

**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 February 27, 2018 be and the same are hereby accepted for filing by the Authority.

**DATE: MARCH 27, 2018**

<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			

## **GRANTING APPROVAL TO SD DEVELOPMENT, PROJECT #649**

**WHEREAS**, SD Development has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #649 located in Block #115 on Lots #25 and 26 in the Township of Marlboro; and

**WHEREAS**, the applicant proposes to construct approximately 258 linear feet of 8" PVC SDR-35 gravity sanitary sewer to service a proposed subdivision consisting of four (4) residential homes. The proposed gravity sewer will be constructed within a proposed roadway and will connect to an existing sewer main located in Orchard Parkway. The application will make connection to the Authority's existing sewer main via a new manhole installed on an existing sewer main. The flow will be conveyed to the Matawan Borough's sanitary collection system and ultimately to the Bayshore Regional Sewerage Authority Wastewater Treatment Plant.

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

- a. Amendment to the existing agreement between the WMUA and Matawan Borough for the acceptance of sanitary flow by Matawan Borough for a portion of the Morganville section of Marlboro Township.
- b. Conformance with the Rules and Regulations of the NJDEP, WMUA and all other applicable regulatory agencies;
- c. Payment of all application, escrow and connection fees of the WMUA
- d. Payment of connection fee of the Bayshore Regional Sewage Authority
- e. Payment of all other fees of other governmental and/or regulatory agencies having jurisdiction over same
- f. Applicant obtaining all required permits including; NJDEP TWA for sewer extensions
- g. Applicant is required to furnish sufficient performance guarantees per the attached, in the amounts of \$41,591.39 and \$4,621.27 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;
- h. Applicant shall furnish the required escrow for construction observation as per the attached, in the amount of \$4,937.25 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 \$1,645.75. 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;

- i. Submittal of an acceptable insurance certificate naming the WMUA and its consulting engineer additionally insured and;
- j. 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 SD Development, Project #649 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 March 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) SD Development, Project #649
- 2) CME Associates. Consultant Engineer
- 3) Frances J. Borin, Esq.

**DATE: MARCH 27, 2018**

<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>			

**RESOLUTION AUTHORIZING EXECUTION OF AMENDED  
SEWER AGREEMENT WITH BOROUGH OF MATAWAN FOR ADDITIONAL  
DEVELOPMENT IN THE MORGANVILLE SECTION OF MARLBORO TOWNSHIP**

**WHEREAS**, the Western Monmouth Utilities Authority (“Authority”) is a municipal utilities authority created by the governing bodies of the Townships of Manalapan and Marlboro in accordance with the authority granted by the Municipal and County Utilities Authorities Law (“MUA Law”) N.J.S.A. 40:14B-1 et seq., and

**WHEREAS**, the Authority is empowered to adopt the within Resolution pursuant to and under the MUA Law, N.J.S.A. 40:14B-1, et seq.; and

**WHEREAS**, pursuant to and in accordance with the MUA Law the Authority is authorized to provide sewerage services both within and outside the municipal boundaries of the Townships of Manalapan and Marlboro, within its defined sewer service area; and

**WHEREAS**, the Authority owns and operates a sewer collection system pursuant to which it conveys the vast majority of the sewage generated within its sewer service area directly to the Authority’s Pine Brook Treatment Plant; and

**WHEREAS**, the Authority’s defined sewer service area includes the Morganville section of the Township of Marlboro; and

**WHEREAS**, the Borough of Matawan (“Borough”) has responsibility for operating an existing sewerage facility known as the Matawan Borough Sewerage Collection System, through which it conveys sewage generated within the Borough for treatment at the Bayshore Regional Sewerage Authority’s (hereinafter, “BRSA”) treatment plant; and

**WHEREAS**, the Borough and the Authority, on March 5, 1976, entered into an Agreement that recognized and adopted the basic concept of regionalization of sewerage facilities as well as the advantage of public sanitary sewers in lieu of septic systems (“Agreement”); and

