

RESOLUTION

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
COUNTY OF OCEAN, STATE OF NEW JERSEY**

November 28, 2017

WHEREAS, the 2018 Toms River Municipal Utilities Authority’s Operating and Capital Budgets with supporting documentation were to be submitted for approval to the State of New Jersey, Department of Community Affairs, Division of Local Government Services, by the State mandated deadline of November 1, 2017, and

WHEREAS, due to an extensive review of the current rate schedule, the proposed 2018 Operating and Capital Budgets of the Toms River Municipal Utilities Authority were not presented to the Commissioners of the Toms River Municipal Utilities Authority for their approval until November 28, 2017, and

WHEREAS, the rate structure of the Authority was examined, and

WHEREAS, it was determined that the revenues derived from the sewer rates and connection fees would be adequate to meet the Authority’s operating needs in 2018, and

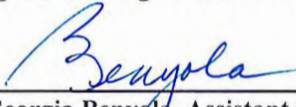
WHEREAS, the State of New Jersey, Department of Community Affairs, Division of Local Government Services, requires a resolution to be adopted by the Commissioners of the Toms River Municipal Utilities Authority explaining why the budget was submitted after the State mandated deadline of November 1, 2017.

NOW THEREFORE, BE IT RESOLVED that the Commissioners of the Toms River Municipal Utilities Authority adopt the preamble herein as a statement of explanation regarding the late submittal of the budget for adoption; and

BE IT FURTHER RESOLVED, that the Commissioners of the Toms River Municipal Utilities Authority adopted the 2018 Operating and Capital Budgets at a public meeting held on November 28, 2017, and authorized the immediate transmittal of the budget documents to the State of New Jersey, Department of Community Affairs, Division of Local Government Services for their approval and certification.

CERTIFICATION

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, do hereby certify the forgoing to be a true and exact copy of a resolution duly adopted by the Toms River Municipal Utilities Authority at a regular meeting held on the 28th day of November, 2017.



Georgia Benyola, Assistant Secretary

Commissioner:

Recorded Vote

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Bellu, Juan	X			
Bilotta, Joseph	X			
Clement, Deborah	X			
Memoli, Carmen	X			
Valvano, Charles	X			

RESOLUTION

**RESOLUTION OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY,
COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING THE BASIC
RESIDENTIAL AND NON RESIDENTIAL SEWER USER FEE/SERVICE
CHARGE FOR FISCAL YEAR 2018**

WHEREAS, the Toms River Municipal Utilities Authority (TRMUA) wishes to establish a sewerage rate/service charge for the Basic Residential and Non-Residential users commencing January 1, 2018; and

WHEREAS, the service charge shall comply with the terms of all contracts of the TRMUA and shall be such that the revenues of the TRMUA will at all times be adequate to pay all expenses of operation and maintenance of the sewerage system, including, reserve, insurance, extensions and replacements and to pay punctually the principal and interest on all bonds and to maintain such reserves or sinking funds, thereof, as may be required by the terms of any contract of the TRMUA or as may be deemed necessary or desirable by the TRMUA; and

WHEREAS, the Basic Residential and Non-Residential Sewer User Fee/Service Charge in FY 2017 was established by the Commissioners at \$266.00; and


WHEREAS, the Commissioners have determined it is in the best interest of the ratepayers of the TRMUA to continue the Basic Residential and Non-Residential Sewer User Fee/Service Charge from FY 2017 with no increase.

NOW THEREFORE BE IT RESOVED, by the Commissioners of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey as follows:

1. The Basic Residential and Non-Residential Sewer User Fee/Service Charge for FY 2018 shall be \$266.00, representing no increase over FY 2017.
2. The TRMUA FY2018 Rate Schedule, is hereby adopted and represents no increase over FY2017.
3. A copy of such schedule of Service Charges in effect shall at all times be kept on file at the offices of the TRMUA and shall be open to public inspection.

CERTIFICATION

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, do hereby certify the forgoing to be a true and exact copy of a resolution duly adopted by the Toms River Municipal Utilities Authority at a regular meeting held on the 28th day of November, 2017.



