

Resolution No. 0029-2023

#23-146-R

RESOLUTION OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY
APPOINTING MEMBER(S) TO THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

February 27, 2023

WHEREAS, Municipal Utilities Authority Member #3, Edward Cammarato will be moving out of the state due to work commitments; and

WHEREAS, Mr. Cammarato has sent a letter noting the date of March 18, 2023, being the date of resignation from the Municipal Utilities Authority; and

WHEREAS, this creates a vacancy for the Member #3 position on the Municipal Utilities Authority; and

SO NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, to make the following appointment to the Berkeley Township Municipal Utilities Authority to begin on March 18, 2023:

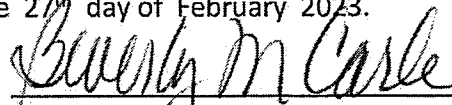
**Member #3 Denise Pellecchia to fulfill the position for the Unexpired Term
Expiring 12/30/2026.**

BE IT FURTHER RESOLVED certified copies of this Resolution be forwarded to the Berkeley Township Municipal Utilities Authority and the above listed appointee.

	Motion	Second	AYE	NAY	ABSTAIN	ABSENT
Gingrich			X			
Guadagno						X
Byrnes						X
Signorile			X(T)			
Buscio		X	X			
Grosse	X		X			
Bacchione			X			

CERTIFICATION

I, **BEVERLY M. CARLE, RMC**, Municipal Clerk of the Township of Berkeley do hereby certify that the foregoing resolution was duly adopted by the Township of Berkeley Township Council at a meeting held on the 27th day of February 2023.



BEVERLY M. CARLE, Township Clerk
Berkeley Township

RESOLUTION NO. 0030 - 2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
GRANTING FINAL APPROVAL FOR
SARAMA BROTHERS, LLC – MADISON AVENUE,
BLOCK 501, LOTS 1-22**

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 Sarama Brothers, LLC – Madison Avenue; and

WHEREAS, the applicant is proposing to construct four (4) single family homes on Madison Avenue with an additional ten (10) on Nixon Avenue, Central Boulevard and Eisenhower Avenue in the Township of Berkeley; and

WHEREAS, the applicant is proposing to construct 900 LF of waterline to the planned fourteen (14) single family homes; and

WHEREAS, the applicant has submitted, in connection with this application, plans prepared by Robert J. Harrington, P.E., of East Coast Engineering, Inc., dated January 17, 2022; 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 March 10, 2022; and

WHEREAS, the Authority's Consulting Engineer, in accord with the referenced review letter, has recommended that the Authority approve Sarama Brothers, LLC – Madison Avenue's application for 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 23rd day of March, 2023, 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, Sarama Brothers, LLC – Madison Avenue.
2. This approval is contingent upon the applicant complying with all the terms and conditions set forth in the aforementioned March 10, 2022 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 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:

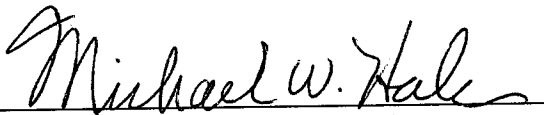
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. Sarama Brothers, LLC – Madison Avenue; and
- e. Berry, Sahradnik, Kotzas & Benson.

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 March, 2023, a quorum being present and voting in the majority.



Richard W. Elliott, Jr., Authority Secretary



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. 0031 -2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING
PROFESSIONAL APPOINTMENT FOR THE POSITION OF AUTHORITY AUDITOR
FOR THE YEAR 2023**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has a need to acquire the services of an auditor to provide auditing services to the Authority for year 2023; and

WHEREAS, the Authority has solicited proposals from qualified auditors pursuant to the fair and open process in accordance with N.J.S.A. 19:44A-20.7 for the position of Authority Auditor for the 2023 Authority year; and

WHEREAS, proposals were received and were opened on February 8, 2023 and were later evaluated by the Board of Commissioners who sought the individual or firm that was most advantageous to the Authority, with due consideration given to the qualifications, experience, compensation and other factors and criteria; and

