Local Authorities Fiscal Control Act; and

WHEREAS, *N.J.S.A. 40A:5A-12.1* has established a formal procedure for local authorities to transfer funds to the municipality that created a local authority; and

WHEREAS, the New Jersey Local Authorities Fiscal Control Law, at *N.J.S.A. 40A:5A-12.1* provides that "to the extent there is available an undesignated fund balance or unreserved retained earnings held by an authority...an amount in that undesignated fund balance or unreserved retained earnings, not to exceed 5% of the annual cost of operation of the authority may be appropriated for use in the local budget of the municipality or county that created the authority..."; and

WHEREAS, the Authority's 2014 Budget provides that the maximum amount permissible for appropriation to the Township of Berkeley is \$81,786.00, which amount has been confirmed by the Authority's accountant; and

WHEREAS, the Authority is desirous of cooperating with the Township of Berkeley and believes that such cooperation is in the best interests of the Authority and its ratepayers:

NOW THEREFORE BE IT RESOLVED this 27th day of March, 2014, by the Berkeley Township Municipal Utilities Authority as follows:

1. In accordance with the provisions of *N.J.S.A.* 40A:5A-12.1, the Berkeley Township Municipal Utilities Authority hereby authorizes and approves the transfer to the Township of Berkeley the sum of \$81,786.00 from the Authority's undesignated fund balance or unreserved retained earnings.

2. The Authority authorizes the Commissioners and Staff of the Authority to execute all such documents necessary to comply with the provisions of this Resolution.

3. A certified copy of this Resolution shall be forwarded to:

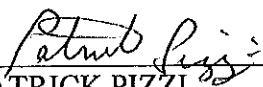
- a. Honorable Patrick Pizzi, Chairman;
- b. Honorable Carmen F. Amato, Jr., Mayor of Berkeley Township;
- c. Michele Nugent, Executive Director
- d. The Municipal Clerk of the Township of Berkeley
- e. John C. Sahradnik, Esquire

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority at a regular meeting held on the 27th day of March, 2014, a quorum being present and voting in the majority.



LLOYD G. MULLIKIN
Authority Secretary



PATRICK PIZZI
Authority Chairman

Prepared by:

BERRY, SAHRADNIK, KOTZAS & BENSON
Toms River, New Jersey 08753

RESOLUTION NO. 027 - 2014

RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY TO ADOPT THE PROVISIONS OF CHAPTER 48 (N.J.S.A. 52:14-17.38) UNDER WHICH A PUBLIC EMPLOYER MAY AGREE TO PAY FOR THE STATE HEALTH BENEFITS PLAN (SHBP) AND/OR SCHOOL EMPLOYEES' HEALTH BENEFIT PROGRAM (SEHBP) COVERAGE OF CERTAIN RETIREES

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") is a public body corporate and politic of the State of New Jersey and in accordance with the Municipal and Counties Utilities Law, N.J.S.A. 40:14B-1, et seq. is authorized to implement and operate a municipal utilities authority; and

WHEREAS, the Authority desires to adopt the provisions of Chapter 48 (N.J.S.A. 52:14-17.38) and desires to pay for the State Health Benefits Plan (SHBP) coverage of certain retirees; and

WHEREAS, in adopting the provisions of Chapter 48, the Authority does not desire to make available SHBP coverage for retirees who retire on any form of disability pension as explained in Option 1 on the appended *Resolution Addendum*; and

WHEREAS, in adopting the provisions of Chapter 48, the Authority does not desire to make available SHBP coverage for retirees who retire with 25 years or more of pensionable service, regardless of age, as explained in Option 2 on the appended *Resolution Addendum*; and

WHEREAS, in adopting the provisions of Chapter 48, the Authority does not desire to make available SHBP coverage for retirees who retire with 25 years or more of pensionable service, with a specified number of years of service to the Authority, regardless of age as explained in Option 2a on the appended *Resolution Addendum*; and

DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS

COUNSELLORS AT LAW

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

WHEREAS, in adopting the provisions of Chapter 48, the Authority does not desire to make available SHBP coverage for retirees who retire at age 62 or older with 15 years or more of service to the Authority, as explained in Option 4 on the appended *Resolution Addendum*; and

WHEREAS, in adopting the provisions of Chapter 48, the Authority does desire to make available SHBP coverage for retirees who retire at age 65 or older, with 25 years of pensionable service and with the last 15 years of pensionable service at the Berkeley Township Municipal Utilities Authority, as explained in Options 3 and 3A on the appended *Resolution Addendum*; and

WHEREAS, the Authority desires that each employee to which Chapter 48 SHBP retiree coverage is extended shall make Retiree Premium Payments in conformance with the state mandated minimum contribution to be made by employees in the given year for which Retiree Premium Payments are to be made; and

WHEREAS, in adopting the provisions of Chapter 48, the Authority shall not provide SHBP retiree coverage to spouses or dependants of eligible retired employees; and

WHEREAS, in adopting the provisions of Chapter 48, the Authority shall not provide Medicare reimbursement for eligible retired employees; and

WHEREAS, in adopting the provisions of Chapter 48, the Authority shall not provide premium payments for surviving spouses of eligible retired employees; and

WHEREAS, in adopting the provisions of Chapter 48, the Authority notes that there are no current retirees nor eligible retirees of the Authority and, therefore, benefits being adopted by the Authority do not apply to current retirees of the Authority; and

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

COUNSELLORS AT LAW

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

WHEREAS, any otherwise eligible employee shall not be eligible to receive Chapter 48 benefits if said employee is eligible to receive medical benefits from another source such as another employer; and

WHEREAS, the Authority shall not extend to any otherwise eligible employee any form of monetary buyout in lieu of offering benefits:

NOW, THEREFORE, BE IT RESOLVED, this 27th day of ^{MARCH} February, 2014, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey as follows:

1. The Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, SHBP ID Number 184700, hereby elects to adopt the provisions of N.J.S.A. 52:14-17.38 and adhere to the rules and regulations promulgated by the State Health Benefits Commission and School Employees' Health Benefits Commission to implement the provisions of that law.
2. This resolution affects employees as shown on the Chapter 48 *Resolution Addendum* and specifically as set forth in the preamble to this Resolution. It is effective on the First Day of April, 2014.
3. We are aware that adoption of this resolution does not free us of the obligation to pay for post-retirement medical benefits of retirees or employees who qualified for those payments under any *Chapter 88 Resolution* or *Chapter 48 Resolution* adopted previously by the governing body.

DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS

COUNSELLORS AT LAW

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

4. We agree that this *Resolution* will remain in effect until properly amended or revoked with the SHBP and/or SEHBP. We recognize that, while we remain in the SHBP and/or SEHBP, we are responsible for providing the payment for post-retirement medical coverage as listed in the attached *Chapter 48 Resolution Addendum* for all employees who qualify for this coverage while this *Resolution* is in force.
5. We understand that we are required to provide the Division of Pensions and Benefits complete copies of all contracts, ordinances, and resolutions that detail post-retirement medical payment obligations we undertake. We also recognize that we may be required to provide the Division with information needed to carry out the terms of this *Resolution*.

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) Berry, Sahradnik, Kotzas, Esquire, Authority Solicitor.

DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS

COUNSELLORS AT LAW

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

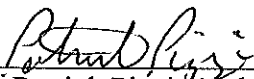
CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at the Authority's Reorganization meeting held on the 27th day of February, 2014, a quorum being present and voting in the majority.

March



Lloyd G. Mullikin, 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

COUNSELLORS AT LAW

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