

Resolution 2018-0001

#18-25-R

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY APPOINTING MEMBERS TO THE MUNICIPAL UTILITIES AUTHORITY

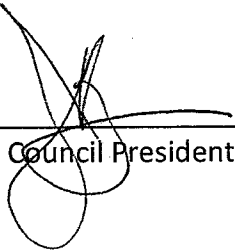
January 1, 2018

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, as follows:

1. That the following individuals are hereby appointed members to the Municipal Utilities Authority:

Member:	Appointee Name	Term:
Mbr. #2	Sam Cammarato	Unexpired 5-yr term expiring 1/31/2020
Mbr. #4	Michael Hale	5-yr term expiring 1/31/23
Alt. Mbr. #2	Jerome Bollettieri	5-yr term expiring 1/31/23

2. That the above named appointees are required to execute an Oath of Office in the Township Clerk's Office prior to taking his official seat on the Municipal Utilities Authority.
3. That certified copies of this Resolution be forwarded to the Township Administrator, Township Attorney, the Municipal Utilities Authority and the above-listed appointees.



Council President

CERTIFICATION

I, **BEVERLY M. CARLE, RMC**, Municipal Clerk of the Township of Berkeley do hereby certify that the foregoing resolution was duly adopted by the Township of Berkeley Township Council at a meeting held on the 1st day of January, 2018.



BEVERLY M. CARLE, Township Clerk

#18-91-R

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY APPOINTING MEMBERS TO THE MUNICIPAL UTILITIES AUTHORITY

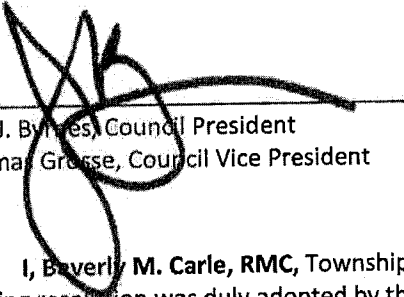
January 22, 2018

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, as follows:

1. That the following individuals are hereby appointed members to the Municipal Utilities Authority:

Member:	Appointee Name	Term:
Alt. Mbr. #1	Richard Elliott	5-yr term expiring 1/31/23

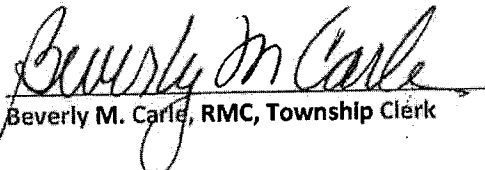
2. That the above named appointees are required to execute an Oath of Office in the Township Clerk's Office prior to taking his official seat on the Municipal Utilities Authority.
3. That certified copies of this Resolution be forwarded to the Township Administrator, Township Attorney, the Municipal Utilities Authority and the above-listed appointees.



James J. Byrnes, Council President
L. Thomas Grasse, Council Vice President

CERTIFICATION

I, **Beverly M. Carle, RMC**, Township Clerk of the Township of Berkeley do hereby certify that the foregoing resolution was duly adopted by the Township of Berkeley Township Council at a meeting held on the 22nd day of January 2018.



Beverly M. Carle, RMC, Township Clerk

RESOLUTION NO. 0002 -2018

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE ACCEPTANCE AND FILING OF AN EASEMENT AND RIGHT
OF WAY FROM THE OCEAN COUNTY UTILITIES AUTHORITY**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) requires an easement and right of way from the Ocean County Utilities Authority (hereinafter referred to as the “OCUA”), with business offices at 501 Hickory Lane, Bayville, New Jersey, for the property known as Block 620, Lot 1 in the Township of Berkeley (hereinafter referred to as the “property”); and

WHEREAS, the Authority requires said easement to alter, repair, replace, remove, operate and maintain utility lines and all necessary appurtenances and attached facilities including, but not limited to, the use of the surface of the ground for manholes, hydrants, valve boxes and other necessary appurtenances; and

