

# **TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

## **RESOLUTION**

**ADOPTED – FEBRUARY 23, 2021**

**WHEREAS**, the "Open Public Meetings Law", P.L. 1975, c. 231, requires adequate notice to be given of meetings of this public body, and sets forth the manner of giving such notice.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**, that:

1. The Asbury Park Press and the Newark Star Ledger newspapers are hereby designated to receive any notices required under this Law because they have the greatest likelihood of informing the public within the jurisdiction of these publications of such meetings;

- A) Notice of Authority meetings will be sent to the Asbury Park Press, Newark Star Ledger, and the Ocean Signal in accordance with the requirements of the Open Public Meetings Law.
- B) The Asbury Park Press will publish one paid legal advertisement listing the Annual Meeting Schedule of the Authority.
- C) The Asbury Park Press will be designated as the local newspaper to publish required legal notices of the Authority when publication in only one newspaper is required.
- D) In the event a particular Statute requires legal notices to appear in more than one publication, the Asbury Park Press and the Newark Star Ledger will be sent the notices for publication.

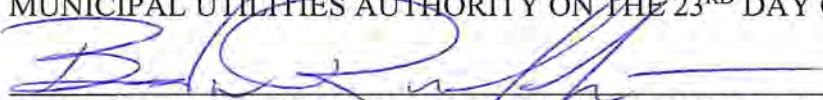
2. Ocean Signal is hereby designated to receive any notices because they have the greatest likelihood of informing the public within the jurisdiction of these publications of such meetings.

3. Any person who shall request that this public body mail to him copies of any regular meeting schedule or revision hereof, or advance written notice of any regular, special, or re-scheduled meeting for the year 2021, shall, in advance, submit to the Executive Director, Secretary-Treasurer of the Toms River Municipal Utilities Authority, sufficient self-addressed envelopes, with adequate postage affixed thereon, to enable this body to provide such notice. Any requests for such notices shall terminate at midnight, December 31, 2021.

4. A certified copy of this resolution shall be sent to each of the following:

- A. Asbury Park Press ✓
- B. Newark Star Ledger ✓
- C. Ocean Signal
- D. Legal Counsel
- E. Accounting Department

I, BERNARD W. RUTKOWSKI, EXECUTIVE DIRECTOR, SECRETARY-TREASURER OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, IN THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY ON THE 23<sup>RD</sup> DAY OF FEBRUARY 2021.



BERNARD W. RUTKOWSKI, EXECUTIVE DIRECTOR, SECRETARY-TREASURER

RESOLUTION  
TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

FEBRUARY 23, 2021

WHEREAS, N.J.A.C. 17:27-3.3 requires that each publicagency annually designate an officer or employee to serve as its Public Agency Compliance Officer, and

WHEREAS, Bernard Rutkowski, is the Public Agency Compliance Officer of record for the Toms River Municipal Utilities Authority, and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY that:

1. Bernard Rutkowski is the designated Public Agency Compliance Officer for the Toms River Municipal Utilities Authority for a period of one (1) year to expire at time of re-organization in February, 2022.
2. A certified copy of this resolution shall be forwarded to the State Affirmative Action Office.

I, BERNARD W. RUTKOWSKI, EXECUTIVE DIRECTOR, SECRETARY-TREASURER OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, IN THE COUNTY OF OCEAN, TOWNSHIP OF TOMS RIVER, HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY ON THE 23<sup>RD</sup> OF FEBRUARY, 2021.



