

**RESOLUTION NO. 0049 -2018**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
REGARDING WELL #4, PHASE II**

**WHEREAS**, Montana Construction Corp., Inc., was the winning bidder on the Well #4, Phase II project for the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”); and

**WHEREAS**, there was a Notice to Proceed, dated December 1, 2017, and the contractor initiated the project; and

**WHEREAS**, a voucher titled Pay Estimate #4 was presented to the Authority and CME Associates for work that was completed between August 11, 2018 through September 7, 2018; and

**WHEREAS**, the total construction costs associated with the voucher that was submitted was \$163,579.47; and

**WHEREAS**, the Authority pursuant to Agreement is to deduct a 2% retainage or a total of \$3,271.59; and

**WHEREAS**, the Authority’s Engineer has reviewed the voucher and supporting documentation and has approved payment to Montana Construction Corp., Inc.;

**NOW, THEREFORE, BE IT RESOLVED**, this 27<sup>th</sup> day of September, 2018, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority accepts the recommendation of its Engineer, CME Associates, with regard to their review of an invoice that was provided for work done on the above-referenced project from August 11, 2018 through September 7, 2018.


2. The Authority authorizes the payment to Montana Construction Corp., Inc., of \$160,307.88 which represents the net amount due from the original invoice of \$163,579.47 less a retainage of \$3,271.59.
3. 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.

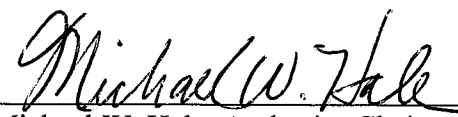
**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. Montana Construction Corp., Inc.; 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 27<sup>th</sup> day of September 2018, a quorum being present and voting in the majority.

  
\_\_\_\_\_  
Samuel J. Cammarato, Authority Treasurer

  
\_\_\_\_\_  
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. 0050 -2018**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
GRANTING TENTATIVE AND FINAL APPROVAL  
AND ACCEPTANCE OF A PERFORMANCE BOND FOR  
NORTHEAST PASSAGE CORPORATION,  
BLOCK 344, LOTS 19 & 20**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter “Authority”) has received an application for tentative and 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 Northeast Passage Corporation; and

**WHEREAS**, the applicant is proposing to construct a new 2,940 SF convenience store at the intersection of Forest Hills Parkway and Grand Central Parkway in the Township of Berkeley; and

**WHEREAS**, the applicant is proposing to construct a waterline to the planned convenience store together with a fire hydrant; and

**WHEREAS**, the applicant has submitted in connection with this application plans prepared by James E. Henry, P.E., P.P., of Dynamic Engineering, dated April 4, 2018, last revised July 16, 2018; 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 August 22, 2018; and

**WHEREAS**, the Authority’s Consulting Engineer, in accord with the referenced review letter, has recommended that the Authority approve Northeast Passage Corporation’s application for tentative and 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 27<sup>th</sup> day of September, 2018, 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 tentative and final water approval to the applicant, Northeast Passage Corporation.
2. This approval is contingent upon the applicant complying with all the terms and conditions set forth in the aforementioned August 22, 2018 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 approves the posting of a 90% performance bond, posted as cash, in the amount of \$15,573.60, a 10% cash bond in the amount of \$1,730.40 and inspection fees in the amount of \$721.00, receipt of which is hereby acknowledged.


5. The applicant shall pay to the Authority the sum of \$2,200.00 as a connection fee in connection with this project.
6. 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. Northeast Passage Corporation; 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 27<sup>th</sup> day of September 2018, a quorum being present and voting in the majority.