Georgia Benyola, Assistant Secretary

RESOLUTION

**RESOLUTION OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY,
COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING THE
CONNECTION FEE FOR FISCAL YEAR 2018**

WHEREAS, the sewer connection fee for 2018 calculates to \$2,554.80 for each equivalent dwelling unit connected as determined by the Controller and confirmed by the Authority Auditor in accordance with N.J.S.A. 40:14B-22; and

WHEREAS, the authority is authorized to charge less than the computed fee; and

WHEREAS, the connection fee in FY 2017 was established by the Commissioners at \$2,410.00; and

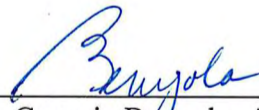
WHEREAS, the Commissioners have determined it is in the best interest of the ratepayers of the TRMUA to increase the connection fee charge from FY 2017 \$2,410.00 to the computed FY2018 fee of \$2,554.00.

NOW THEREFORE BE IT RESOVED, by the Commissioners of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey as follows:

1. The Connection Fee to the Toms River Municipal Utilities Authority system for FY 2018 shall be \$2,554.00, representing an increase over FY 2017.
2. Connection fees shall be due in their entirety upon application.
3. All of the charges and fees established by prior Resolution and Regulations are hereby re-affirmed and re-established except as herein adjusted.

CERTIFICATION

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, do hereby certify the forgoing to be a true and exact copy of a resolution duly adopted by the Toms River Municipal Utilities Authority at a regular meeting held on the 28th day of November, 2017.



Georgia Benyola, Assistant Secretary

RESOLUTION

November 28, 2017

WHEREAS, during the month of November 2017, purchases were made for goods and or services listed in the Authority’s capital improvement budget; and

WHEREAS, these purchases were made in compliance with the Authority’s Internal Purchasing Controls and the Local Public Contracts Law.

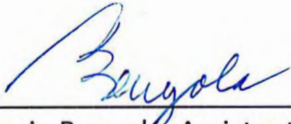
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, COUNTY OF OCEAN AND STATE OF NEW JERSEY, HEREBY RATIFY THE FOLLOWING CAPITAL PURCHASES FOR November 2017:

1. CDW Government – Toughbook’s - Office of Information Technology – PO D7-01350 - \$7,330.00.
2. CDW Government – WatchGuard Firebox Security Suite – Office of Information Technology – PO D7-01349 - \$5,664.23.
3. That a certified copy of this resolution will be entered into the official record of the Authority meeting held on November 28, 2017

CERTIFICATION

I, Georgia Benyola, Assistant, Secretary of the Toms River Municipal Utilities Authority in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Board of Commissioners of the Toms River Municipal Utilities Authority at a regular meeting of said Authority on the 28th day of November, 2017.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Authority this 28th day of November, 2017.



Georgia Benyola, Assistant Secretary

RESOLUTION

November 28, 2017

WHEREAS, on September 26, the Board of Commissioners of the TRMUA awarded a contract to Bollinger, Inc. to provide the TRMUA with an Employee Dental Plan; and

WHEREAS, said contract contained a 7% increase to the Dental Plan; and

WHEREAS, the Board of Commissioners instructed its Broker of Record to solicit additional proposals in hopes of realizing cost savings for a similar plan; and

WHEREAS, the Central Jersey Health Insurance Fund (CJHIF) has submitted a plan which is deemed to be most advantageous to the Authority, price and other factors included.

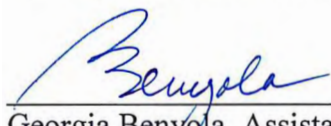
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AS FOLLOWS:

1. That the Board of Commissioners of the TRMUA does hereby authorize the termination of the Bollinger, Inc. contract and award of a contract to the CJHIF as per the monthly rates and the terms and conditions of the submitted proposal.
2. That a certified copy of this resolution shall be forwarded to the Executive Director, the Chief Financial Officer and the QPA.

CERTIFICATION

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Commissioners of the Toms River Municipal Utilities Authority at a meeting of said Authority on November 28, 2017.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Authority this 28th day of November, 2017.