WHEREAS, the appointment of such aforementioned professional constitutes a “professional appointment” and is therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, Holman, Frenia, Allison, P.C., is a firm engaged in the practice of providing auditing service in the State of New Jersey that meets all of the requirements set forth in the Authority’s request for qualifications and is duly qualified to serve as Auditor for the Authority; and

WHEREAS, it is the desire of the Authority to appoint the firm of Holman, Frenia, Allison, P.C., as Auditor for the Authority for the year 2023; and

WHEREAS, Holman, Frenia, Allison, P.C., has completed and submitted a Business Entity Disclosure Certification which certifies compliance with N.J.S.A. 19:44A-20.26; and

WHEREAS, Holman, Frenia, Allison, P.C., has completed an Affidavit acknowledging compliance with Berkeley Township Ordinance #13-28OA regarding political donations; and

WHEREAS, the Local Public Contracts Law authorizes the award of contract for professional services without competitive bids and requires that the appointing resolution and contract be made available for public inspection:

NOW, THEREFORE, BE IT RESOLVED, this 23rd day of March, 2023, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

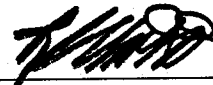
1. Holman, Frenia, Allison, P.C., 680 Hooper Avenue, Toms River, New Jersey, is appointed as Authority Auditor for the Authority this date and continuing through and until the Authority's 2024 reorganization meeting, or until such time as a successor is appointed.
2. The Chairperson and the Secretary of the Authority are hereby authorized to execute and attest to an agreement with Holman, Frenia, Allison, P.C., in a form to be approved by the Authority and the Authority's Attorney, a copy of which shall be placed on file and available for inspection in the Authority's office.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law as auditing services are recognized as a professional service and Holman, Frenia, Allison, P.C., is an auditing firm with members licensed as Certified Public Accountants and Consultants in the State of New Jersey.
4. Notice of this action shall be printed once in an official newspaper of the Authority.

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

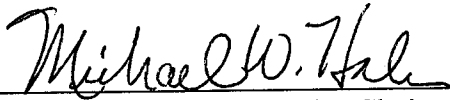
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. Berry, Sahradnik, Kotzas & Benson; and
- d. Holman, Frenia, Allison, P.C.

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 the Authority's Reorganization meeting held on the 23rd day of March 2023, a quorum being present and voting in the majority.



Richard W. Elliott, Jr., Authority Secretary



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. 0032 -2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING
PROFESSIONAL APPOINTMENT FOR THE POSITION OF CONFLICT ENGINEER
FOR THE YEAR 2023**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has a need to acquire the services of an engineer to serve as Conflict Engineer to the Authority for the for the year 2023; and

WHEREAS, the Authority has solicited proposals from qualified engineers pursuant to the fair and open process in accordance with N.J.S.A. 19:44A-20.7 for the position of Conflict Engineer for the 2023 Authority year; and

WHEREAS, proposals were received and were opened on February 8, 2023 and were later evaluated by the Board of Commissioners who sought the individual or firm that was most advantageous to the Authority, with due consideration given to the qualifications, experience, compensation and other factors and criteria; and

WHEREAS, the appointment of such aforementioned professional constitutes a “professional appointment” and is therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, Morgan Engineering is a firm engaged in the practice of providing engineering services in the State of New Jersey that meets all of the requirements set forth in the Authority’s request for qualifications and are duly qualified to serve as Authority Conflict Engineer for the Authority; and

WHEREAS, it is the desire of the Authority to appoint Morgan Engineering as Authority Conflict Engineer for the Authority for the year 2023; and

WHEREAS, Morgan Engineering has completed and submitted a Business Entity Disclosure Certification which certifies compliance with N.J.S.A 19:44A-20.26; and

WHEREAS, Morgan Engineering has completed an Affidavit acknowledging compliance with Berkeley Township Ordinance #13-28OA regarding political donations; and

WHEREAS, the Local Public Contracts Law authorizes the award of contract for professional services without competitive bids and requires that the appointing resolution and contract be made available for public inspection:

NOW, THEREFORE, BE IT RESOLVED, this 23rd day of March, 2023, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. Morgan Engineering, 130 Central Avenue, Island Heights, New Jersey, is appointed as Authority Conflict Engineer for the Authority this date and continuing through and until the Authority's 2024 reorganization meeting, or until such time as a successor is appointed.
2. The Chairperson and the Secretary of the Authority are hereby authorized to execute and attest to an agreement with Morgan Engineering in a form to be approved by the Authority and the Authority's Attorney, a copy of which shall be placed on file and available for inspection in the Authority's office.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law as engineering services are recognized as a professional service and Morgan Engineering is an engineering firm with members licensed as professional engineers in the State of New Jersey.
4. Notice of this action shall be printed once in an official newspaper of the Authority.

