

**RESOLUTION NO. 0036 - 2022**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR  
AUSTIN – HAYFIELD HOLDINGS PROJECT,  
BLOCK 330, LOTS 2-7, 12-18**

**WHEREAS**, by Resolution #31-2020, dated September 24, 2020, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) required that a performance bond be posted with the Authority for the work to be done on the referenced project; and

**WHEREAS**, said performance bond in the amount of \$59,653.00 (10% cash - \$5,965.30 and 90% surety - \$53,687.70) representing the bond to guarantee construction of the improvements was posted with the Authority; and

**WHEREAS**, Ken Austin, for Hayfield Holdings, has completed the improvements set forth in the original application; and

**WHEREAS**, the Authority has received a request from the developer to release the performance guarantees posted in conjunction with said project; and

**WHEREAS**, the Authority Engineer has reviewed the project files and made site observations indicating that the work associated with the project has been completed; and

**WHEREAS**, the Authority Engineer has recommended a release of the performance guarantees associated with the project:

**NOW, THEREFORE, BE IT RESOLVED**, this 28<sup>th</sup> day of July, 2022, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:


1. The Authority hereby authorizes the release of the performance bond previously posted with the Authority to ensure completion of the improvements associated with this project.
2. This release is subject to the posting of a maintenance guarantee in the amount of 15% of the cost of improvements or \$7,456.80 for a period of two (2) years from the date of this Resolution.
3. The Authority hereby authorizes and directs the Chairperson, 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. CME Associates;
- d. Austin – Hayfield Holdings; 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 28<sup>th</sup> day of July, 2022, a quorum being present and voting in the majority.

  
Michael W. Hale, Authority Chairperson

  
Edward F. Cammarato, Authority Secretary

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

**RESOLUTION NO. 0037 - 2022**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
GRANTING FINAL APPROVAL FOR  
BERKELEY TERRACE,  
BLOCK 1014, LOT 26.01**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has received an application for final water 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 Dream Homes – Berkeley Terrace; and

**WHEREAS**, the applicant is proposing to construct 70 two bedroom condominiums and one club house at the property near Route 9 by Forest Hills Parkway and Southern Boulevard, in the Township of Berkeley; and

**WHEREAS**, the applicant is proposing to construct 3,885 LF of waterline to the planned development; and

**WHEREAS**, the applicant has submitted in connection with this application plans prepared by Stuart Challoner, PE of Challoner & Associates, LLC, dated February 18, 2018, last revised June 10, 2020; 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 June 28, 2022; and

**WHEREAS**, the Authority’s Consulting Engineer, in accord with the referenced review letter, has recommended that the Authority approve Dream Homes – Berkeley Terrace’s application for final water approval subject to compliance with the terms and conditions set forth therein; and

**WHEREAS**, it appears that by complying with all of the conditions set forth in the Authority's Consulting Engineer's review letter, the applicant is in compliance with the Authority's rules and regulations;

**NOW, THEREFORE, BE IT RESOLVED**, this 28<sup>th</sup> day of July, 2022, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority accepts the recommendation of its Consulting Engineer for the project and grants final water approval to the applicant, Dream Homes – Berkeley Terrace.
2. This approval is contingent upon the applicant complying with all the terms and conditions set forth in the aforementioned June 28, 2022 review letter of the Authority's Consulting Engineer, a copy of which is attached hereto and made a part hereof and incorporated fully herein by reference, including the payment of any and all outstanding fees.
3. 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.
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.

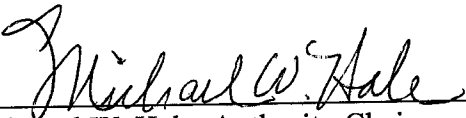
**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

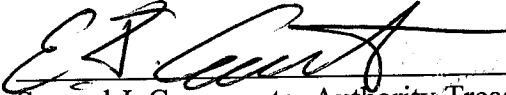
- a. Honorable Michael W. Hale, Chairperson;

- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. Dream Homes – Berkeley Terrace; 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 28<sup>th</sup> day of July, 2022, a quorum being present and voting in the majority.

  
\_\_\_\_\_  
Michael W. Hale, Authority Chairperson

  
\_\_\_\_\_  
~~Samuel J. Cammarato, Authority Treasurer~~  
Edward F. Cammarato  
Authority Secretary

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

**RESOLUTION NO. 0038 - 2022**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY AUTHORIZING THE EXECUTION AND FILING OF A  
POSITIVE PAY AGREEMENT WITH OCEAN FIRST BANK**

**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 has designated as an official depository of the Authority Ocean First Bank; and

**WHEREAS**, the Authority wishes to utilize the positive pay services offered by Ocean First Bank; and

**WHEREAS**, Ocean First Bank requires a Positive Pay Agreement to be executed in order to utilize such services:

**NOW, THEREFORE, BE IT RESOLVED**, this 28<sup>th</sup> day of July, 2022, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

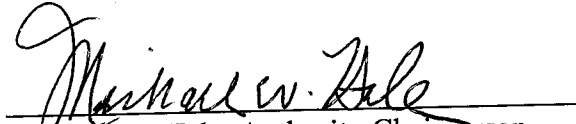
1. The Authority Board Members are hereby authorized to execute said Positive Pay Services Agreement and any other documents necessary to implement the intent of this resolution.

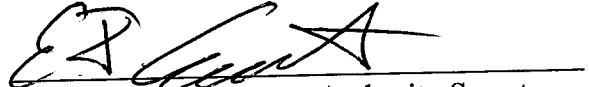
**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. Ocean First Bank; and
- d. 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 28<sup>th</sup> day of July, 2022, a quorum being present and voting in the majority.

  
Michael W. Hale, Authority Chairperson

  
Edward F. Cammarato, Authority Secretary

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

**Resolution# 2022 – 0039**

**Void**