**WHEREAS**, under the terms of the Agreement, the Borough agreed to accept sewage generated from certain defined developments within the Morganville section of the Township of Marlboro, consisting of approximately 56 dwelling units, and to convey the same to the BRSA’s treatment plant through the Matawan Borough Sewerage Collection System; and

**WHEREAS**, the Agreement continues to be in force and effect between the Borough and the Authority; and

**WHEREAS**, both the Borough and the Authority have determined that it is in their mutual best interest to amend the Agreement to allow sewage generated by a proposed subdivision in the Morganville section of the

Township of Marlboro, at the corner of Rt. 79 and Orchard Parkway, Block 115, Lots 25 and 26, known as SD Development, to be processed through the Matawan sanitary facilities on William Street that flow ultimately through the Matawan Borough Sewerage Collection System to the BRSA treatment plant; and

**WHEREAS**, the SD Development project, a four (4) single family home subdivision, will connect to an existing Authority sanitary sewer in Orchard Parkway in the Township of Marlboro pursuant to an a sewer connection application (Authority Project #649) to be approved by the Authority; and

**WHEREAS**, the Department of Public Works of the Borough of Matawan has advised that Matawan has the capability to address the request outlined herein without any substantial interference with existing facilities and capacity of the Matawan Borough Sewerage Collection System;

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

1. That the Chairman is hereby authorized to execute an Amended Agreement with the Borough of Matawan, in the form attached hereto or a form substantially similar without any substantive changes.
2. That the Chairman or his designee may execute any and all documents and take any and all actions necessary to realize the intent and purpose of this resolution.
3. That, upon execution, the Amended Agreement shall be available in the Office of the Executive Director for review by the public.
4. That the Clerk is hereby authorized to forward copies of this Resolution to:
  - a. Township of Manalapan
  - b. Township of Marlboro
  - c. Borough of Matawan
  - d. Frank Born, Esq.
  - e. Gerard Stankiewicz, Samuel Klein & Co.
  - f. David Samuels, CME Associates
  - g. Leslie Warshauer, Director of Finance

**DATE: MARCH 27, 2018**

<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>			

**ADOPTING AMENDED RULES AND REGULATIONS**

**WHEREAS**, the WMUA realizes the necessity of promulgating rules and regulations to be observed when considering applications received from property owners, subdividers and Developers for the installation of sanitary sewer systems, pump stations and treatment plant modifications or upgrades, or the waiver thereof, and whereas the WMUA is cognizant that seldom do two (2) cases involve identical circumstances and that each application will be judged on its own facts; and

**WHEREAS**, the Authority must amend its Rules and Regulations periodically; these amended Rules and Regulations dated February 2018 include, but are not limited to, changes to three (3) sheets of application forms, lateral pipe material, added language to minimize additional pump stations, and requires developers to pay for any necessary upgrades and changes required for their development.

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

1. The rules and regulations of the WMUA are amended as attached
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
  - a) Brian Valentino, Executive Director
  - b) George White, Collections Superintendent
  - c) James Carr, Manager of Engineering Services

**DATE: MARCH 27, 2018**

<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>			

**AUTHORIZING THE EXECUTIVE DIRECTOR TO HIRE A NEW EMPLOYEE  
RACHEL BRANDT AS “CONFIDENTIAL ASSISTANT/HUMAN RESOURCES  
OFFICER”**

**WHEREAS**, the vacancy left by a clerical employee transitioning from Assistant Accounts Receivable Clerk to Bookkeeper has created an intermittent hardship on the Authority because the Assistant Accounts Receivable Clerk position has been left vacant and sometimes there are not enough employees to assure the work is always accomplished so as to meet necessary deadlines making it necessary to utilize other employees and Managers to accomplish the goal and,

**WHEREAS**, the Western Monmouth Utilities Authority has the need to hire an employee for a new position “Confidential Assistant/Human Resources Officer”, who will also assist in covering the Assistant Accounts Receivable vacancy when needed and;

