RESOLUTION NO. 0047 - 2026

RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, GRANTING FINAL APPROVAL AND ACCEPTANCE OF CASH PERFORMANCE BOND FOR CEDAR CREEK – WESTERN BOULEVARD BLOCK 606, LOT 3.01

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 Cedar Creek – Western Boulevard; and

WHEREAS, the applicant is proposing to construct one (1) single family home at the property along Baker Avenue in the Township of Berkeley; and

WHEREAS, the applicant is proposing to construct 46 LF of waterline to the planned development; and

WHEREAS, the applicant has submitted, in connection with this application, plans prepared by William A. Stevens of Professional Design Services, LLC, dated May 1, 2024, last revised June 22, 2026; and

WHEREAS, the Authority's Consulting Engineer, Artheon Engineering, has reviewed the application, documents and plans submitted by the Applicant and authored a review letter addressed to the Authority, dated July 16, 2026; and

WHEREAS, the Authority's Consulting Engineer, in accord with the referenced review letter, has recommended that the Authority approve Cedar Creek – Western Boulevard's application for final water approval subject to compliance with the terms and conditions set forth therein; and

WHEREAS, applicant is required, in accord with the Authority's Consulting Engineer's letter of July 16, 2026 to provide sufficient performance guarantees in the total amount of $22,017.00; and

WHEREAS, a cash performance bond has been presented for review and meets the requirements set forth in the Authority's Consulting Engineer's letter of July 16, 2026; 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 27th day of August, 2026, 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, Cedar Creek – Western Boulevard.
2. This approval is contingent upon the applicant complying with all the terms and conditions set forth in the aforementioned July 16, 2026 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 approves the cash performance bond as submitted by Cedar Creek Land and Homes.

5. 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 Richard W. Elliott, Chairperson;

b. The Municipal Clerk of the Township of Berkeley;

c. Artheon;

d. Cedar Creek Land and Homes; 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 27th day of August, 2026, a quorum being present and voting in the majority.

~~Denise Pellecchia, Authority Secretary~~
Frederick S Bekiarian, Treasurer

~~Richard W. Elliott, Authority Chairperson~~
Denise Pellecchia, Secretary

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

RESOLUTION NO. 0048- 2026

RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, REGARDING PHASE VII – CONTRACT 1 WATER SYSTEM IMPROVEMENTS

WHEREAS, P&A Construction, Inc., was the winning bidder on the Phase VII water improvements project for the Berkeley Township Municipal Utilities Authority; and

WHEREAS, there was a Notice to Proceed, dated June 8, 2026, and the contractor proceeded to install water lines and appurtenances for that project; and

WHEREAS, a voucher was presented to the Authority and Artheon Engineering for work that was completed between July 1, 2026 and July 31, 2026; and

WHEREAS, the total cost of stored materials associated with this voucher that was submitted was $166,786.96; and

WHEREAS, the Authority, pursuant to the Agreement, is required to adjust the previous 10% materials retainage or add $25,199.42 to this application; and

WHEREAS, the total cost of non-material contract items associated with this voucher that was submitted was $591,844.98; and

WHEREAS, the Authority, pursuant to the Agreement, is to deduct 2% or $20,212.52 for the non-material contract items; and

WHEREAS, the Authority's engineer has reviewed the voucher and supporting documentation and has approved payment to P&A;

NOW THEREFORE BE IT RESOLVED this 27th day of August, 2026, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

The Authority accepts the recommendation of its engineer, Artheon Engineering, with regard to their review of an invoice that was provided for work done on the above-referenced project from July 1, 2026 through July 31, 2026.

1. The Authority authorizes the payment to P&A Construction, Inc., of $763,618.84 which represents the net amount due from the total material and construction costs of $758,631.94 plus the materials retainage adjustment of $25,199.42 and less the construction retainage of $20,212.52.

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 Richard W. Elliott, Chairperson;
b. The Municipal Clerk of the Township of Berkeley;
c. Artheon Engineering;
d. P&A Construction, 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 27th day of August, 2026, a quorum being present and voting in the majority.

Denise Pellecchia, Authority Secretary

Richard W. Elliott, Authority Chairperson

Prepared by:
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