Georgia Benyola, Assistant Secretary

RESOLUTION

November 28, 2017

WHEREAS, the Toms River Municipal Utilities Authority is desirous of providing to its employees a dental program; and

WHEREAS, the Authority's Insurance Broker of Record, Conner Strong & Buckelew has solicited proposals for said program; and

WHEREAS, the CJHIF. has the ability and experience in the field of this endeavor and the service meets the definition of an exemption under 40A:11-5 (m) of the Local Public Contracts Law and is considered an Extraordinary Unspecifiable Service under P.L. 2004, c. 19 (pay to play); and

WHEREAS, it is the desire of the Board of Commissioners to award a contract to the CJHIF as an Extraordinary Unspecifiable Service in accordance with the provisions of N.J.S.A. 40A:11-5 and 5:34-2.1.

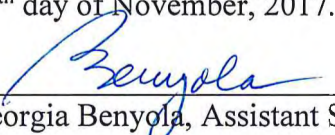
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AS FOLLOWS:

1. That the Authority does hereby award a contract to CJHIF., to provide to the Toms River Municipal Utilities Authority an employee Dental Program at the rate of \$42.00 for single, \$63.00 for parent/child, \$83.00 for husband/wife and \$109.00 for family.
2. That funding for this service is contingent upon an adequate appropriation in the 2018 Employee Benefits budget.
3. That the total cost of this contract shall not exceed \$50,000.
4. That the Executive Director is authorized to execute and the Assistant Secretary to attest to the proposed form of agreement, which shall be available for public examination at the Toms River Municipal Utilities Authority during normal business hours.
5. That the term of this contract is for a period of one year, commencing on January 1, 2018.
6. That a notice of this action shall be printed once in the official newspaper of the Toms River Municipal Utilities Authority.
7. That a certified copy of this resolution shall be forwarded to the Executive Director, the Chief Financial Officer and the QPA.

CERTIFICATION

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Commissioners of the Toms River Municipal Utilities Authority at a meeting of said Authority on November 28, 2017.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Authority this 28th day of November, 2017.



Georgia Benyola, Assistant Secretary

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

**RESOLUTION AWARDING AN EMERGENCY CONTRACT TO
M.C. MESSINA, INC. FOR
**REPLACEMENT SECTION OF SANITARY SEWER MAIN AND
RETRIEVAL OF CCTV INSPECTION CAMERA – HOOPER AVE.****

WHEREAS, the Toms River Municipal Utilities Authority (hereinafter “TRMUA”), County of Ocean, State of New Jersey has determined that an emergency exists with regard to the health and safety of the residents, ratepayers and the general population as well as the integrity of TRMUA sanitary sewer system as a result of a CCTV becoming lodged in the sanitary sewer pipe on Hooper Ave., creating an obstruction and impacting the sewers ability to convey wastewater potentially causing an overflow; and

WHEREAS, as a result of the lodging of the camera, emergency services were required to retrieve the camera and replace the section of pipe; and

WHEREAS, the TRMUA has determined that an imminent emergent condition exists and the emergency could not reasonably have been foreseen; and

WHEREAS, M.C. Messina, Inc. will supply the necessary labor, materials and equipment required to retrieve the camera and repair the section of damaged pipe.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Toms River Municipal Utilities Authority that an emergency contract is awarded pursuant to N.J.S.A. 40A:11-6 to M.C. Messina, Inc. in an amount of \$40,002.20.

BE IT FURTHER RESOLVED that this contract is subject to a certification of the availability of funds.

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to execute, and the Assistant Secretary to attest thereto, a form of contract and any necessary and related documents pursuant to this award.

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

1. Chairman and Commissioners;
2. Stephen C. Acropolis, Executive Director
3. Rosemary Rosetto, Chief Financial Officer
4. M.C. Messina, Inc.
5. All other parties in interest.

CERTIFICATION

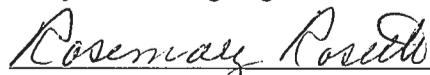
I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, do hereby certify the forgoing to be a true and exact copy of a resolution duly adopted by the Toms River Municipal Utilities Authority at a regular meeting held on the 28th day of November, 2017.



Georgia Benyola, Assistant Secretary

I, Rosemary Rosetto, Chief Financial Officer of the Toms River Municipal Utilities Authority, hereby certify to the Commissioners of the Toms River Municipal Utilities Authority that I have reviewed the Authority’s budget for 2017 and find that funds are available under line item #604-8110.