**WHEREAS**, the position was posted in the treatment plant and administrative offices and there were no qualified employees to sign up; and

**WHEREAS**, the Executive Director has advertised the position and interviewed four (4) candidates and found Rachel Brandt, to be the most qualified for the position, and

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

1. The Executive Director, Brian Valentino, is hereby authorized to hire Rachel Brandt effective April 9, 2018 at a salary of \$60,000.00 per year, and
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
  - a) Katherine Leatherman, General Manager
  - b) Vita Mazzola, Accountant
  - c) Rachel Brandt, Confidential Assistant/Human Resources Officer

**DATE: MARCH 27, 2018**

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

**RESOLUTION HIRING JOSEPH NATALE AS A COLLECTIONS OPERATOR,  
EFFECTIVE APRIL 2, 2018**

**WHEREAS**, there presently exists a vacancy in the Western Monmouth Utilities Authority for the position in the Collections Department; and

**WHEREAS**, the Executive Director has recommended that the WMUA approve the appointment of Joseph Natale to the position of Collections Operator. There is a probationary period and a requirement for a pre-employment physical and drug test, and

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

1. Joseph Natale be and he is hereby appointed to the position of Collections Operator effective as of Monday, April 2, 2018 at an hourly rate of \$35.2287 per hour.
2. The Clerk is hereby authorized and directed to forward certified copies of this Resolution to:
  - a) Vita Mazzola, Accountant
  - b) Local Union 701
  - c) Joseph Natale

**DATE: MARCH 27, 2018**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1st</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>X</b>			
<b>MENDEZ</b>						<b>X</b>
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</b>			<b>X</b>			



**AUTHORIZING CME ASSOCIATES TO PREPARE DESIGN SERVICES RELATED TO THE ROUTE 79 PUMP STATION AND FORCE MAIN REPLACEMENT**

WHEREAS, the Executive Director has requested that CME Associates to prepare design services related to the Route 79 Pump Station and Force Main Replacement as per their Proposal dated February 22, 2018, attached, and.

WHEREAS, the Executive Director will execute a contract with CME Associates not to exceed \$440,458.00, and

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

1. The Executive Director will execute an acceptable contract with CME Associates to prepare design services related to the Route 79 Pump Station and Force Main Replacement not to exceed \$440,458.00.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy to:
  - a) CME Associates, Consulting Engineer
  - b) Leslie Warshauer, Director of Finance
  - c) Coleen Weber, Office Manager

DATE: MARCH 27, 2018

<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	X			
MENDEZ						X
PERNICE	X		X			
ROSEN			X			

**AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE TO CRYSTAL COVE ESTATES, PROJECT #476**

**WHEREAS**, the developer of Crystal Cove Estates, Project #476 has requested a release of their Performance Bond, and;

**WHEREAS**, CME Associates recommends the release of the Performance Guarantee, and

**WHEREAS**, CME Associates recommends the release of the Performance Guarantee subject to all fees as may be due the Authority being current. Please note, that due to the time period since the completion of the project wherein the Performance Bond has covered the Maintenance Guarantee period, a Maintenance Guarantee should not be required.

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

1. The Performance Guarantee shall be released.
3. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
  - a) William Bolton, Crystal Cove Estates, Project #476
  - b) Kathy Leatherman, General Manager
  - c) CME Associates

**DATE: MARCH 27, 2018**

<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>X</b>			
<b>ROSEN</b>			<b>X</b>			

**AUTHORIZING RELEASE OF THE PERFORMANCE BOND AND ALL ESCROW  
MONEY TO AMBOY BANK FOR CRINE WEST PROJECT #331/#331A**

**WHEREAS**, Kara Homes, Inc. (“Kara Homes”) was a developer of single-family residential homes; and

**WHEREAS**, Kara Homes formed a single-purpose development entity, Kara at Crine West, LLC (“KCW”), to develop the “Crine West” development (the “Development”), within the sewer service area of the Western Monmouth Utilities Authority (“WMUA”); and

