

RESOLUTION NO. 0038 -2016

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ,
AUTHORIZING THE WAIVER OF A 10% CASH PORTION OF THE
PERFORMANCE BOND FOR THE PROJECT KNOWN AS PINEWALD ESTATES,
BLOCK 596, LOTS 1-12, 15-19 & 32; BLOCK 573, LOTS 9, 24-29 & 34-44**

WHEREAS, the Berkeley Township Municipal Utilities Authority hereinafter referred to as the Authority had previously granted tentative and final water application approval to Pinewald Estates for the construction of water mains and associated services for six (6) proposed single family dwellings and twelve (12) existing single family dwellings located in the referenced Block and Lots set forth in the caption of this Resolution; and

WHEREAS, said approval was contingent upon several issues being addressed including the posting of an appropriate performance bond for the project; and

WHEREAS, the Authority granted Applicant's request to waive the 10% cash portion of the bond since the project is intended for utilization as low income housing for the Township; and

WHEREAS, Applicant has submitted a surety bond through AEGIS Security Insurance Company that is acceptable in amount and form for the subject project; and

WHEREAS, it appears that the Applicant by complying with all of the conditions set forth in the prior review letter of the Authority's Consulting Engineer is in compliance with the Authority's Rules and Regulations;

NOW THEREFORE BE IT RESOLVED this 26th day of May, 2016, by the Berkeley Township Municipal Utilities Authority as follows:

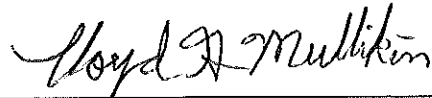
1. The Authority accepts the surety bond written through AEGIS Security Insurance Company in the amount of \$249,455.70 as being in compliance with the requirements of the Authority;
2. The Authority reaffirms that due to the nature of the development, that being low income housing for the Township, that no 10% cash portion shall be required to be posted with the Authority; and
3. The Chairman and Executive Director are authorized to execute any and all documents necessary to comply with the intent of this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

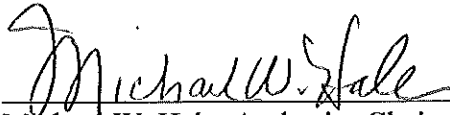
- a. Honorable Michael W. Hale, Chairman;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. Pinewald Estates; and
- e. Berry, Sahradnik, Kotzas & Benson.

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 26th day of May, 2016, a quorum being present and voting in the majority.



Lloyd G. Mullikin, Authority Secretary



Michael W. Hale, Authority Chairman

Prepared by:

BERRY, SAHRADNIK, KOTZAS & BENSON
212 Hooper Avenue
P.O. Box 757
Toms River, New Jersey 08753

RESOLUTION NO. 0039 -2016

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ,
GRANTING PRELIMINARY, TENTATIVE AND FINAL WATER APPLICATION
APPROVAL TO RIVERBAY LANDINGS, BLOCK 956, LOT 4**

WHEREAS, the Berkeley Township Municipal Utilities Authority hereinafter referred to as the Authority has received an application for preliminary, tentative and final water application approval for the property set forth above as designated on the official tax map of the Township of Berkeley; and

WHEREAS, the Applicant for the project is Riverbay Landings; and

WHEREAS, the Applicant is proposing to construct eighty (80) garden apartments comprising of ten (10) 2-story eight (8) unit garden apartment buildings on the subject premises; and

WHEREAS, the applicant is proposing to construct 2,950 LF of 8" DIP water main extension to provide domestic service to the proposed garden apartments as well as 2" fire water services to each of the ten (10) proposed garden apartment buildings; and

WHEREAS, applicant has submitted in connection with the application to the Authority plans prepared by William A. Stevens, P.E., P.P., of Professional Design Services, LLC, dated May 31, 2013, with the latest revision being July 28, 2015; and

WHEREAS, the Authority's Consulting Engineer, CME Associates, has reviewed the application, documents and plans submitted by the Applicant and authored a review letter addressed to the Authority, dated May 23, 2016; and