WHEREAS, an Easement and Right of Way Agreement has been prepared by William T. Suchodolski, P.E., Manager, Engineering and Construction, for the OCUA and has been reviewed by the Authority’s Engineer and Attorney and found to be acceptable as to form and content; and

WHEREAS, it is necessary and appropriate for the Easement and Right of Way Agreement to be recorded at the expense of the OCUA with the Clerk of the County of Ocean; and

WHEREAS, the Easement and Right of Way Agreement is made for and in consideration of One (\$1.00) Dollar and other good and valuable consideration:

NOW, THEREFORE, BE IT RESOLVED, this 25th day of January, 2018, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority accepts the recommendations of the Authority's Engineer and Attorney and hereby accepts the proposed Easement and Right of Way Agreement as prepared by the OCUA for and in consideration of One (\$1.00) Dollar and other good and valuable consideration.
2. The Easement and Right of Way Agreement in the form approved by the Authority, pursuant to this Resolution, and which is attached hereto and made a part hereof as Exhibit "A" shall be recorded with the Clerk of the County of Ocean forthwith by the OCUA and without cost to the Authority.
3. The Authority authorizes and directs the Chairwoman, 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 Executive Director of the Authority to the following:

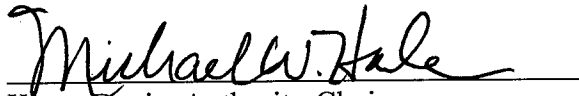
- a. Honorable Karen Davis, Chairwoman;
- b. The Municipal Clerk of the Township of Berkeley;
- c. Keith Chiaravallo, P.E., CME Associates;
- d. William T. Suchodolski, P.E., Ocean County Utilities Authority; and
- e. Berry, Sahradnik, Kotzas & Benson.

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 25th day of January, 2018, a quorum being present and voting in the majority.



Edward F. Cammarato, Authority Secretary



~~Karen Davis, Authority Chairwoman~~

Michael W. Hale, Treasurer

Prepared by:

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

RESOLUTION NO. 3-2018

**2018 RESOLUTION AUTHORIZING THE ISSUANCE OF
SUBORDINATED WATER REVENUE BONDS OF THE BERKELEY
TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, the Berkeley Township Municipal Utilities Authority (the “Authority”) is a public body corporate and politic organized and existing under the laws of the State of New Jersey pursuant to the Municipal and County Utilities Authorities Law, Chapter 183 of the Laws of 1957 of the State of New Jersey, as amended and supplemented (the “Act”), and was created by virtue of an ordinance, number 88-4-OAB, of the Township Council of the Township of Berkeley, in the County of Ocean, New Jersey (the “Township”) finally adopted on January 18, 1988; and

WHEREAS, the Authority was formed to undertake water system projects for and on behalf of the Township; and

WHEREAS, the Authority has on July 22, 1993 adopted its resolution entitled “Resolution Authorizing the Issuance of Water Revenue Bonds of the Berkeley Township Municipal Utilities Authority”, as amended and supplemented (the “General Bond Resolution”) providing for the issuance, from time to time, of the Authority's water revenue bonds; and

WHEREAS, the Authority has determined to undertake an additional project consisting of the construction of a new water supply well (to be known as Well #4), all as more particularly described in plans which are on file in the offices of the Authority; and

WHEREAS, the Well #4 project is being financed by the New Jersey Infrastructure Bank (formerly known as the New Jersey Environmental Infrastructure Trust) (the “NJIB”), which required the Authority to bifurcate the Well #4 project into 2 projects, one for a test well (the “Test Well Project”) and one for the production well (the “Production Well Project”); and

WHEREAS, pursuant to Resolution No. 0056-2014 adopted on December 18, 2014, the Authority has heretofore issued to the NJIB its project note dated June 23, 2015 in the principal amount of \$618,887 (the “2015 Project Note”), to finance costs of the Test Well Project, together with all costs thereof as are permitted under the Act, including without limitation the costs of issuance of any obligations of the Authority, capitalized interest, engineering and inspection costs and legal expenses and the cost of financial, professional and other estimates and services; and

