

RESOLUTION NO. 0034 - 2017

APPROVING AMENDMENTS TO AUTHORITY RESOLUTION NO. 0028-2017, MODIFYING THE REQUIRED CONNECTION FEE TO REFLECT ACTUAL ANTICIPATED USAGE AND WAIVING THE SUBMISSION OF A PERFORMANCE BOND AND CASH PERFORMANCE GUARANTEE TO THE COUNTY OF OCEAN FOR THE BERKELEY ISLAND PARK REHABILITATION AND ASSOCIATED WATER MAIN EXTENSION AND CONNECTION PROJECT

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter "Authority") adopted Resolution No. 0028-2017 on April 27, 2017, granting the County of Ocean ("County") tentative and final water approval for a project associated with the rehabilitation and redesign of Berkeley Island Park which will include a spray park; and

WHEREAS, in granting the above-referenced approval to the County, the Authority relied upon calculations for year-round water usage supplied by the County's project engineer to achieve a connection fee of \$249,700; and

WHEREAS, the County's project engineer has requested that the Authority revisit the proposed connection fee as the County will only operate the proposed spray park during the summer months; and

WHEREAS, the County's project engineer has submitted to the Authority for review revised calculations based upon a spray park operating schedule of 92 days during the summer months; and

WHEREAS, Authority's Engineer has reviewed the revised calculations submitted by the County's project engineer and concurs with the County's project engineer that the proposed revised usage would result in a connection fee of \$95,700; and

WHEREAS, at the time of the adoption of Resolution No. 0028-2017, in accordance with the Rules and Regulations of the Authority, the County became bound to submit a Performance Bond and Cash Performance Guarantee to the Authority in connection with the proposed project; and

WHEREAS, after the adoption of Resolution No. 0028-2017, the County requested that the Authority waive the requirement that the County submit a Performance Bond and Cash Performance Guarantee and, in lieu of such submissions, further requested that the Authority take notice of the County's Performance Guarantee, submitted by Eagle Construction Services, Inc., in connection with the project, that guarantees the complete Berkeley Island Park project cost including the water main extension; and

WHEREAS, all of the work appears to be proposed to be undertaken within County roadways and facilities; and

WHEREAS, all of the work relating to the addition of water infrastructure and connections will be visually observed by the Authority's engineer; and

WHEREAS, the proposals of the County to (1) accept the modified usage calculations and require a decreased connection fee and (2) waive the submission of a separate Performance Bond and Cash Performance Guarantee accepting instead as satisfactory the Performance Bond issued by Eagle Construction to the County as satisfactory have each been reviewed by the Authority's Engineer and Conflict Attorney and those professionals have recommended that the Authority grant the County's requests; and

WHEREAS, the Authority has considered the requests of the County and finds the requests to be within the best interests of the Authority and the ratepayers of the Authority:

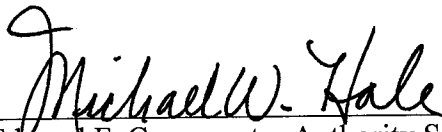
NOW, THEREFORE, BE IT RESOLVED, this 22nd day of July, 2017, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. Authority Resolution No. 0028-2017 and the approvals granted to the County pursuant thereto are hereby amended to reflect that the Connection Fee required to be submitted from the County to the Authority for the project is \$95,700.
2. The Authority hereby waives its requirement that the County submit a Performance Bond and a Cash Performance Guarantee in connection with the approval granted pursuant to Resolution No. 0028-2017, provided that the County shall first submit to the Authority written confirmation from Eagle Construction's Surety that the Performance Bond submitted by Eagle to the County is intended to guarantee the installation and connection of the water infrastructure approved by Resolution No. 0028-2017.
3. The Authority hereby 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.
4. A certified copy of this Resolution shall be forwarded by the Executive Director to the following:
 - a. Honorable Karen Davis, Chairman;
 - b. Honorable Carmen F. Amato, Jr., Mayor
 - c. County of Ocean;
 - d. Michele Nugent, Executive Director;
 - e. CME Associates


- f. T&M Consulting Group;
- g. Berry, Sahradnik, Kotzas & Benson; and
- h. Christopher K. Koutsouris, Esquire.

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 27th day of July, 2017, a quorum being present and voting in the majority.