WHEREAS, the Consulting Engineer in the referenced review letter has recommended that the Authority approve Riverbay Landings' application for preliminary, tentative and final water application approval subject to compliance with the terms and conditions set forth therein; and

WHEREAS, it appears that the Applicant by complying with all of the conditions set forth in the May 23, 2016 review letter by the Authority's Consulting Engineer is in compliance with the Authority's Rules and Regulations;

NOW THEREFORE BE IT RESOLVED this 26th day of May, 2016, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Authority accepts the recommendation of its Consulting Engineer for the project and grants preliminary, tentative and final water application approval to the Applicant, Riverbay Landings.
2. This approval is contingent upon the Applicant complying with all of the terms and conditions set forth in the aforementioned May 23, 2016 review letter of the Authority's Consulting Engineer a copy of which is annexed hereto and made a part hereof and incorporated fully herein by reference including the payment of any and all outstanding fees;
3. The Authority has reviewed the submitted Performance Bond and Rider thereto dated November 5, 2015 and the Irrevocable Letter of Credit provided by Harmony Bank as lender and find same to be acceptable as to form and amount.

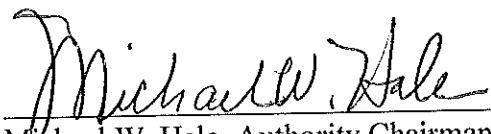
4. This approval shall become null and void after one (1) year if no construction takes place and further construction shall be completed within three (3) years of the date of this Resolution or else updated performance guarantees and basic construction service fees shall be required to be posted by the Applicant to the satisfaction of the Authority and the Authority's Consulting Engineer; and
5. The Chairman and Executive Director are authorized to execute any and all documents necessary to comply with the intent of this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

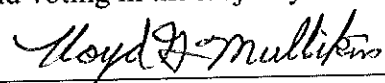
- a. Honorable Michael W. Hale, Chairman;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. Riverbay Landings;
- e. Russell W. Whitman, Esq.; and
- f. Berry, Sahradnik, Kotzas & Benson.

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 26th day of May, 2016, a quorum being present and voting in the majority.



Michael W. Hale, Authority Chairman



Lloyd G. Mullikin, Authority Secretary

Prepared by:
BERRY, SAHRADNIK, KOTZAS & BENSON
212 Hooper Avenue
P.O. Box 757
Toms River, New Jersey 08753

RESOLUTION NO. 0040 -2016

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL
UTILITIES AUTHORITY, COUNTY OF OCEAN, STATE OF NEW
JERSEY, AWARDING CONTRACT FOR CONSTRUCTION OF THE
AUTHORITY'S PHASE VI 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 VI 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 nine (9) 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 \$1,498,540.66; 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 26th day of May, 2016, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Authority accepts the recommendation of its professional staff and awards the bid for this project, contingent upon NJDEP approval, to the apparent lowest responsible bidder P & A Construction of Colonia, NJ, for and in consideration of \$1,498,540.66.

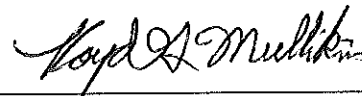
2. The Authority authorizes and directs the Chairman, Secretary and Executive Director to execute any and all necessary documents in order to implement the intent of this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Administrative Secretary of the Authority to the following:

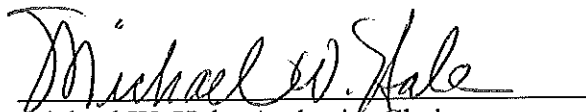
- a. Honorable Michael W. Hale, Chairman;
- b. Michele Nugent, Executive Director;
- c. Keith Chiaravallo, P.E.;
- d. Berry, Sahradnik, Kotzas & Benson; and
- e. P & A Construction of Colonia, NJ.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at a regular meeting held on the 26th day of May, 2016, a quorum being present and voting in the majority.



Lloyd G. Mullikin, Authority Secretary


Michael W. Hale, Authority Chairman

Prepared by:

BERRY, SAHRADNIK, KOTZAS & BENSON
212 Hooper Avenue
P.O. Box 757
Toms River, New Jersey 08753