

**RESOLUTION APPROVING MINUTES**

**BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the regular minutes of the meeting and the closed session minutes of March 22, 2019 be and the same are hereby accepted for filing by the Authority.

**DATE: APRIL 16, 2019**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1st</u>	<u>2nd</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>			<b>X</b>			
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</b>		<b>X</b>	<b>X</b>			

## **GRANTING APPROVAL TO MILFORD ESTATES, PROJECT #666**

**WHEREAS**, Milford Estates, LLC has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #666, located in Block #10 on Lots #47 & 48 in the Township of Manalapan; and

**WHEREAS**, the Applicant proposes to construct approximately 365 linear feet of 8" PVC SDR-35 gravity sanitary sewer to service a proposed development. The proposed development consists of seven (7) single family homes located along Taylors Mills Road. The applicant will make connection to the WMUA Collection System via existing manholes on Taylors Mills Road. The flow will then go to the Milford Brook and Tepehemus Brook Interceptors and ultimately to the Pine Brook Wastewater Treatment Plant. The Applicant must instruct the Contractors hired to install the sanitary sewer main that they are fully responsible for site safety. The Contractors must contact the Municipal Police Safety Director to insure proper compliance with safety laws and shall fully comply with all OSHA requirements.

**WHEREAS**, CME Associates recommends that this application for connection to WMUA's sanitary sewer facilities be granted Approval subject to the following:

- a. Conformance with the Rules and Regulations of the NJDEP, WMUA and all other applicable regulatory agencies;
- b. Payment of all application, escrow and connection fees of the WMUA
- c. Payment of all other fees of other governmental and/or regulatory agencies having jurisdiction over same
- d. Applicant obtaining all required permits including; NJDEP TWA for the proposed sewer extension
- e. Applicant is required to furnish sufficient performance guarantees per the attached, in the amounts of \$53,349.19 and \$5,927.69 representing the 90% bond portion and 10% cash portion, respectively, to guarantee construction of the improvements described in the application. No construction work may begin until the required performance bond is submitted and approved by the Authority. The posting of a performance guarantee must be in form acceptable to Authority Attorney;
- f. Applicant shall furnish the required escrow for construction observation as per the attached, in the amount of \$6,333.00 in accordance with the Authority's Rules and Regulations. The Applicant has the option of posting an initial deposit representing 5% of the total anticipated construction cost in the amount of \$2,111.00. If applicable, the Applicant may be required to post additional fees to cover extra work or overtime costs as documented by the Authority and/or its Consulting Engineer;
- g. Submittal of an acceptable insurance certificate naming the WMUA and its Consulting Engineer additionally insured;
- h. Applicant's attendance at a preconstruction meeting.

Upon the Authority granting approval of the Application, construction of the project shall start within two (2) years of the date of the resolution by the Authority granting approval. If construction does not start within two (2) years of the date of the Resolution by the Authority granting approval, the Approval will automatically expire unless the Authority acts, by Resolution, to extend the time period.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the application for approval in connection with Milford Estates, LLC, Project #668, is hereby granted, subject to any and all conditions set forth in this resolution, as well as any conditions set forth in the report of the Consultant Engineer, dated December 13, 2018, and

**BE IT FURTHER RESOLVED** that the Clerk is authorized to forward copies of this Resolution, certified to be a true copy, to

- 1) Milford Estates, LLC, Project #666
- 2) CME Associates. Consultant Engineer
- 3) Frances J. Borin, Esq.

**DATE: APRIL 16, 2019**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>			<b>X</b>			
<b>PERNICE</b>		<b>X</b>	<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

**AUTHORIZING THE CHIEF OPERATING OFFICER TO PREPARE SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR THE CLEANING OF THE SECONDARY DIGESTER**

**WHEREAS**, the Chief Operating Officer has requested to prepare specifications, advertise and receive bids for the Cleaning of the Secondary Digester;

**WHEREAS**, the Commissioners of the Western Monmouth Utilities Authority need to authorize the Chief Operating Officer to prepare specifications and advertise and receive bids for the Cleaning of the Secondary Digester, and

**THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority as follows:

1. The Chief Operating Officer is hereby authorized to prepare specifications, advertise and receive bids for the Cleaning of the Secondary Digester
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy:
  - a) Coleen Weber, Office Manager
  - b) Jim Carr, Chief Operating Officer

**DATE: APRIL 16, 2019**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1st</u>	<u>2nd</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<b>McENERY</b>		<b>X</b>	<b>X</b>			
<b>MENDEZ</b>			<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

## AMENDING APPROVAL TO B&I CENTER, LLC, PROJECT #658

**WHEREAS**, Richard Herbst had applied to the Western Monmouth Utilities Authority for approval in connection with its Application #658, B&I Center, LLC located in Block #360 on Lots #5 in the Township of Marlboro on October 30, 2018 and was originally given approval in Resolution #18-143 dated December 27, 2019; and

**WHEREAS**, the Applicant originally *proposed* to construct approximately 1,782 linear feet of 8" PVC SDR-35 gravity sanitary sewer and a sanitary pump station with a force main to service four (4) existing buildings containing offices and warehousing. The *applicant has revised the plans and now* proposes to construct individual ejector pump stations with force mains to service four (4) existing buildings containing offices and warehousing. Each building will have its own dedicated ejector pump station and force main. The ejector pump stations and force mains will remain private and will be located on Lot 5, Block 360. Connection to the WMUA Collection System will be made via construction of approximately 134 LF of 8" sanitary sewer main in Timber Lane and connection to an existing manhole. All facilities to be constructed shall remain private with the exception of approximately 134 linear feet of 8" PVC SDR-35 gravity sanitary sewer to be installed to be installed in Timber Lane. Connection to the WMUA collection system will be made to an existing manhole in Timber Lane. The Applicant must instruct the Contractors hired to install the sanitary sewer main that they are fully responsible for site safety laws and shall fully comply with all OSHA requirements.