I hereby certify that the foregoing statements made by me are true. I am also aware that if any of the foregoing statements made by me are false, I am subject to punishment



Rosemary Rosetto, Chief Financial Officer

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

RESOLUTION TERMINATING CONTRACT NO. SR-01-16A
WITH AM-LINER EAST, INC. FOR THE SEWER AND
MANHOLE REHABILITATION PROJECT

WHEREAS, the Toms River Municipal Utilities Authority (hereinafter "TRMUA"), County of Ocean, State of New Jersey awarded Contract No. SR-01-16A for the Sewer and Manhole Rehabilitation Project on March 21, 2017 to AM-Liner East, Inc. (hereinafter "Contractor") to be performed in accordance with plans and specifications prepared by the TRMUA; and

WHEREAS, due to unforeseen circumstances, at no fault of the TMUA or Contractor, it is necessary to terminate the present contract with the Contractor in accordance with project specification Section 00700, Article 14.4, entitled Termination for Convenience of the Owner; and

NOW, THEREFORE, BE IT RESOLVED, by the TRMUA Commissioners, County of Ocean, State of New Jersey, that Contract No. SR-01-16A is hereby terminated with AM-Liner East, Inc., 601 Jack Enders Blvd. Berryville, Virginia 22611, effective December 15, 2017; and

BE IT FURTHER RESOLVED, that no further work shall be performed on this Contract by Contractor and the Owner shall have full power and authority to take possession of the work and assume any agreements and/or sub-agreements with subcontractors and suppliers; and

BE IT FURTHER RESOLVED, that the TRMUA Attorney is directed to provide written notice of this termination to the Contractor and its Surety, Travelers Casualty & Surety Company of America, in accordance with the Contract Documents; and

BE IT FURTHER RESOLVED, that the Contractor shall be paid for all work completed in accordance with the Contract Documents performed before receipt of the notice of termination and reasonable termination settlement costs for commitments that had become firm before the termination; and

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

1. Chairman and Commissioners;
2. Stephen C. Acropolis, Executive Director;
3. James J. Gluck, Esq.;
4. AM-Liner East, Inc.;
5. Travelers Casualty & Surety Company of America; and
6. All other parties in interest.

CERTIFICATION

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Public Meeting held on November 28, 2017.



Georgia Benyola, Assistant Secretary

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

RESOLUTION AUTHORIZING A PAVING COST SHARING AGREEMENT BETWEEN THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, NEW JERSEY AMERICAN WATER COMPANY, AND THE OCEAN BEACH AND BAY CLUB

WHEREAS, The Toms River Municipal Utilities Authority (“TRMUA”) and New Jersey American Water Company (“NJAWCO”) are both utility entities (collectively the “Entities”) serving the residents and ratepayers of the TRMUA service area; and

WHEREAS, the TRMUA and NJAWCO own and operate underground utility structures in the Ocean Beach and Bay Club (“OBBC”); and

WHEREAS, in the aftermath of Hurricane Sandy, residences in the OBBC required home elevations, repairs, and/or reconstruction; and

WHEREAS, as a result of the increased volume of heavy trucks and equipment, the roadways with the OBBC experienced significant damage, severe settling, cracking, and other issues that presently pose a potential danger to the health, safety and welfare of the public; and

WHEREAS, the TRMUA and NJAWCO believe it is in the best interest of their respective ratepayers to combine their resources to repairs to the roadways in order to protect their utility structures; and

WHEREAS, the TRMUA has agreed to act as the Contractor Administrator for the West Bay View Improvements Project (“Project”) and NJAWCO agreed to contribute funds towards the Project’s costs; and

WHEREAS, the OBBC agreed to grant the TRMUA access easements across the property of the OBBC to perform the work; and

WHEREAS, on or about July 20, 2017, the TRMUA advertised bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. for the Project; and

WHEREAS, on or about August 22, 2017, the TRMUA Commissioners adopted a resolution awarding the Contract for the Project to DeFino Contracting Company in the amount of \$473,400.00; and

WHEREAS, the TRMUA, NJAWCO, and OBBC collectively drafted a Paving Cost Sharing Agreement to memorialize their respective promises and covenants regarding this Project; and

NOW, THEREFORE BE IT RESOLVED, by the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey as follows:

1. The Executive Director is hereby authorized to execute, and the Assistant Secretary to attest to, a Paving Cost Sharing Agreement, which shall be attached hereto and made a part hereof, between the Toms River Municipal Utilities Authority, New Jersey American Water Company, and the Ocean Beach and Bay Club.
2. The Executive Director is hereby authorized to execute the Deed of Easement, which is attached hereto and made a part hereof, between the Toms River Municipal Utilities Authority and the Ocean Beach and Bay Club.