WHEREAS, pursuant to Resoluton No. 2016-0032 adopted on April 28, 2016, the Authority has heretofore issued to the NJIB its project note dated May 31, 2016 in the principal amount of \$625,076 (the “2016 Project Note”), to refinance the 2016 Project Note; and

WHEREAS, the Test Well Project is included within the definitions of the “Project” and the “System” as contained in the Service Contract dated February 15, 1990 (the “Service Agreement”), between the Authority and the Township; and

WHEREAS, the Authority has determined to issue bonds to refinance the 2016 Project Note as permitted under the General Bond Resolution; and

WHEREAS, such bonds shall constitute subordinate debt within the definition thereof contained in the General Bond Resolution and shall be payable from amounts which may be withdrawn from the General Fund created under the General Bond Resolution in accordance with Sections 511 and 618 of the General Bond Resolution; and

WHEREAS, inasmuch as the bonds are to be issued through the New Jersey Infrastructure Bank Program, neither findings nor approval is required of the State of New Jersey, Department of Community Affairs, Division of Local Government Services, Local Finance Board; however, approval of the Director of the Division of Local Government Services

CERTIFICATE

The undersigned Secretary of Berkeley Township Municipal Utilities Authority, a public body corporate and politic of the State of New Jersey, HEREBY CERTIFIES that the foregoing resolution entitled "2018 RESOLUTION AUTHORIZING THE ISSUANCE OF SUBORDINATED WATER REVENUE BONDS OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY" is a true copy of an original resolution which was duly adopted by said Authority at a meeting thereof which was duly called and held on January 25, 2018 and at which meeting quorum were present and acted throughout, and that said copy has been compared by me with the original resolution recorded in the records of the Authority and that it is a correct transcript thereof and of the whole of said resolution, and that said original resolution has not been altered, amended or repealed and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this 25 day of Jan, 2018

[SEAL}

By: 
Secretary

RESOLUTION NO. 0004 -2018

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING EXTENDED PAID AND UNPAID LEAVE TO EMPLOYEE
MICHAEL MIDDLETON FOR THE PERIOD COMMENCING FROM
JANUARY 9, 2018 THROUGH APRIL 2, 2018**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has received a request from employee Michael Middleton to take a medical leave of absence for the period commencing January 9, 2018 and continuing through April 2, 2018; and

WHEREAS, Michael Middleton has exhausted his Earned Time Off (hereinafter referred to “ETO”) for the current employee fiscal year which traditionally renews each year on the anniversary of the employee’s date of hire with the Authority; and

WHEREAS, Michael Middleton’s requested leave includes a portion of the current fiscal year (January 9, 2018 through April 2, 2018); and

WHEREAS, Michael Middleton’s anniversary date with the Authority is May 24, 2018; and

WHEREAS, in accordance with the Authority’s ETO Policy, Michael Middleton will receive 264 hours of ETO as of May 24, 2018; and

WHEREAS, in connection with his medical leave and in order to alleviate financial hardship, Michael Middleton has requested to borrow from his next fiscal year’s ETO time up to 264 hours and to be paid from that borrowed time for the period ranging from approximately February 14, 2018 through approximately April 2, 2018; and

WHEREAS, the Authority and Michael Middleton have discussed that there are two paid holidays during this leave period and that Michael Middleton will be paid for these two holidays and will not utilize ETO for these two holidays; and

WHEREAS, the Personnel Committee of the Authority has received the request of Michael Middleton and has considered the employee's request; and

WHEREAS, the Personnel Committee has noted the concerns of the employee which include the employee's medical wellbeing and health, financial wellbeing during the period of medical leave and job protection during the period of medical leave; and

WHEREAS, the Authority, although not obligated to comply with the Family Medical Leave Act ("FMLA") given the Authority's size, generally endeavors to accommodate the needs of the Authority's employees; and