**WHEREAS**, KCW made application for sewer connection approval to the WMUA (WMUA Project #331) and deposited certain cash escrows and posted a performance guarantee with the WMUA pursuant to N.J.S.A. 40:14B-73d and N.J.S.A. 40:14B-74 (the “Kara Escrows”); and

**WHEREAS**, in or about June 2006, Kara Homes and several of its subsidiaries filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the District of New Jersey, bearing the consolidated docket, 06-19626-MBK, before the Honorable Michael B. Kaplan, USBJ (the “Bankruptcy”); and

**WHEREAS**, pursuant to an order by Judge Kaplan in the Bankruptcy proceedings (“Bankruptcy Order”), Amboy Bank became the successor-in-interest to the assets of KCW and the entity authorized to receive an assignment of KCW’s right, title and interest in and to land use approval, bonds, as allowable by law, purchase contracts, plans and permits for the Development; and

**WHEREAS**, in accordance with the attached certification by Stanley Koreyva, the managing member of KCW, the Bankruptcy Order approved the assignment of the Kara Escrows to Amboy Bank; and

**WHEREAS**, further in accordance with the attached certification by Stanley Koreyva, Amboy Bank is authorized and legally entitled to receive disbursement of the Kara Escrows from the WMUA; and

**WHEREAS**, pursuant to an Option and Sale Agreement, dated October 22, 2007, and modified through a Revised Option and Sale Agreement, dated December 28, 2007, Renaissance Properties, Inc. (“Renaissance”), through its affiliated Renaissance at Crine West, LLC (“RCW”) entity, was to purchase the remaining Development lots from Amboy Bank, complete certain partially constructed homes, and construct new homes within the Development in addition to providing oversight for the completion of the remaining site work; and

**WHEREAS**, a separate WMUA project number, WMUA #331A, was created for the purposes of distinguishing RCW’s proposed construction operations from the site work-related operations; and

**WHEREAS**, although payments made to fund and/or replenish the Kara Escrows may have originated from RCW, as set forth in the attached certification by Robert Adinolfi, Chief Operating

Officer of Renaissance, neither Renaissance nor RCW will make any claim to the WMUA for the return of any Kara Escrows associated with WMUA Project #331 or #331A; and

**WHEREAS**, further in accordance with the attached certification by Robert Adinolfi, Renaissance and RCW hereby consent to the release of the Kara Escrows and any remaining guarantees or funds associated with WMUA Project #331 and #331A directly to Amboy Bank; and

**WHEREAS**, further in accordance with the attached certification by Robert Adinolfi, Renaissance and RCW agree to indemnify and hold the WMUA harmless against any claim arising out of the release of the remaining Kara Escrows or any funds associated with WMUA Project #331 or #331A to Amboy Bank; and

**WHEREAS**, the WMUA, relying on the attached certifications of Stanley Koreyva and Robert Adinolfi, recommends that any remaining Kara Escrow balances (plus all accrued interest) and the Performance Bond for WMUA Project #331 and #331A be released to Amboy Bank subject to the payment of any outstanding engineering, legal and WMUA administrative fees;

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

1. All remaining money in the Kara Escrows and the Performance Bond for WMUA Project #331 and #331A shall be released to Amboy Bank, subject to:
  - a) Payment of all outstanding engineering, legal and WMUA administrative fees; and
2. The Secretary is hereby authorized to forward copies of this resolution, certified to be true to
  - a) Kathy Leatherman, General Manager
  - b) Amboy Bank
  - c) Francis J. Borin, General Counsel

**DATE: MARCH 27, 2018**

<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>X</b>			
<b>MENDEZ</b>						<b>X</b>
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</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 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 contract negotiations and personnel, 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/will not return to open session.

**DATE: MARCH 27, 2018**

<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>MENDEZ</b>						
<b>PERNICE</b>						
<b>ROSEN</b>						

**18-58 ADJOURNED**