

Berkeley Township
Municipal Utilities Authority
Resolution 2022- 0057

**A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN
COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT INSURANCE
FUND'S CYBER RISK MANAGEMENT PLAN'S TIER ONE REQUIREMENTS**

Whereas, the Berkeley Township Municipal Utilities Authority ("Authority") is a member of the NJUAIJF which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

Whereas, through its membership in the NJUAIJF, the Authority enjoys cyber liability insurance coverage to protect the Authority from the potential devastating costs associated with a cyber related claim; and

Whereas, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and


Whereas, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1, Tier 2, and Tier 3 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Authority; and

Whereas, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Authority to claim a reimbursement of a paid insurance deductible in the event the member files a claim against Authority's cyber insurance policy, administered through the Authority and the Municipal Excess Liability Joint Insurance Fund;

Now Therefore Be It Resolved that the Authority does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with **Tier 1, Tier 2 and Tier 3** of the NJ MEL Cyber Risk Management Plan as listed on attached Exhibit "A";

And, Be It Further Resolved, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

This Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority at a public meeting held on December 15, 2022.


Michael W. Hale, Chairman

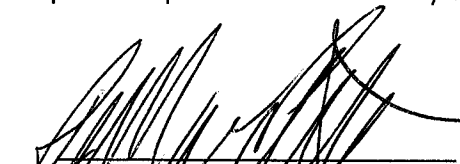

Richard W. Elliott, Jr, Secretary

Exhibit "A"

TIER 1

Information Backup
Security Patches and Updates
Defensive Software
Security Awareness Training

Password Management
Email Warning
Incident Response Plan
Technology Practice Policy
Government Cyber Membership

TIER 2

Server Security
Access Privilege Controls
Technology Support
System and Event Logging
Protected Information

Remote Access - VPN
Leadership Expertise
IT Business Continuity Planning
Banking Controls

TIER 3

Network Segmentation
Password Integrity
Third-Party Risk Management

Remote Access - MFA
System and Event Logging Review

Resolution No. 2022-0058

2023 ADOPTED BUDGET RESOLUTION

Berkeley Municipal Utilities Authority

FISCAL YEAR: January 01, 2023 to December 31, 2023

WHEREAS, the Annual Budget and Capital Budget/Program for the Berkeley Municipal Utilities Authority for the fiscal year beginning January 01, 2023 and ending December 31, 2023 has been presented for adoption before the governing body of the Berkeley Municipal Utilities Authority at its open public meeting of December 15, 2022; and

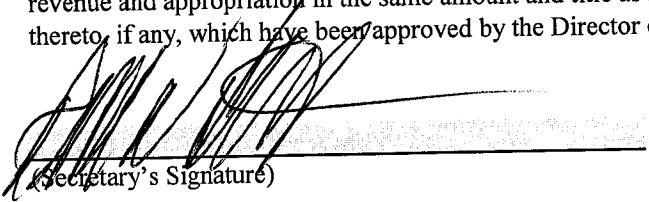
WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget presented for adoption reflects Total Revenues of \$2,200,000.00, Total Appropriations, including any Accumulated Deficit, if any, of \$2,747,755.00, and Total Unrestricted Net Position utilized of \$547,755.00; and

WHEREAS, the Capital Budget as presented for adoption reflect Total Capital Appropriations of \$15,165,000.00 and Total Unrestricted Net Position Utilized of \$665,000.00; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Berkeley Municipal Utilities Authority at an open public meeting held on December 15, 2022 that the Annual Budget and Capital Budget/Program of the Berkeley Municipal Utilities Authority for the fiscal year beginning January 01, 2023 and ending December 31, 2023 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.


(Secretary's Signature)

12/15/2022
(Date)

Governing Body Recorded Vote

Member	Aye	Nay	Abstain	Absent
Michael W. Hale	X			
Jerome F. Bollettieri	X			
Edward F. Cammarato	X			
Samuel J. Cammarato	X			
Richard W. Elliott, Jr.	X			
William McGrath AIT				
Frederick S. Bekairian AIT				

Resolution No. 2022-0059

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
ESTABLISHING MEETING DATES FOR THE YEAR 2023**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) must publish and advertise its meeting dates for the year 2023 in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.;