**WHEREAS**, CME Associates recommends that this amended application for connection to WMUA's sanitary sewer facilities be granted Approval subject to the following:

- a. Conformance with the Rules and Regulations of the NJDEP, WMUA and all other applicable regulatory agencies;
- b. Payment of all application, escrow and connection fees of the WMUA
- c. Payment of all other fees of other governmental and/or regulatory agencies having jurisdiction over same
- d. Applicant obtaining all required permits including; NJDEP TWA
- e. Applicant is required to furnish sufficient performance guarantees per the attached, in the amounts of \$129,114.65 and \$14,346.07 representing the 90% bond portion and 10% cash portion, respectively, to guarantee construction of the improvements described in the application. No construction work may begin until the required performance bond is submitted and approved by the Authority. The posting of a performance guarantee must be in form acceptable to Authority Attorney;

- f. Applicant shall furnish the required escrow for construction observation as per the attached, in the amount of \$15,327.00 in accordance with the Authority's Rules and Regulations. The Applicant has the option of posting an initial deposit representing 5% of the total anticipated construction cost in the amount of \$5,109.00. If applicable, the Applicant may be required to post additional fees to cover extra work or overtime costs as documented by the Authority and/or its Consulting Engineer;
- g. Submittal of an acceptable insurance certificate naming the WMUA and its Consulting Engineer additionally insured and;
- h. Applicant's attendance at a preconstruction meeting.

Upon the Authority granting approval of the Application, construction of the project shall start within two (2) years of the date of the resolution by the Authority granting approval. If construction does not start within two (2) years of the date of the Resolution by the Authority granting approval, the Approval will automatically expire unless the Authority acts, by Resolution, to extend the time period.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the amended application for approval in connection with Richard Herbst, Project #658, B&I Center, LLC is hereby granted, subject to any and all conditions set forth in this resolution, as well as any conditions set forth in the report of the Consultant Engineer, dated April 11, 2019, and

**BE IT FURTHER RESOLVED** that the Clerk is authorized to forward copies of this Resolution, certified to be a true copy, to

- 1) Richard Herbst, Project #658, B&I Center, LLC
- 2) CME Associates. Consultant Engineer
- 3) Frances J. Borin, Esq.

**DATE: APRIL 16, 2019**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>	<b>X</b>				<b>X</b>	
<b>ROSEN</b>			<b>X</b>			

**AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR OLDE SILVER TAVERN, PROJECT #520**

**WHEREAS**, the previous owner & developer of the Olde Silver Tavern, Project #520 has requested a Performance Bond release, and;

**WHEREAS**, GS Realty the previous owner of the Olde Silver Tavern Project has requested the release of their Performance Guarantee. GS Realty Inc. has not constructed the proposed sanitary sewer facilities associated with the Performance Guarantee and has sold the Project to 149 Freehold Road, LLC. The Ownership of the project was recently amended in Resolution #19-39 from GS Realty Inc. to 149 Freehold Road, LLC, and

**WHEREAS**, the CME recommends the release of the Performance Guarantee that was provided by GS Realty Inc., in the amount of \$245,206.63. 149 Freehold Road, LLC is required to provide a Performance Guarantee for this project prior to commencing the sanitary sewer construction.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority as follows:

1. Release the Performance Guarantee in the amount of \$245,206.63 to GS Realty, previous owner of the Olde Silver Tavern Project.
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
  - a) Kathy Leatherman, Chief Administrative Officer
  - b) Vita Mazzola, Accountant
  - c) GS Realty

**DATE: APRIL 16, 2019**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1st</u>	<u>2nd</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>			<b>X</b>			
<b>PERNICE</b>		<b>X</b>	<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

**APPROVING PAID INTERNSHIP OF BRIAN SMITH, EFFECTIVE  
JULY 1, 2019**

**WHEREAS**, there presently exists a paid internship position in the Western Monmouth Utilities Authority; and

**WHEREAS**, Brian J. Valentino, the CEO has recommended that the WMUA approve the paid internship of Brian Smith, officer from the WMUA Explorer Post, and

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority as follows:

1. Brian Smith be and he is hereby appointed intern effective after July 1, 2019 at an hourly rate of \$10.00.
2. The Clerk is hereby authorized and directed to forward certified copies of this Resolution to:
  - a) Vita Mazzola, Accountant
  - b) Brian Smith

**DATE: APRIL 16, 2019**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>			<b>X</b>			
<b>PERNICE</b>		<b>X</b>	<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			



**AUTHORIZING THE COMMISSIONERS TO GO INTO CLOSED  
SESSION FOR THE PURPOSE OF DISCUSSING MATTERS  
PURSUANT TO N.J.S.A. 10:4-12(b)**

WHEREAS, in order to exclude the public from a discussion of a matter as provided in N.J.S.A. 10:4-12(b), the Commissioners must first adopt a resolution stating the general nature of the subject or subjects to be discussed and the time and circumstance when such discussion can be disclosed to the public. N.J.S.A. 10:4-13

WHEREAS, the Commissioners find it necessary to adjourn to closed session and will not return to public session for the purpose of taking action on the matters discussed in closed session, and

WHEREAS, the Commissioners will discuss litigation, and

NOW THEREFORE BE IT RESOLVED, the Commissioners have adjourned the public portion of the meeting, and are beginning the closed session meeting, and will not return to open session.

**DATE: APRIL 16, 2019**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1st</u>	<u>2nd</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
McENERY			X			
MENDEZ			X			
PERNICE	X		X			
ROSEN		X	X			