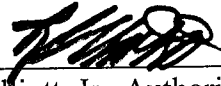
BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded

by the Executive Director to the following:

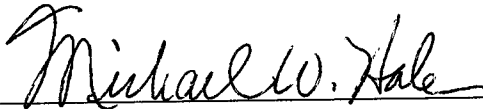
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. Berry, Sahradnik, Kotzas & Benson; and
- d. Morgan Engineering.

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 the Authority's meeting held on the 23rd day of March 2023, a quorum being present and voting in the majority.



Richard W. Elliott, Jr., Authority Secretary



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. 0033 -2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING
PROFESSIONAL APPOINTMENT FOR THE POSITION OF CONFLICT ENGINEER
FOR THE YEAR 2023**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has a need to acquire the services of an engineer to serve as Conflict Engineer to the Authority for the for the year 2023; and

WHEREAS, the Authority has solicited proposals from qualified engineers pursuant to the fair and open process in accordance with N.J.S.A. 19:44A-20.7 for the position of Conflict Engineer for the 2023 Authority year; and

WHEREAS, proposals were received and were opened on February 8, 2023 and were later evaluated by the Board of Commissioners who sought the individual or firm that was most advantageous to the Authority, with due consideration given to the qualifications, experience, compensation and other factors and criteria; and

WHEREAS, the appointment of such aforementioned professional constitutes a “professional appointment” and is therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, Colliers Engineering is a firm engaged in the practice of providing engineering services in the State of New Jersey that meets all of the requirements set forth in the Authority’s request for qualifications and are duly qualified to serve as Authority Conflict Engineer for the Authority; and

WHEREAS, it is the desire of the Authority to appoint Colliers Engineering as Authority Conflict Engineer for the Authority for the year 2023; and

WHEREAS, Colliers Engineering has completed and submitted a Business Entity Disclosure Certification which certifies compliance with N.J.S.A 19:44A-20.26; and

WHEREAS, Colliers Engineering has completed an Affidavit acknowledging compliance with Berkeley Township Ordinance #13-28OA regarding political donations; and

WHEREAS, the Local Public Contracts Law authorizes the award of contract for professional services without competitive bids and requires that the appointing resolution and contract be made available for public inspection:

NOW, THEREFORE, BE IT RESOLVED, this 23rd day of March, 2023, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. Colliers Engineering, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey, is appointed as Authority Conflict Engineer for the Authority this date and continuing through and until the Authority's 2024 reorganization meeting, or until such time as a successor is appointed.
2. The Chairperson and the Secretary of the Authority are hereby authorized to execute and attest to an agreement with Colliers Engineering in a form to be approved by the Authority and the Authority's Attorney, a copy of which shall be placed on file and available for inspection in the Authority's office.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law as engineering services are recognized as a professional service and Colliers Engineering is an engineering firm with members licensed as professional engineers in the State of New Jersey.
4. Notice of this action shall be printed once in an official newspaper of the Authority.

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. Berry, Sahradnik, Kotzas & Benson; and
- d. Colliers Engineering.

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 the Authority's meeting held on the 23rd day of March 2023, a quorum being present and voting in the majority.