NOW THEREFORE BE IT RESOLVED this 15th day of December, 2022, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. Meetings of the Berkeley Township Municipal Utilities Authority for the year 2023 shall be held at 7:00 PM at the offices of the Authority located at 42 Station Road, Bayville, New Jersey on the following dates with the exception of the December 14, 2023 meeting which shall be held at 6:00 PM:

January	26,	2023	Regular & Caucus
February	23,	2023	Reorganization & Caucus
March	23,	2023	Regular & Caucus
April	27,	2023	Regular & Caucus
May	25,	2023	Regular & Caucus
June	22,	2023	Regular & Caucus
July	27,	2023	Regular & Caucus
August	24,	2023	Regular & Caucus
September	28,	2023	Regular & Caucus
October	26,	2023	Regular & Caucus
November	09,	2023	Regular & Caucus
December	14,	2023	Regular & Caucus
January	25,	2024	Regular & Caucus

2. The public may be present at all public meetings and formal action may be taken at all meetings.


3. The dates, time and location of all meetings shall be published and posted in accordance with the requirements of N.J.S.A. 10:4-7, et seq.

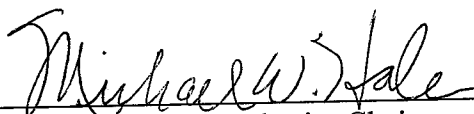
BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley; and
- c. 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 15th day of December, 2022, a quorum being present and voting in the majority.


Edward J. Cammarato, Authority Secretary


Michael W. Hale, Authority Chairperson

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

RESOLUTION NO. 0060 - 2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE PURCHASE OF A
2023 FORD F350 EXTENDED CAB & CHASSIS**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") is in need of a truck for the efficient operation of the Authority; and

WHEREAS, monies have been budgeted in the current Authority budget for such a purpose; and

WHEREAS, a vehicle which satisfies the requirements of the Authority was located by Sourcewell Co-Op Contract 110421-ALT; and

WHEREAS, the Authority wishes to authorize the purchase of the desired vehicle and additional necessary attachments; and

WHEREAS, the desired truck has been located through vendor Altec Industries, Inc., 150 Altec Drive, Burnsville, NC 28714; and

WHEREAS, the Authority Sourcewell Member # is 48220:

NOW, THEREFORE, BE IT RESOLVED, this 15th day of December, 2022, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority hereby authorizes the purchase of a 2023 Ford F350 Extended Cab & Chassis truck from Altec Industries, Inc., 150 Altec Drive, Burnsville, NC 28714.
2. This vehicle is a proper addition to assist in the efficient operation of the Authority and is deemed to be an appropriate and necessary purchase.

3. The total cost for said vehicle shall be in the amount of Seventy Three Thousand One Hundred Eighty Six (\$73,186.00) Dollars which includes all necessary and appropriate upgrades that are required by the Authority (see **Exhibit "A"** attached hereto and made a part hereof).

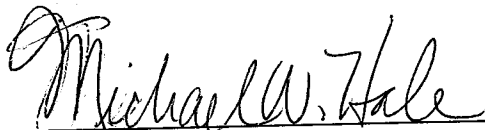
4. The Authority hereby authorizes and directs the Chairperson, Secretary, Executive Director and Authority Attorney to execute any and all necessary documents in order to implement the intent of this Resolution.

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

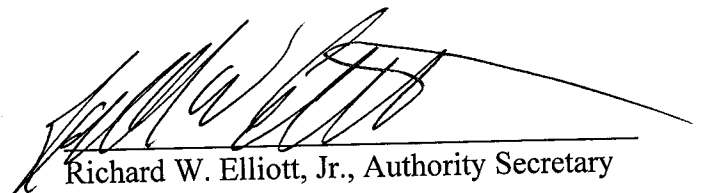
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley; and
- c. Berry, Sahradnik, Kotzas & Benson.

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 15th day of December, 2022, a quorum being present and voting in the majority.