BERNARD W. RUTKOWSKI, EXECUTIVE DIRECTOR, SECRETARY-TREASURER



**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION  
ADOPTED – FEBRUARY 23, 2021**

**BE IT RESOLVED BY THE Toms River Municipal Utilities Authority, that:**

1. Carmen J. Memoli is hereby appointed as Chairperson of the Toms River Municipal Utilities Authority for a term of one (1) year to expire at time of re-organization in February, 2022
2. Tariq M. Siddiqui is hereby appointed as Vice-Chairperson of the Toms River Municipal Utilities Authority for a term of one (1) year to expire at time of re-organization in February 2022
3. Bernard W. Rutkowski is hereby appointed as Secretary-Treasurer of the Toms River Municipal Utilities Authority for a term of one (1) year to expire at time of re-organization in February, 2022
4. (Vacant) hereby appointed as Assistant Secretary of the Toms River Municipal Utilities Authority for a term of one (1) year to expire at time of re-organization in February, 2021.
5. Rosemary Rosetto is hereby appointed as Assistant Treasurer of the Toms River Municipal Utilities Authority for a term of one (1) year to expire at time of re-organization in February, 2022
6. A certified copy of this Resolution shall be sent to each of the following:
  - A. Banks:
  - B. Legal Counsel
  - C. Alison Carlisle, Clerk, Township of Toms River
  - D. US Environmental Protection Agency
  - E. NJ Department of Environmental Protection

I, BERNARD W. RUTKOWSKI, EXECUTIVE DIRECTOR, SECRETARY-TREASURER OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, IN THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY ON THE 23<sup>RD</sup> DAY OF FEBRUARY 2021.

  
BERNARD W. RUTKOWSKI, EXECUTIVE DIRECTOR, SECRETARY-TREASURER

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION AWARDING AN EMERGENCY CONTRACT TO**  
**MONTANA CONSTRUCTION FOR**  
**DEWATERING AND PIPE REPAIR 86 GREEN ISLAND RD**

**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 pipe defect at 86 Green Island Rd; and

**WHEREAS**, as a result of the defective pipe, emergency services were required to provide dewatering and pipe replacement; and

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

**WHEREAS**, Montana Construction will supply the necessary labor, materials and equipment required to repair the section of defective 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 Montana Construction in an amount not to exceed of \$26,917.30

**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. Bernard W. Rutkowski, Executive Director
3. Rosemary Rosetto, CFO
4. Montana Construction
5. All other parties in interest.

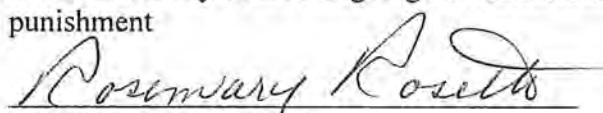
**CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary-Treasurer 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 23<sup>rd</sup> day of February, 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary-Treasurer

I, Rosemary Rosetto, Controller 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 2021 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, CFO



**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE  
TOMS RIVER MUNICIPAL UTILITIES AUTHORITY AND THE BOROUGH OF  
OCEAN GATE**

**WHEREAS**, The Toms River Municipal Utilities Authority ("TRMUA") and the Borough of Ocean Gate ("Borough") are both Municipal Entities (collectively the "Entities") serving the residents and taxpayers of their respective communities; and

**WHEREAS**, the TRMUA may possess specialized equipment, resources, and expertise of that can be utilized by the Borough to supplement its operations; and

**WHEREAS**, it is deemed in the best interest of the Public for these Agencies to share such equipment, resources, and expertise in order to perform tasks in the most cost-effective way possible for the taxpayers; and

**WHEREAS**, the Uniform Shared Services and Consolidation Agreement Act, N.J.S.A. 40A:65-1 permits municipalities to enter into agreements for shared services;

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

The Executive Director is hereby authorized to execute and the Assistant Secretary to attest to a Shared Services Agreement, which shall be attached hereto and made a part hereof, between the Toms River Municipal Utilities Authority and the Borough of Ocean Gate.