Richard W. Elliott, Jr., Authority Secretary



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. 0034 -2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING
PROFESSIONAL APPOINTMENT FOR THE POSITION OF CONFLICT ENGINEER
FOR THE YEAR 2023**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has a need to acquire the services of an engineer to serve as Conflict Engineer to the Authority for the for the year 2023; and

WHEREAS, the Authority has solicited proposals from qualified engineers pursuant to the fair and open process in accordance with N.J.S.A. 19:44A-20.7 for the position of Conflict Engineer for the 2023 Authority year; and

WHEREAS, proposals were received and were opened on February 8, 2023 and were later evaluated by the Board of Commissioners who sought the individual or firm that was most advantageous to the Authority, with due consideration given to the qualifications, experience, compensation and other factors and criteria; and

WHEREAS, the appointment of such aforementioned professional constitutes a "professional appointment" and is therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, Van Cleef Engineering is a firm engaged in the practice of providing engineering services in the State of New Jersey that meets all of the requirements set forth in the Authority's request for qualifications and are duly qualified to serve as Authority Conflict Engineer for the Authority; and

WHEREAS, it is the desire of the Authority to appoint Van Cleef Engineering as Authority Conflict Engineer for the Authority for the year 2023; and

WHEREAS, Van Cleef Engineering has completed and submitted a Business Entity Disclosure Certification which certifies compliance with N.J.S.A 19:44A-20.26; and

WHEREAS, Van Cleef Engineering has completed an Affidavit acknowledging compliance with Berkeley Township Ordinance #13-28OA regarding political donations; and

WHEREAS, the Local Public Contracts Law authorizes the award of contract for professional services without competitive bids and requires that the appointing resolution and contract be made available for public inspection:

NOW, THEREFORE, BE IT RESOLVED, this 23rd day of March, 2023, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:


1. Van Cleef Engineering, 1705 Route 37 East, Toms River, New Jersey, is appointed as Authority Conflict Engineer for the Authority this date and continuing through and until the Authority's 2024 reorganization meeting, or until such time as a successor is appointed.
2. The Chairperson and the Secretary of the Authority are hereby authorized to execute and attest to an agreement with Van Cleef Engineering in a form to be approved by the Authority and the Authority's Attorney, a copy of which shall be placed on file and available for inspection in the Authority's office.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law as engineering services are recognized as a professional service and Van Cleef Engineering is an engineering firm with members licensed as professional engineers in the State of New Jersey.
4. Notice of this action shall be printed once in an official newspaper of the Authority.

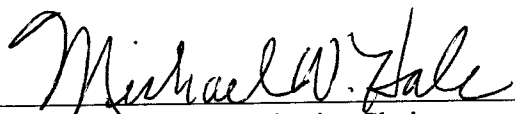
BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. Berry, Sahradnik, Kotzas & Benson; and
- d. Van Cleef Engineering.

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 the Authority's meeting held on the 23rd day of March 2023, a quorum being present and voting in the majority.


Richard W. Elliott, Jr., Authority Secretary


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. 0035 -2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING CME ASSOCIATES AS ENGINEERING FIRM FOR
NORTHERN BLVD WATER TOWER REHABILITATION
CONSTRUCTION SERVICES**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) is pursuing rehabilitation and painting of the Northern Blvd. Water Tower; and

WHEREAS, plans have been completed for the Northern Blvd. Water Tower consisting of painting of the interior and exterior; repairs and modifications of the Northern Blvd Water Tower; and

WHEREAS, the Authority is in need of designating an engineering firm to provide services for this project; and

WHEREAS, CME Associates have submitted a proposal to provide such services:

NOW, THEREFORE, BE IT RESOLVED, this 23rd day of March, 2023, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

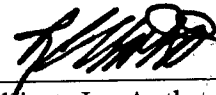
1. The Authority hereby designates CME Associates to provide all necessary engineering services in connection with the Northern Blvd. Water Tower project.
2. The referenced services shall be provided in accordance with the proposal submitted by CME Associates, dated March 21, 2023, which is attached hereto as **Exhibit “A”**.
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:

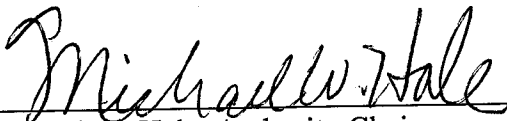
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates; and
- d. Berry, Sahradnik, Kotzas & Benson.

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 23rd day of March, 2023, a quorum being present and voting in the majority.