Michael W. Hale, Authority Chairperson



Richard W. Elliott, Jr., Authority Secretary

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

RESOLUTION NO. 0061 - 2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING AN ADDITIONAL NINE (9) MONTH
UNPAID LEAVE TO EMPLOYEE
MICHAEL MIDDLETON FOR THE PERIOD COMMENCING FROM
DECEMBER 5, 2022 THROUGH SEPTEMBER 5, 2023**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has received a request from employee, Michael Middleton, to take an additional nine (9) month medical leave of absence for the period commencing December 5, 2022 and continuing through September 5, 2023; and

WHEREAS, Michael Middleton has no remaining Earned Time Off hours (hereinafter referred to “ETO”) for the current employee fiscal year; and

WHEREAS, Michael Middleton will not be paid any leave time as the ETO is exhausted;
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, is a public entity and, therefore, obligated to provide Family Medical Leave Act (“FMLA”) and 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 previously granted unpaid leave as referenced in Resolution 2022-46 for the medical leave period of September 7, 2022 through December 5, 2022; and

WHEREAS, the Authority wishes to extend that leave and grant up to an additional nine (9) months from December 5, 2022 through September 5, 2023; and

WHEREAS, during the requested period of leave from December 5, 2022 and continuing through September 5, 2023 the NJ State Health Benefits Program Rules will no longer allow the Authority to continue to pay Michael Middleton's family health, dental and prescription benefits (collectively "health benefits"); and

WHEREAS, the NJ State Health Benefits Program will allow Michael Middleton to continue to participate in the Authority's Health Benefits under the requirement that Michael Middleton reimburses the Authority the full premium cost estimated at \$1,800.00 a month for employee and spouse coverage for a maximum extension period of nine (9) months; and

WHEREAS, Michael Middleton has agreed to reimburse the Authority for health and prescription health benefits, including execution of a promissory note; and

WHEREAS, on or by August 4, 2023, 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, no additional medical leave time will be authorized beyond September 5, 2023; 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 15th day of December, 2022, 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 an extension to his medical leave of absence for the period ranging from December 5, 2022 and continuing through September 5, 2023.
3. Michael Middleton will not be paid for any remaining leave period as ETO is exhausted.
4. The Authority directs that the Authority will continue to pay Michael Middleton's family health, dental and prescription benefits through September 5, 2023 on the expressed condition that Michael Middleton continue to pay the full cost of his health benefits contribution of approximately \$1,800.00 every month for a maximum extension period of nine (9) months.


5. The Authority directs that, on or before August 4, 2023, 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 December 5, 2022 and continuing through September 5, 2023.
8. The Authority directs that no additional leave will be authorized beyond September 5, 2023.
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.

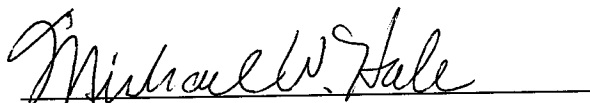
BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

- a. Honorable Michael W. Hale, Chairperson;
- 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 15th day of December, 2022, a quorum being present and voting in the majority.


Richard W. Elliott, Jr., Authority Secretary


Michael W. Hale, Authority Chairperson

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

RESOLUTION NO. 0062 -2022

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING NEW REVISED SHARED SERVICES AGREEMENT WITH THE
TOWNSHIP OF BERKELEY REGARDING THE SUPERVISION AND
MANAGEMENT OF THE WATER TREATMENT FACILITY AND WELL
AT THE BERKELEY TOWNSHIP TOWN HALL SITE**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) and the Township of Berkeley (hereinafter referred to as the “Township”) had previously entered into a Shared Services Agreement regarding the operation of a water treatment facility and well at the Berkeley Township Town Hall (ID # NJ1505323, hereinafter referred to as the “Facility”); and

WHEREAS, the parties have deemed it in the best interests of the Township that the Authority continue in its role having full supervisory management of the Facility; and

WHEREAS, the parties have discussed the appropriate responsibilities of the parties in connection with the operation of this Facility; and

WHEREAS, a Shared Services Agreement will be prepared reflecting the revised agreement between the parties;

NOW, THEREFORE, BE IT RESOLVED, this 15th day of December, 2022, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority shall enter into a new Shared Services Agreement to continue full supervisory management of the Facility.
2. This operation shall be accomplished in accord with the revised Shared Services Agreement that is being prepared and agreed to by the parties.


3. The Authority hereby authorizes and directs the Chairperson, Secretary, Executive Director and Authority Attorney to execute any and all necessary documents, including the aforesaid Shared Services Agreement, 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 to the following:

- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley; and
- c. 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 15th day of December, 2022, a quorum being present and voting in the majority.


Richard W. Elliott, Jr., Authority Secretary


Michael W. Hale, Authority Chairperson

Prepared by:
BERRY, SAHRADNIK, KOTZAS & BENSON
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P.O. Box 757
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