Edward D. Cammarato, Authority Secretary
Michael W. Hale, Treasurer



KAREN DAVIS, Authority Chairwoman

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS
Forked River, New Jersey 08731

RESOLUTION NO. 0036 - 2017

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ,
APPROVING FIRST AMENDMENT TO T-MOBILE NORTHEAST, LLC,
COMMUNICATIONS SITE LEASE AGREEMENT, DATED NOVEMBER 27, 2013**

WHEREAS, T-Mobile Northeast, LLC, (“Lessee”), currently has communication equipment on the Berkeley Township Municipal Utilities Authority’s (“Authority”) water tower located at 42 Station Road in the Township of Berkeley and maintains same in accordance with a Communications Site Lease Agreement, dated November 27, 2013; and

WHEREAS, the parties have entered into negotiations to amend said Communications Site Lease Agreement; and

WHEREAS, it is deemed to be in the best interest of the parties to amend said Communications Site Lease Agreement by adding additional communication equipment on said water tower;

NOW THEREFORE BE IT RESOLVED this 27th day of July, 2017, by the Berkeley Township Municipal Utilities Authority as follows:


1. That the Authority hereby approves a First Amendment to Communications Site Lease Agreement attached hereto and made a part hereof as **Exhibit “A”**.
2. The Authority authorizes its Chairwoman, Karen Davis, to execute the said First Amendment to Communications Site Lease Agreement.
3. In all other respects, the original Communications Site Lease Agreement, dated November 27, 2013, shall remain in full force and effect except as modified by the First Amendment.

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

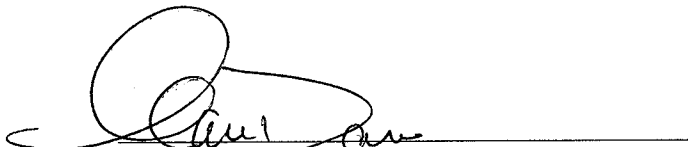
- a. Honorable Karen Davis, Chairwoman;
- b. The Municipal Clerk of the Township of Berkeley;
- c. T-Mobile Northeast, LLC; and
- d. Berry, Sahradnik, Kotzas & Benson.

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 27th day of July, 2017, a quorum being present and voting in the majority.



~~Edward E. Cammarato, Authority Secretary~~
Michael W. Hale, Treasurer



Karen Davis, Authority Chairwoman

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

RESOLUTION NO. 0037 -2017

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ,
REJECTING THE BID FOR WELL #4-PHASE II**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter “Authority”) advertised for bids to complete Well #4-Phase II in the Township; and

WHEREAS, as a result of said advertising for bidders, only one bid was submitted for Phase II of the Well #4 project; and

WHEREAS, the one bid that was submitted was by Montana Construction Corp. of Lodi, NJ in the amount of \$1,414,460.00; and

WHEREAS, in the opinion of CME Associates, the Authority’s Engineer, the probable cost for the project was thought to be \$1,028,821.00; and

WHEREAS, that estimate of probable cost for the project was submitted to the New Jersey Environmental Infrastructure Trust in June of 2017 for their review in connection with obtaining authorization to advertise from the Trust; and

WHEREAS, the bid received is well above the estimated cost as projected by the Authority’s Engineer; and

WHEREAS, both the Authority’s Engineer and Attorney have recommended that the bid that was received be rejected for being well above the estimated cost of the completion of Well #4-Phase II; and

WHEREAS, it was deemed to be in the best interests of the Authority to reject the bid as submitted;

NOW THEREFORE BE IT RESOLVED this 27th day of July, 2017, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Authority hereby rejects the bid submitted by Montana Construction Corp. in the amount of \$1,414,460.00.

2. The Authority has contacted the New Jersey Department of Environmental Protection seeking their approval of the bid rejection.
3. The bid is rejected based on the fact that it substantially exceeds the cost estimates that were projected for the completion of the project in accord with N.J.S.A. 40A:11-13.2.
4. The Authority authorizes the Authority Engineer to re-advertise the project so that new bids can be submitted for same.

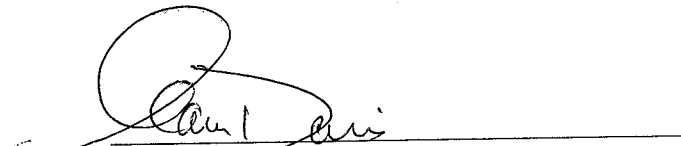
BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the following:

- a. Honorable Karen Davis, Chairwoman;
- b. The Municipal Clerk of the Township of Berkeley;
- c. Montana Construction Corp.; 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 27th day of July, 2017, a quorum being present and voting in the majority.


Edward F. Cammarato, Authority Secretary


Karen Davis, Authority Chairwoman

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