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

1. Toms River Municipal Utilities Authority Commissioners
2. Borough Council
3. Bernard W. Rutkowski, TRMUA Executive Director
4. Paul J. Kennedy, Mayor
5. Joseph Coronato, Sr., Authority Attorney

**CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary- Treasurer 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 February 23, 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary- Treasurer

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION**

**ADOPTED – FEBRUARY 23, 2021**

**WHEREAS**, N.J.S.A. 19:44a-20.5 et. seq. provides for the procedure for soliciting proposals through a “fair and open process”; and

**WHEREAS**, there is a need to retain professional services for the position of Authority Auditor for the calendar year 2021; and

**WHEREAS**, the Toms River Municipal Utilities Authority has solicited proposals for said position through a “fair and open process; and

**WHEREAS**, the Board of Commissioners is satisfied with the terms of the proposed form of agreement aforesaid.

**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 Executive Director is authorized to execute and the Assistant Secretary to attest to the attached agreement with the auditing firm of Holman, Frenia, Allison P.C, which such agreement shall be available for public examination in the office of the Assistant Secretary during normal business hours.
2. That this contract is being awarded pursuant to a “fair and open process”
3. That service for this contract shall be rendered to the Authority for a fee of \$26,750.00. All additional work shall be billed in accordance with the rates as set forth in attachment A, with a not to exceed amount of \$50,000.00
4. That this contract is awarded contingent upon the adequate provisions of funding in the 2021 operating budget, line item 01-103-3103 and line item 3104.
5. That this resolution shall take effect February 23, 2021, for duration of one year.
6. That a certified copy of this Resolution shall be provided to the firm of Holman, Frenia, Allison, P.C., the Executive Director, Chief Financial Officer and the QPA.

**CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary-Treasurer 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 on February 23, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Authority this 23<sup>rd</sup> day of February 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary-Treasurer



**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION  
ADOPTED- FEBRUARY 23, 2021**

**WHEREAS**, N.J.S.A. 19:44a-20.5 et. seq. provides for the procedure for soliciting proposals through a “fair and open process”; and

**WHEREAS**, there is a need to retain professionals as Bond Counsel to assist the Authority with its NJIB Funding, Bond and or Note Issues; and

**WHEREAS**, the Toms River Municipal Utilities Authority has solicited proposals for said services through a “fair and open process; and

**WHEREAS**, the Executive Director has recommended the firms listed below to be retained for the purpose of providing the required services on an as needed basis.

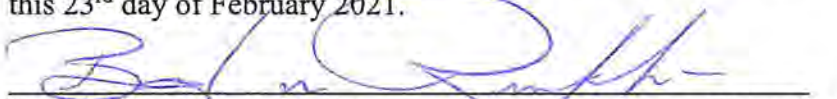
**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Toms River Municipal Utilities Authority, County of Ocean and State of New Jersey as follows:

1. That the Executive Director is authorized to execute and the Assistant Secretary to attest to the attached agreements with the following firms:
  - a. Hawkins, Delafield & Wood
  - b. Gluck Walrath, LLP
  - c. Malamut Associates, LLC
2. That this contract is being awarded as a Professional Services Contract in accordance with the provisions of N.J.S.A. 40A:11-5.
3. That this contract is being awarded pursuant to a “fair and open process.”
4. That service for this contract shall be rendered to the Authority at the rates listed on attachment A, 2021 Bond Counsel Rate Schedule, with a not to exceed amount of \$30,000.00
5. That this contract is awarded contingent upon the adequate provisions of funding in the 2021 operating, capital and or NJIB Budgets.
6. That this resolution shall take effect February 23, 2021 for a period of one year.
7. That a certified copy of this Resolution shall be provided to the firms listed on the resolution of award, the Executive Director, Chief Financial Officer and the QPA.

**CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary-Treasurer of the Toms River Municipal Utilities Authority, 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 on February 23, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Authority this 23<sup>rd</sup> day of February 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary-Treasurer

**2021 Bond Counsel Fee Schedule**

Bond or Note Issue	\$3,500 plus \$1.10 per thousand issue
Consulting	Range \$80.00 to \$275.00 per hours
Written Post Issuance Tax Compliance Procedure –	Not to exceed \$5,000.00
Customary Disbursement for postage, telephone, photocopying, etc.	