Richard W. Elliott, Jr., Authority Secretary



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. 0036-2023

SHARED SERVICES AGREEMENT

THIS AGREEMENT made and entered into this 23rd day of March, 2023, by and between the **TOWNSHIP OF BERKELEY** ("Township"), a municipal corporation of the State of New Jersey, with its principal offices located at 627 Pinewald-Keswick Road, Bayville, New Jersey 08721, and the **BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY** ("BTMUA"), a municipal corporation of the State of New Jersey with its principal offices located at 42 Station Road, Bayville, New Jersey 08721.

WITNESETH:

WHEREAS, pursuant to N.J.S.A. 40A:65-1 *et seq.*, public entities may enter into agreement for shared services with other public entities to provide or receive any service that the local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, each local unit authorized to enter into an agreement under the Shared Services and Consolidation Act may do so by the adoption of a resolution; and

WHEREAS, the Township of Berkeley owns and currently operates a water treatment facility at town hall (ID # NJ1505323, hereinafter "Facility") and requires the Berkeley Township Municipal Utilities Authority to operate the Facility as a licensed water plant operator; and

WHEREAS, the Berkeley Township Municipal Utilities Authority is qualified to perform the duties of license water plant operator for the Facility on behalf of the Township of Berkeley and is willing to do so; and

WHEREAS, the local units would like to set forth their arrangement in writing for the provision of the services of a licenses water plant operator at the Facility by the Berkeley Township Municipal Utilities Authority for the Township of Berkeley.

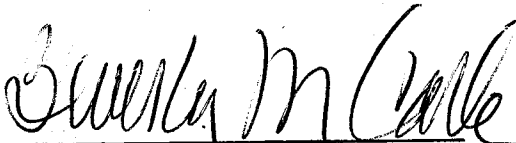
NOW THEREFORE, in consideration of the mutual covenants, agreements and considerations contained herein, the Township of Berkeley and the Berkeley Township Municipal Utilities Authority do hereby agree as follows:

1. The Berkeley Township Municipal Utilities Authority shall provide licensed water plant operator services at the Facility for the Township of Berkeley. Such services shall be as follows: provide administration to rectify any compliance violations; assume full responsibility of the management and functions of the facility (24/7 on call); provide periodic status reports to the Township administration; assume full responsibility to order supplies / inventory / chemicals; assume full responsibility for the water testing and compliance reporting; improve the security and limit personnel access; general cleaning and organization; requiring no vehicles inside the building and no gasoline storage; posting no smoking signs; and posting BTMUA emergency numbers. The BTMUA will provide all of these services by its employees free of charge to the Township. BTMUA will further be responsible for workers compensation coverage for its employees working under this agreement.
2. The Township shall maintain ownership of its equipment, maintain responsibility for capital improvements and/or future upgrades to major equipment and shall plan well rehabilitation / new well system and interconnect the system for backup purposes.
3. The Township shall be responsible for DEP water permit fees (if applicable) and necessary third-party lab testing costs (i.e., Henderson Lab testing).
4. The Township shall reimburse the BTMUA the full costs of all chemicals, supplies, inventory, minor equipment replacement costs, capital improvement

expenditures and any professional fees required to maintain or improve the facility.

5. The Township shall provide an adjacent shed or trailer for chemical storage.
6. Both parties agree the capital improvements attached as Exhibits A & B will be initiated within three months of the execution of this agreement.
7. Each party shall be responsible for its own professional fees associated with this agreement.
8. This Agreement is for a period of two (2) years with a 1-year option to renew and may be cancelled at any time by either party, with three (3) months' notice.
9. In the event that any court of competent jurisdiction shall declare any section of this agreement invalid for any reason, all other sections shall remain in full force and effect.
10. This Agreement represents the entire agreement between the parties and may not be modified or amended except by written agreement between the parties.

WITNESS AND ATTEST:



BEVERLY CARLE, RMC
Township Clerk
(Seal)


TOWNSHIP OF BERKELEY

By:

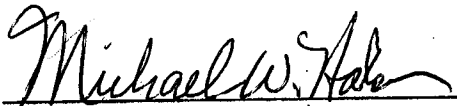


CARMEN F. AMATO, JR., Mayor

BERKELEY TOWNSHIP
MUNICIPAL UTILITIES
AUTHORITY



RICHARD W. ELLIOTT, JR.,
Authority Secretary



MICHAEL W. HALE,
Authority Chairperson