

RESOLUTION NO. 0038 - 2017

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ,
GRANTING PRELIMINARY, TENTATIVE AND FINAL APPROVAL
FOR THE WATER APPLICATION OF THE
OCEAN COUNTY UTILITIES AUTHORITY, BLOCK 620, LOT 1**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has received an application for preliminary, tentative and final approval for the property set forth above and designated as Block 620, Lot 1 on the official tax map of the Township of Berkeley; and

WHEREAS, the applicant for the project is the Ocean County Utilities Authority (hereinafter referred to as the “OCUA”); and

WHEREAS, the applicant is proposing to construct approximately 2,140 lineal feet of 6 inch DIP water main to connect to the existing water main at the intersection of Eastern Boulevard and Amsterdam Avenue and to the existing water main located along Princeton Avenue and another 225 lineal feet of 6 inch DIP water main branching off of the referenced loop and connecting to an existing onsite 4 inch water distribution system; and

WHEREAS, the applicant has submitted in connection with the application to the Authority plans prepared by William T. Suchodolski, P.E., of the OCUA dated May 4, 2017; and

WHEREAS, the Authority’s Consulting Engineer, CME Associates, has reviewed the application documents and plans submitted by the OCUA and authored a review letter addressed to the Authority, dated September 15, 2017; and

WHEREAS, the Authority's Consulting Engineer in the referenced letter has recommended that the Authority approve the OCUA preliminary, tentative and final water application subject to compliance with the terms and conditions set forth in said letter of September 15, 2017; and

WHEREAS, it appears that the OCUA, by implementing all of the conditions set forth in the September 15, 2017 review letter by the Authority's Consulting Engineer, is in compliance with the Authority's rules and regulations;

NOW THEREFORE BE IT RESOLVED this 28th day of September, 2017, 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 OCUA.
2. This approval is contingent upon the OCUA complying with all of the terms and conditions set forth in the aforementioned September 15, 2017 review letter of the Authority's Consulting Engineer, with the exception of the bonding requirement addressed in a companion Resolution, a copy of which is annexed hereto and made a part hereof and incorporated fully herein by reference including payment of any and all outstanding fees.
3. It is understood and acknowledged that the installation of the referenced water lines are located on OCUA property and, upon completion of said project, the OCUA will grant to the Authority an easement and right of way that is acceptable in form to the Authority's Attorney and complies with the requirements set forth in the Consulting Engineer's letter of September 15, 2017.

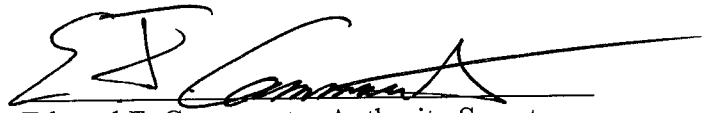
4. Construction shall be completed within three (3) years of the date of this Resolution or else updated performance guarantees and basic construction service fees shall be required to be posted by the OCUA to the satisfaction of the Authority and the Authority's Consulting Engineer.
5. The Authority hereby authorizes and directs the Chairwoman, 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 to the following:

- a. Honorable Karen Davis, Chairwoman;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. 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 28th day of September, 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

RESOLUTION NO. 0039 - 2017

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ,
AUTHORIZING A WAIVER PROVIDING SURETY
AND CASH PERFORMANCE BOND TO THE AUTHORITY BY THE
OCEAN COUNTY UTILITIES AUTHORITY IN CONNECTION WITH THE
INSTALLATION OF WATER MAINS, BLOCK 620, LOT 1**

WHEREAS, the Ocean County Utilities Authority (hereinafter referred to as the “OCUA”) is proposing to construct approximately 2,140 lineal feet of 6 inch DIP water main to connect the existing water main at the intersection of Eastern Boulevard and Amsterdam Avenue to the existing water main located along Princeton Avenue and another 225 lineal feet of 6 inch DIP water main which will branch off this loop and connect to the existing onsite 4 inch water distribution system; and

WHEREAS, by Resolution of the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”), preliminary, tentative and final approval of the referenced project was granted; and