# **TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

## **RESOLUTION ADOPTED – FEBRUARY 23, 2021**

**WHEREAS**, N.J.S.A. 19:44a-20.5 et. seq. provides for the procedure for soliciting proposals through a “fair and open process”; and

**WHEREAS**, there is a need to retain professional Engineering/Surveying/Planning consultants for various projects and preliminary studies on proposed capital and NJIB projects, wastewater issues and other general engineering projects for the calendar year 2021; and

**WHEREAS**, the Toms River Municipal Utilities Authority has solicited proposals for said services through a “fair and open process; and

**WHEREAS**, the Executive Director has recommended the firms listed below to be retained for the purpose of providing the required services on an as needed basis.

**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 Executive Director is authorized to execute and the Assistant Secretary to attest to the attached agreements with the following firms:
  1. Alaimo Group Consulting Engineers
  2. ARH Associates
  3. CME Associates
  4. D. Desmond Corp
  5. French & Parrello Associates
  6. Maser Consulting
  7. Morgan Engineering
  8. Owen Little & Associates
  9. PS&S
  10. Remington & Vernick
  11. T&M Associates
  12. VanCleaf Engineering Associates
13. That this contract is being awarded pursuant to a “fair and open process.”
14. That services for this contract shall be rendered to the Authority at the rates listed on attachment A, schedule of authorized hourly fees for professional Engineering/Surveying/Planning services, not to exceed of \$500,000.00.
15. That this contract is awarded contingent upon the adequate provisions of funding in the 2021 operating, capital and or NJIB Budgets.
16. That this resolution shall take effect February 23, 2021, for duration of one year.
17. That a certified copy of this Resolution shall be provided to the firms listed on the resolution of award, the Executive Director, the Authority Engineer, Chief Financial Officer and the QPA

### **CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary- Treasurer 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 on February 23, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Authority this 23<sup>rd</sup> day of February, 2021.



Bernard W. Rutkowski, Executive Director, Secretary-Treasurer

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION  
ADOPTED – FEBRUARY 23, 2021**

**WHEREAS**, N.J.S.A. 19:44a-20.5 et. seq. provides for the procedure for soliciting proposals through a “fair and open process”; and

**WHEREAS**, there is a need to retain professional Financial consultants to assist the Authority in its financial matters for the period of one (1) year; and

**WHEREAS**, the Toms River Municipal Utilities Authority has solicited proposals for said services through a “fair and open process; and

**WHEREAS**, the Executive Director has recommended the firms listed below to be retained for the purpose of providing the required services on an as needed basis.

**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 Executive Director is authorized to execute and the Assistant Secretary to attest to the attached agreements with the following firms:
  - a. Acacia Financial Group
  - b. Phoenix Advisors, LLC
  - c. NW Financial Group, Inc.
2. That this contract is being awarded as a Professional Services Contract in accordance with the provisions of N.J.S.A. 40A:11-5.
3. That this contract is being awarded pursuant to a “fair and open process.”
4. That service for this contract shall be rendered to the Authority at the rates listed on attachment A, 2021 Financial Advisor Rate Schedule with a not to exceed amount of \$10,000.00.
5. That this contract is awarded contingent upon the adequate provisions of funding in the 2021 operating, capital and or NJIB Budgets.
6. That this resolution shall take effect February 23, 2021 for a period of one year.
7. That a certified copy of this Resolution shall be provided to the firms listed on the resolution of award, the Executive Director, Chief Financial Officer and the QPA.

**CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary-Treasurer of the Toms River Municipal Utilities Authority, 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 on February 23, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Authority this 23<sup>rd</sup> day of February, 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary-Treasurer



**2021 Financial Advisor Rate Schedule**

Sale of Bond and Notes	\$0.85 per \$1,000 of par value issued \$15,000 per issue
Consulting Service Rate	\$150.00 per hour
Reimbursement for reasonable expenses incurred in providing said services, i.e. postage, Photocopies, telecopies, travel and telephone	

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION  
ADOPTED – FEBRUARY 23, 2021**

**WHEREAS**, N.J.S.A. 19:44A-20.5 et. seq. provides for the procedure for soliciting proposals through a “fair and open process”; and

**WHEREAS**, there is a need to retain professional services for the position of Authority Attorney; and

**WHEREAS**, the Toms River Municipal Utilities Authority has solicited proposals for said position through a “fair and open process; and

**WHEREAS**, it is the desire of the Board of Commissioners to appoint the firm of Coronato Law as Authority Attorney.

**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 Executive Director is authorized to execute and the Assistant Secretary to attest to the attached agreement with the law firm of Coronato Law, which such agreement shall be available for public examination in the office of the Assistant Secretary during normal business hours.
2. That this contract is being awarded pursuant to a “fair and open process”
3. That service for this contract shall be rendered to the Authority at the rate of \$160.00 per hour and \$85.00 per hour for paralegal time. Additionally, the firm shall be compensated in the amount of \$7,200.00, paid in monthly amounts of \$600.00 for attendance at all regular authority meetings, with a not to exceed amount of \$50,000.00
4. That this contract is awarded contingent upon the adequate provisions of funding in the 2021 operating budget, line item 01-103-3101.
5. That this resolution shall take effect February 23, 2021, for duration of one year.
6. That a certified copy of this Resolution shall be provided to the firm of Coronato Law, the Executive Director, Chief Financial Officer and QPA.

**CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary-Treasurer 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 on February 23, 2021

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Authority this 23<sup>rd</sup> day of February, 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary-Treasurer



# **TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

## **RESOLUTION**

**ADOPTED – FEBRUARY 23, 2021**

**WHEREAS**, N.J.S.A. 19:44A-20.5 et. seq. provides for the procedure for soliciting proposals through a “fair and open process”; and

**WHEREAS**, there is a need to retain professional services for the position of Authority Labor Counsel; and

**WHEREAS**, the Toms River Municipal Utilities Authority has solicited proposals for said position through a “fair and open process; and

**WHEREAS**, it is the desire of the Board of Commissioners to appoint the firm of Citta, Holzapfel & Zabarsky as Authority Labor Counsel.

**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 Executive Director is authorized to execute and the Assistant Secretary to attest to the attached agreement with the law firm of Citta, Holzapfel & Zabarsky, which such agreement shall be available for public examination in the office of the Assistant Secretary during normal business hours.
2. That this contract is being awarded pursuant to a “fair and open process”
3. That service for this contract shall be rendered to the Authority at the rate of \$145.00 per hour with a not to exceed amount of \$5,000.00
4. That this contract is awarded contingent upon the adequate provisions of funding in the 2021 operating budget, line item 01-103-3104.
5. That this resolution shall take effect February 23, 2021, for duration of one year.
6. That a certified copy of this Resolution shall be provided to the firm of Citta, Holzapfel & Zabarsky, the Executive Director, Chief Financial Officer and QPA.

## **CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary-Treasurer 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 on February 23, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Authority this 23<sup>rd</sup> day of February, 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary-Treasurer

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION APPOINTING**  
**QPA, NJDEP LICENSED BACKUP OPERATOR, AND CUSTODIAN OF**  
**RECORDS**

**WHEREAS**, on January 26, 2021 the TRMUA Board of Commissioners selected a new Executive Director; and

**WHEREAS**, Bernard W. Rutkowski was offered the position of Executive Director commencing on February 1, 2021; and

**WHEREAS**, Mr. Rutkowski accepted the position and the duties associated with said position including QPA, NJDEP Licensed Backup Operator, and Custodian of Records;

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

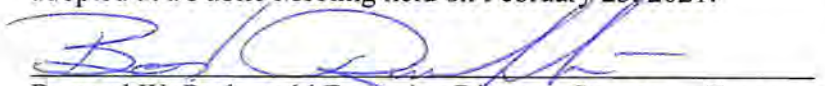
1. Bernard W. Rutkowski is hereby appointed to the positions of QPA, NJDEP Licensed Backup Operator, and Custodian of Records
2. The above appointments are effective February 1, 2021:

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

1. Chairman and Commissioners;
2. Joseph Coronato Sr., Authority Attorney; and
3. All other parties in interest.

**CERTIFICATION**

I, Bernard Rutkowski, Executive Director, Secretary-Treasurer 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 February 23, 2021.