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

1. Toms River Municipal Utilities Authority Commissioners;
2. Michelle Bagge, New Jersey American Water;
3. Ken Levine, Ocean Beach and Bay Club;
4. Andrew Stein, Esq., Attorney for Ocean Beach and Bay Club;
5. Stephen Acropolis, TRMUA Executive Director; and
6. James J. Gluck, Esq., Authority Attorney.

CERTIFICATION

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Public Meeting held on November 28, 2017.



Georgia Benyola Assistant Secretary

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

**RESOLUTION AWARDING 2017-2018 ON-CALL ROADWAY
PAVEMENT RESTORATION PROJECT
CONTRACT NO. RPR-17-18 TO JOHNSON-BARAN CORP.**

WHEREAS, the Toms River Municipal Utilities Authority (hereinafter “TRMUA”), County of Ocean, State of New Jersey advertised for bids in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. for 2017-2018 On-Call Roadway Pavement Restoration Project Contract No. RPR-17-18, in accordance with plans and specifications prepared by the TRMUA consultant; and

WHEREAS, three bids were received and opened on November 16, 2017; and

WHEREAS, Johnson-Baran Corp., P.O. 842, Forked River, New Jersey 08731, submitted the low bid in the amount of \$363,490.35; and

WHEREAS, the two (2) other bids received ranged from \$442,369.76 to \$786,365.00; and

WHEREAS, the TRMUA Attorney reviewed the bids and determined that Johnson-Baran Corp. submitted the lowest responsible bid in accordance with the solicitation; and

WHEREAS, the TRMUA Commissioners were provided with a copy of the certification of available funds, which is attached hereto and incorporated by reference; and

WHEREAS, the TRMUA Commissioners reviewed the certification of available funds and recommendations made by the TRMUA Attorney on said bid; and

NOW, THEREFORE, BE IT RESOLVED, by the TRMUA Commissioners, County of Ocean, State of New Jersey, that 2017-2018 On-Call Roadway Pavement Restoration Project Contract No. RPR-17-18 is hereby awarded to Johnson-Baran Corp., P.O. 842, Forked River, New Jersey 08731 in the amount of \$363,490.35; and

BE IT FURTHER RESOLVED, that award of this contract is to be allocated from account number 604-8110; and

BE IT FURTHER RESOLVED, that the maximum dollar value for this project is \$363,490.35; and

BE IT FURTHER RESOLVED, that the TRMUA is hereby authorized, upon receipt of fully executed contract and any other required documents, to return the certified checks or bid bonds of the following bidders:

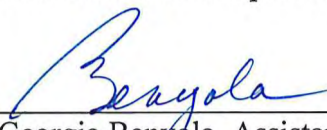
1. Johnson-Baran Corp.;
2. M.C. Messina, Inc.; and
3. Defino Contracting;

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

1. Chairman and Commissioners;
2. Stephen C. Acropolis, Executive Director;
3. Johnson-Baran Corp.;
4. M.C. Messina, Inc.;
5. Defino Contracting;
6. James J. Gluck, Esq. Authority Attorney; and
7. All other parties in interest.

CERTIFICATION

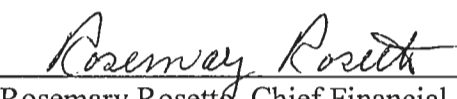
I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Public Meeting held on November 28, 2017.



Georgia Benyola, Assistant Secretary

I, Rosemary Rosetto, Chief Financial Officer of the Toms River Municipal Utilities Authority, hereby certify to the Commissioners of the Toms River Municipal Utilities Authority that I have reviewed the Authority's budget for 2017 and find that funds are available under the account number 604-8110 noted above.

I hereby certify that the foregoing statements made by me are true. I am also aware that if any of the foregoing statements made by me are false, I am subject to punishment.



Rosemary Rosetto, Chief Financial Officer