

RESOLUTION NO. 0036 - 2024

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AWARDING A 5-YEAR LEASE AGREEMENT, WITH OPTIONS,
FOR THE PLACEMENT OF CELLULAR ANTENNAS TO
T-MOBILE NORTHEAST LLC (“TMO”)**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has solicited bids for the lease of space for the construction and maintenance of wireless antennas and communications shelters for the Authority’s water tower located at 560 Northern Boulevard in the Bayville section of the Township of Berkeley, County of Ocean, State of New Jersey; and

WHEREAS, the bids have been solicited by the Authority in conformance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.S.A. 40A:12-13 et seq.; and

WHEREAS, the bid specifications provide, in part, for a 5-year lease agreement, with four (4) 5-year options; and

WHEREAS, the sole bid received by the Authority is from T-Mobile Northeast LLC for a five (5) year term with an initial annual rent of \$58,711.00; and

WHEREAS, the initial annual rent will be increased annually at four (4%) percent; and

WHEREAS, the same terms of rent adjustment shall serve to govern the exercise of any options by T-Mobile Northeast LLC; and

WHEREAS, the Authority finds that the bid submitted is acceptable and in compliance with the Authority’s budgetary constraints; and

WHEREAS, the parties have reviewed and agreed upon the form of lease to be executed in connection herewith;

NOW, THEREFORE, BE IT RESOLVED, this 23rd day of May, 2024, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority accepts the recommendation of the Authority Solicitor and Cellular Antenna Consultant and awards the bid for this lease agreement to the sole bidder, T-Mobile Northeast LLC. A copy of the full bid specifications and the bid submission are on file at the office of the Authority and can be reviewed during normal business hours.
2. 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:

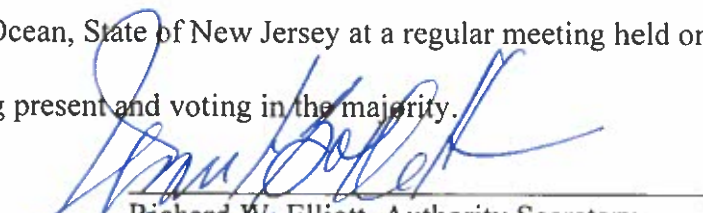
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. T-Mobile Northeast LLC;
- d. FSD Enterprises; and
- e. Berry, Sahradnik, Kotzas & Benson.

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 23rd day of May, 2024, a quorum being present and voting in the majority.



Michael W. Hale, Authority Chairperson



Richard W. Elliott, Authority Secretary

Jerome F. Bollettieri
VICE CHAIRMAN

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

RESOLUTION NO. 0037 - 2024

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
ACCEPTING A PERFORMANCE BOND FOR PKN DEVELOPMENT
BLOCK 690, LOT 21.01**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") previously approved a preliminary, tentative and final water application in Resolution 2023-48 in connection with the above-referenced project; and

WHEREAS, the applicant for the project was required to submit a performance bond in the total amount of \$28,779.30 representing the 90% bond portion of the project and \$3,197.70 representing the 10% cash portion to guarantee construction of the improvements described in the application; and

WHEREAS, a performance bond has been presented for review and meets the requirements set forth in the Authority's Consulting Engineer's letter of August 3, 2023;

NOW, THEREFORE, BE IT RESOLVED, this 23rd day of May, 2024, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority hereby accepts the performance bond as submitted by the applicant which bond is attached hereto and made a part hereof as **Exhibit "A"**.
2. The Authority further approves the posting of 10% cash with the Authority.
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:

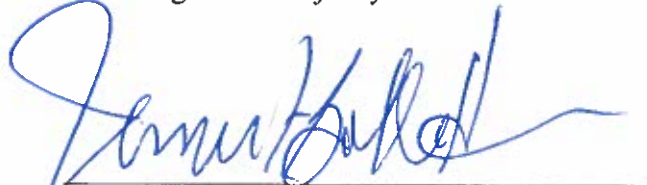
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. PKN Development; and
- e. Berry, Sahradnik, Kotzas & Benson.

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 23rd day of May, 2024, a quorum being present and voting in the majority.



Michael W. Hale, Authority Chairperson



Richard W. Elliott, Authority Secretary
Jerome F. Balletieri
Commissioner, Vice Chairman

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

RESOLUTION NO. 0038 - 2024

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
FOR A CHANGE ORDER FOR INTERIOR TANK PAINTING
AT THE NORTHERN BOULEVARD WATER TOWER**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") requested bids for the rehabilitation of the Northern Boulevard water tower; and

WHEREAS, United Painters, Inc., was the lowest responsible bidder and awarded a contract for \$1,151,380.00; and

WHEREAS, said awarded contract has allowances for unit price items that total in excess of \$100,000.00; and

WHEREAS, in accord with the original recommendations of the tank engineer, the bid specifications required spot brush scraping and spot painting to the dry interior areas of the tank; and

WHEREAS, on further inspection, it was deemed to be in the Authority's best interest and, as recommended by the Authority's Engineers, that the entire interior dry area of the tank structure be scraped and painted; and

WHEREAS, United Painters, Inc., has indicated that said interior scraping and painting could be accomplished via change order in the amount of \$100,000.00; and

WHEREAS, the Authority's Engineers, CME Associates, has indicated that is an appropriate amount for said work;

NOW, THEREFORE, BE IT RESOLVED, this 30 day of May, 2024, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The change order is hereby authorized in the amount of \$100,000.00 to accomplish interior scraping and painting of the dry areas of the Northern Boulevard water tank during its current rehabilitation.
2. This change order is deemed to be in the best interest of the Authority for the rehabilitation project as recommended by Authority Engineers.
3. This change order in the amount of \$100,000.00 is within the limits pertaining to allowances provided for in the original contract and will not increase the cost of the contract to the Authority.
4. 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. United Painters, 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 ___ day of May, 2024, a quorum being present and voting in the majority.



Michael W. Hale, Authority Chairperson


Richard W. Elliott, Authority Secretary

Prepared by:
BERRY, SAHRADNIK, KOTZAS & BENSON
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