  
Bernard W. Rutkowski Executive Director, Secretary- Treasurer



**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION  
ADOPTED-FEBRUARY 23, 2021**

**WHEREAS**, N.J.S.A. 19:44a-20.5 et. seq. provides for the procedure for soliciting proposals through a "fair and open process"; and

**WHEREAS**, there is a need to retain professionals as Underwriter Consultants to assist the Authority with its Bond and Note financings, general financial planning and underwriting services for a period of one (1) year; and

**WHEREAS**, the Toms River Municipal Utilities Authority has solicited proposals for said services through a "fair and open process; and

**WHEREAS**, the Executive Director hereby recommends the firms listed below be retained for the purpose of providing the required services on an as needed basis; and

**WHEREAS**, the Board of Commissioners are satisfied with the qualifications and terms of the proposal submitted.

**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 Executive Director is authorized to execute and the Assistant Secretary to attest to the agreements with the following firms:
2.
  - a. Stifel Nicolaus & Company, Inc.
  - b. NW Capital Markets
3. That this contract is being awarded as a Professional Services Contract in accordance with the provisions of N.J.S.A. 40A:11-5.
4. That this contract is being awarded pursuant to a "fair and open process."
5. That service for this contract shall be rendered to the Authority at the rates listed on attachment A, 2021 Underwriter Rate Schedule, with a not to exceed amount of \$10,000.00
6. That this contract is awarded contingent upon the adequate provisions of funding in the 2021 operating, capital and or NJIB Budgets.
7. That this resolution shall take effect February 23, 2021 for a period of one year.
8. That a certified copy of this Resolution shall be provided to, Stifel Nicolaus & Company, Inc., NW Capital Markets, the Executive Director, Chief Financial Officer and the QPA.

**CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary- Treasurer of the Toms River Municipal Utilities Authority, 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 on February 23, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Authority this 23rd day of February, 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary- Treasurer

RESOLUTION OF THE  
TOMS RIVER MUNICIPAL UTILITIES AUTHORITY  
UPDATING EMERGENCY PURCHASING POLICY  
FORMS AND PROCEDURES

**WHEREAS**, the Toms River Municipal Utilities Authority (hereinafter referred to as the "Authority") is a duly organized Municipal Utilities Authority under N.J.S.A. 40:14B-1, et seq.; and

**WHEREAS**, from time to time emergencies occur which affect the public health, safety or welfare and mandate the immediate delivery of goods or provision of services; and

**WHEREAS**, New Jersey's Local Public Contracts Law (N.J.S.A. 40A: 11-6), and the regulations promulgated pursuant thereto (N.J.A.C. 5:34-6.1), allow for the negotiation and award of contracts without the need for the advertisement and solicitation of public bids in such emergency circumstances; and

**WHEREAS**, the aforesaid statute and regulations contain express limitations, procedures and record-keeping requirements; and

**WHEREAS**, the Authority wishes to update its policies, practices, procedures and forms to ensure compliance with all prevailing statutory and regulatory requirements.