WHEREAS, the Authority understands and appreciates the health difficulties experienced by Michael Middleton and desires to relieve his anxiety and stress concerning his job while he focuses on his medical wellbeing; and

WHEREAS, the Authority recognizes the concerns of the employee including job protection for the requested period of leave and the Authority chooses voluntarily and in the Authority's sole discretion to protect Michael Middleton's job at the Authority for the granted medical leave period of January 9, 2018 through April 2, 2018; and

WHEREAS, during the requested period of leave from January 9, 2018 through April 2, 2018, the Authority would continue to pay Michael Middleton's family health, dental and prescription benefits (collectively "health benefits") through April 2, 2018 on the condition that Michael Middleton continue making his required health benefits contribution of approximately \$70.20 every two weeks as required by applicable law, the Authority's Rules and Regulations and the Authority's FMLA Policy; and

WHEREAS, Michael Middleton will next be eligible to receive ETO on the day which falls one year from the day he returns from medical leave; and

WHEREAS, on or by April 2, 2018, Michael Middleton shall present to the Executive Director a note from his physician as to his anticipated return date to work if such a note has not already been received by the Authority; and

WHEREAS, before Michael Middleton may return to assume duties at the Authority, he may be required to present himself to the Authority's physician for an examination as to functional capacity; and

WHEREAS, should Michael Middleton indicate that additional medical leave time is required beyond April 2, 2018, such a request must be made in writing and the Authority will thereafter undertake an additional review to determine the Authority's response to said request; and

WHEREAS, the situation presented by Michael Middleton is recognized by the Authority to constitute extraordinary circumstances; and

WHEREAS, the Commissioners of the Authority recognize that the greatest asset to the Authority is the Authority's staff; and

WHEREAS, the Authority wishes Michael Middleton a speedy recovery; and

WHEREAS, the Authority finds that the recommendation from its Personnel Committee is fair, reasonable, in the best interest of the Authority and in accordance with the Authority's Rules and Regulations; and

WHEREAS, Counsel for the Authority has reviewed the recommendations of the Authority's Personnel Committee and concurs with the Personnel Committee's recommendations:

NOW, THEREFORE, BE IT RESOLVED, this 25th day of January, 2018, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority accepts the recommendations of the Authority's Personnel Committee and Counsel.
2. The Authority grants employee Michael Middleton a medical leave of absence for the period ranging from January 1, 2018 through April 2, 2018.
3. The Authority grants employee Michael Middleton's request for an advance of up to 264 hours of ETO time originally due to the employee on May 24, 2018 in order to cover the employee's medical leave for the period ranging from February 14, 2018 through April 2, 2018.
4. The Authority directs that the Authority will continue to pay Michael Middleton's family health, dental and prescription benefits through April 2, 2018 on the expressed condition that Michael Middleton continue to pay his health benefits contribution of approximately \$70.20 every two weeks.


5. The Authority directs that, on or before April 2, 2018, Michael Middleton shall present to the Executive Director of the Authority a note from his physician as to his anticipated return date to work if such a note has not already been received by the Authority.
6. The Authority directs that, before Michael Middleton returns to full employment with the Authority, he may be required to present himself to the Authority's physician for an examination as to functional capacity.
7. The Authority directs that Michael Middleton's job with the Authority is protected during the period of leave ranging from January 9, 2018 through April 2, 2018.
8. The Authority directs that any leave sought by Michael Middleton beyond April 2, 2018 will be subject to additional review by the Authority.
9. The Authority hereby authorizes and directs the Chairwoman, 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 Executive Director of the Authority to the following:

- a. Honorable Karen Davis, Chairwoman;
- b. The Municipal Clerk of the Township of Berkeley;
- c. Brian Blair, Chief of Operations;
- d. Michael Middleton; 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 25th day of January, 2018, a quorum being present and voting in the majority.


Edward F. Cammarato, Authority Secretary


~~Karen Davis, Authority Chairwoman~~
Michael W. Hale, TREASURER
Prepared by:

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