WHEREAS, the OCUA would be required to post a performance guarantee in the amount of \$651,300.00 (\$586,170.00 representing the 90% bond portion and \$65,130.00 representing the 10% cash portion) to guarantee construction of the improvements as set forth in the Authority’s Consulting Engineer’s September 15, 2017 letter; and

WHEREAS, the OCUA has requested that the Authority waive the requirement for the surety and cash performance bond specific to the Authority; and

WHEREAS, the Authority feels that it is in its best interest to waive such requirement and instead be provided with a copy of the performance bond from the contractor installing the referenced water main; and

WHEREAS, the OCUA will provide the information to the Authority concerning the bond that will be in place between the OCUA and the contractor;

NOW THEREFORE BE IT RESOLVED this 28th day of September, 2017, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Authority hereby approves waiver of the surety and cash performance bond specific to the Authority.
2. The Authority shall be provided with information concerning the bond that is in place with the contractor installing the water mains for the OCUA.
3. The Authority hereby authorizes and directs the Chairwoman, 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 to the following:

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

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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

RESOLUTION NO. 0040 - 2017

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ,
AUTHORIZING THE AWARD OF A CONTRACT TO
MONTANA CONSTRUCTION CORP. FOR CONSTRUCTION OF THE
WELL #4 / PHASE II PRODUCTION WELL**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has undertaken the task of the construction of Well #4 as a necessary addition to the Authority's capacity to provide water to its customers; and

WHEREAS, the Authority Engineer prepared bid specifications for the Phase II construction of the project for a production well in connection with this undertaking; and

WHEREAS, on September 12, 2017, at the advertised time and place, responses were received from the following bidders:

1. Montana Construction Corp., Lodi, NJ
2. J.F. Kiely Construction, Long Branch, NJ

WHEREAS, after receipt and examination of said bids, it was determined that the low bidder on said project was Montana Construction Corp. in the amount of \$1,307,111.00; and

WHEREAS, the submission of the bid of Montana Construction Corp. has been reviewed and approved by the Authority Engineer and the Authority Attorney; and

WHEREAS, it is deemed to be appropriate and in the best interest of the Authority to accept the low bid of Montana Construction Corp. to construct the subject production well, contingent upon the approval of the NJDEP; and

WHEREAS, the Authority has applied to The Local Finance Board for financing of the subject project; and

WHEREAS, The Local Finance Board, in its meeting of December 10, 2014, approved the proposed loans to the Authority subject to and contingent upon the approval of the Treasurer of the State of New Jersey and submission of an Affidavit from the Authority;

NOW THEREFORE BE IT RESOLVED this 28th day of September, 2017, by the Berkeley Township Municipal Utilities Authority as follows:

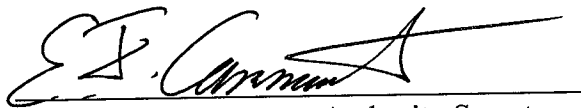
1. That Montana Construction Corp. be awarded the contract for construction of the subject production well for the sum of \$1,307,111.00, contingent upon the approval of the NJDEP.
2. The appropriate Authority officers are hereby authorized to enter into a contract with Montana Construction Corp., subject to and contingent upon the final approval of The Local Finance Board, since funding for the project must be obtained through the New Jersey Environmental Infrastructure Trust.

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

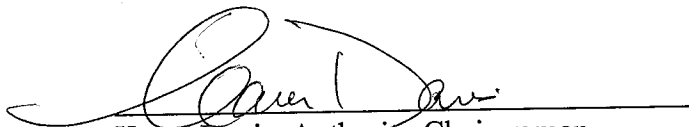
- a. Honorable Karen Davis, Chairwoman;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. Montana Construction Corp.; and
- e. Berry, Sahradnik, Kotzas & Benson.

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 28th day of September, 2017, a quorum being present and voting in the majority.



Edward F. Cammarato, Authority Secretary



Karen Davis, Authority Chairwoman

Prepared by:
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