**NOW, THEREFORE**, BE IT RESOLVED BY THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, in the Township of Toms River, County of Ocean, State of New Jersey, as follows:

- I. The Authority hereby establishes the following Emergency Requisition Policy:
  - A. The Authority's Executive Director is hereby authorized to negotiate and award contracts without the need to advertise or solicit public bids with advanced notice to the Authority Chairman and/or Vice Chairman, or in their unavailability, two members of the Board of Commissioners, under the following circumstances:
    - (1) An imminent emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or provision of services.
    - (2) The emergency could not have been reasonably foreseen or arose notwithstanding a good faith effort to plan for goods or services necessary to respond to it.
    - (3) The employee requesting the negotiation and award of the emergency contract shall have fully filled out and executed Section I of the Authority's Emergency Requisition and Certification Form (attached hereto as Schedule "A") describing in detail all relevant facts and circumstances.
    - (4) The emergency contract shall be of such limited duration as to meet only the immediate needs of the emergency and, under no circumstances, shall this emergency purchasing procedure be used to enter into a multi-year contract.
    - (5) A condition of the award of contract shall be that necessary funds are available and appropriated a Authority's budget and same shall be acknowledged and certified by the Authority's CFO, who shall fill out and execute Section III of Authority's Emergency Requisition and Certification Form (attached hereto as Schedule A").



- (6) The Authority has established an "Emergency Contractor Pool". Selection of contractor will be based on line item prices submitted for 2021 and response time to mobilize at address of emergency.
- (7) A condition of the award of contract shall be that the contractor shall provide proof of compliance with all prevailing affirmative action rules no later than 14 days after the award of contract, pursuant to N.J.A.C. 17:27- 4.7. The Authority's Public Agency Compliance Officer (P.A.C.O.) shall acknowledge and certify compliance with the foregoing by filling in and executing Section III of the Authority's Emergency Requisition and Certification Form (attached hereto as Schedule "A").
- (8) The Authority's Executive Director shall acknowledge and certify that all statutory and regulatory requirements have been met by filling in and executing Section II of the Authority's Emergency Requisition and Certification Form (attached hereto as Schedule "A"). A copy of the fully executed form shall be provided to the Authority's record keeper or Purchasing Agent, who shall record same, and to the Members, who shall ratify said award by formal resolution.

B. In those circumstances where the Authority's Executive Director will not be available within the time needed to respond, the following chain of command shall be established pursuant to N.J.A.C. 5:34-6.1(B):

- (1) Authority Engineer and
- (2) Chief Financial Officer

- 2. The Authority's Executive Director is hereby authorized and directed to take such action as shall be reasonably necessary to ensure that all Authority employees and officers are responsible for the administration of public contracts and are aware of and able to comply with all relevant statutory and regulatory requirements.
- 3. The Authority's Executive Director is hereby authorized and directed to forward copies of this Resolution to the Authority's Commissioners, Attorney, Chief Financial Officer, Authority Engineer and such other persons or entities as may demonstrate a valid interest herein.

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF A RESOLUTION DULY ADOPTED BY THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY IN THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, AT ITS MEETING HELD ON THE 23<sup>rd</sup> DAY OF FEBRUARY, 2021.



BERNARD W. RUTKOWSKI, EXECUTIVE DIRECTOR, SECRETARY-TREASURER

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

2-23-21

RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the TRMUA may go into Exec. Session to discuss matters that may be confidential or listed pursuant to NJSA 10:4-12; and

WHEREAS, it is recommended by the General Counsel that the TRMUA Commissioners go into Executive Session on February 23, 2021 to discuss matters set forth hereinafter which are permissible to discuss in Executive Session.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the TRMUA shall go into Executive Session to discuss the following items:

**LIST**

**Personnel Matters**

**Litigation/Potential Litigation**

**Contractual Matters**

I, Bernard Rutkowski, Executive Director, Secretary-Treasurer of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Commissions on February 23, 2021.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Authority this 23<sup>rd</sup> day of February, 2021.