  
\_\_\_\_\_  
Samuel J. Cammarato, Authority Treasurer

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

Prepared by:

BERRY, SAHRADNIK, KOTZAS & BENSON  
212 Hooper Avenue  
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Toms River, New Jersey 08753

**RESOLUTION NO. 0051 -2018**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
ACCEPTING WATER FACILITIES CONSTRUCTION BY THE  
OCEAN COUNTY UTILITIES AUTHORITY, BLOCK 620, LOT 1**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter “Authority”) had previously granted preliminary, tentative and final water application approval to the Ocean County Utilities Authority (hereinafter “OCUA”) by way of Resolution 2017-39 dated September 28, 2017; and

**WHEREAS**, in accord with a letter from the Authority’s Engineer, as a result of their inspection, the project in question has been completed; and

**WHEREAS**, the OCUA has requested that the Authority accept said water main extension; and

**WHEREAS**, the documentation pertaining to this project has been reviewed by the Authority’s Attorney and find same to be acceptable;

**NOW, THEREFORE, BE IT RESOLVED**, this 27<sup>th</sup> day of September, 2018, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority accepts the referenced water main extension as completed in accord with the recommendation of its Engineer.
2. This acceptance is contingent upon the payment of all outstanding escrow fees, if any, and the submittal of an Affidavit from the OCUA certifying that all contractors and suppliers have been paid in full as of the date of the request.
3. This acceptance is also contingent upon the OCUA receiving a Maintenance Guarantee from the contractor and providing a copy of same to the Authority.


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:

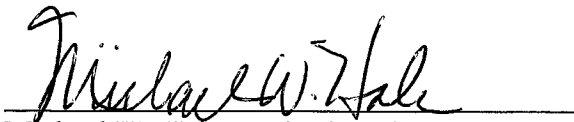
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. Ocean County Utilities Authority; and
- e. Berry, Sahradnik, Kotzas & Benson.

**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 27<sup>th</sup> day of September 2018, a quorum being present and voting in the majority.



Samuel J. Cammarato, Authority Treasurer



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. 0052 -2018**

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
GRANTING FINAL ACCEPTANCE AND RELEASE OF PERFORMANCE BOND  
CONTINGENT UPON POSTING OF A MAINTENANCE BOND  
TO PINEWALD ESTATES, BLOCK 569, LOTS 1-12, 15-19 and 32;  
and BLOCK 573, LOTS 9, 24-29 and 34-44**

**WHEREAS**, the Berkeley Township Municipal Utilities Authority (hereinafter “Authority”) previously granted tentative and final water application approval for the project set forth above as designated on the official tax map of the Township of Berkeley; and

**WHEREAS**, the applicant, in accord with that approval, posted a performance bond in accord with the prior Resolution; and

**WHEREAS**, the performance guarantees on the subject project are still at 100% of the original amount and have not been reduced; and

**WHEREAS**, the Authority’s Consulting Engineer has inspected the site and reviewed the project files and has concluded that the work associated with the project has been concluded; and

**WHEREAS**, the Authority previously waived the posting of a 10% cash portion of a bond in connection with the project since the project was intended for utilization as low income housing for the Township; and

**WHEREAS**, the documentation pertaining to this project has been reviewed by the Authority’s Attorney;

**NOW, THEREFORE, BE IT RESOLVED**, this 27<sup>th</sup> day of September, 2018, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:



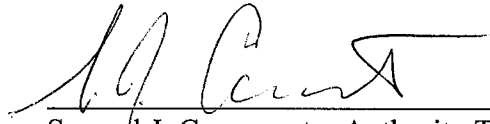
1. The surety portion of the performance guarantee shall be released in accord with the Authority's rules and regulations which shall include the payment of all outstanding escrow fees, if any, and the applicant's submittal of an Affidavit certifying that all of the contractors and suppliers have been paid in full as of the date of the request and, further, subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements or \$41,575.95 for a period of two (2) years after final acceptance of the improvements.
2. 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. Pinewald Estates; 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 27<sup>th</sup> day of September 2018, a quorum being present and voting in the majority.

  
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Samuel J. Cammarato, Authority Treasurer

  
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Michael W. Hale, Authority Chairperson

Prepared by:

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