  
Bernard Rutkowski, Executive Director, Secretary-Treasurer



## R E S O L U T I O N

### **RESOLUTION AUTHORIZING THE QUALIFIED PURCHASING AGENT TO ENTER INTO CONTRACTS FOR THE PURCHASE OF GOODS AND OR SERVICES WITH CERTAIN VENDORS UNDER COUNTY CONTRACT PURSUANT TO 5:34-7.21**

**WHEREAS**, N.J.S.A. 5:34-7.21 provides that any contracting unit under this regulation may without advertising for bids, or having rejected all bids obtained pursuant to advertising therefore, purchase materials, supplies or equipment under any contract for such materials, supplies or equipment entered into on behalf of the County of Ocean, State of New Jersey; and

**WHEREAS**, pursuant to that section, the Board of Commissioners is desirous of authorizing the Qualified Purchasing Agent to enter into contract, on behalf of the Authority, for the acquisition of materials, supplies or equipment or the retaining of services on an as need basis.

**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 pursuant to N.J.S.A. 5:34-7.21 the Qualified Purchasing Agent be and hereby is authorized to enter into agreements on behalf of the Authority, for the performance of work or the furnishing of materials, equipment or supplies for only items/services specified in the applicable county contract (s) from the contract vendor (s) of record.
2. That this resolution is and hereby is adopted in accordance with the schedule of County Contract documents on file, from time to time, in the Office of the Qualified Purchasing Agent.
3. That such records on file in the Office of the Qualified Purchasing Agent shall be made available for public examination.
4. That the Assistant Secretary shall forward a certified copy of this resolution to the Executive Director, the Chief Financial Officer and the Qualified Purchasing Agent.

## C E R T I F I C A T I O N

I, Bernard W. Rutkowski, Executive Director, Secretary-Treasurer of the Toms River Municipal Utilities Authority in the County of Ocean and State of New Jersey, do 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 regular meeting of said Commissioners on the 23<sup>rd</sup> day of February 2021.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Authority this 23<sup>rd</sup> day of February 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary-Treasurer

**RESOLUTION AUTHORIZING THE QUALIFIED PURCHASING AGENT TO  
ENTER INTO CONTRACT FOR PURCHASES AND SERVICES WITH  
CERTAIN VENDORS UNDER STATE CONTRACTS PURSUANT TO AND IN  
ACCORDANCE WITH N.J.S.A. 40A:11-12**

WHEREAS, N.J.S.A. 40A:11-12 provides that any contracting unit under this act may without advertising for bids, or having rejected all bids obtained pursuant to advertising therefore, purchase materials, supplies or equipment under any contract or contracts for such materials, supplies or equipment entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, pursuant to that section, the Board of Commissioners is desirous of authorizing the Qualified Purchasing Agent to identify certain vendors under State Contract and enter in agreements on behalf of the Authority, for the performance of certain categories of work or the furnishing or hiring of certain categories of work or the furnishing or hiring of certain categories of equipment, materials and supplies

**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 pursuant to N.J.S.A. 40A:11-12, the Qualified Purchasing Agent be and hereby is authorized to enter into agreements on behalf of the Authority, for the performance of work or the furnishing of materials, equipment or supplies in accordance with N.J.S.A. 40A:11-5 (5), N.J.S.A. 52:25-16.1 et seq and N.J.A.C. 5:34-1.2, for only items/services specified in the applicable state contract (s) from the contract vendor (s) of record.
2. That this resolution be and hereby is adopted in accordance with the schedule of state contract documents on file, from time to time, in the office of the Qualified Purchasing Agent.
3. That such records on file in the office of the Qualified Purchasing Agent shall be made available for public examination.
4. That the Assistant Secretary shall forward a certified copy of this resolution to the Executive Director, the Chief Financial Officer and the Qualified Purchasing Agent.

**CERTIFICATION**

I, Bernard W. Rutkowski, Executive Director, Secretary-Treasurer of the Toms River Municipal Utilities Authority in the County of Ocean and State of New Jersey, do 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 regular meeting of said Commissioners on the 23<sup>rd</sup> day of February , 2021.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Authority this 23<sup>rd</sup> day of February , 2021.

  
Bernard W. Rutkowski, Executive Director, Secretary-Treasurer