

RESOLUTION AUTHORIZING CONTRACT WITH BEYER FORD STATE CONTRACT #A88727 FOR THE PURCHASE OF ONE 2018 FORD SUPER DUTY F250 SRW XL REG CAB WITH 8' BOX PURSUANT TO N.J.S.A.40A:11-12a

WHEREAS, the Western Monmouth Utilities Authority, pursuant to N.J.S.A.40A:11-12a and N.J.A.C.5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Western Monmouth Utilities Authority has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Western Monmouth Utilities Authority intends to enter into a contract with Beyer Ford, for the purchase of one 2018 Ford Super Duty F250 SRW XL Regular Cab for the price of \$35,711.00 through this resolution and properly executed contracts, which shall be subject to all conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Western Monmouth Utilities Authority authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Western Monmouth Utilities Authority pursuant to N.J.A.C.5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer, and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Western Monmouth Utilities Authority and Beyer Ford State Contract #A88727 from April 24, 2018 thru January 31st, 2019.

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

1. Leslie Warshauer, Director of Finance
2. BEYER FORD, CONTRACT #A88727

DATE: APRIL 24, 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	X			
PERNICE			X			
ROSEN	X		X			

AUTHORIZING THE RELEASE OF THE MAINTENANCE BOND AND CASH SURETY AND ALL REMAINING ESCROW TO MANALAPAN 9 LLC, PROJECT#489

WHEREAS, the developer of Manalapan 9 LLC, Project #489 has requested a Maintenance Bond release, Cash Surety release and all remaining Escrow, and;

WHEREAS, the above referenced property is complete and there are no remaining deficiencies with the project; T&M recommends the release of the remaining performance guarantees and cash surety (plus accrued interest).

WHEREAS, the T&M also recommends that all remaining escrow monies be returned to the developer after all professional fees have been paid (as per attached letter dated April 19, 2018), and

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

1. All bonds and Cash Escrow associated with the Manalapan 9 LLC, Project #489 be released.
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to
 - a) Manalapan 9 LLC, Project #489
 - b) Kathy Leatherman, General Manager

DATE: APRIL 24, 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	X			
PERNICE			X			
ROSEN	X		X			

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

DATE: APRIL 24, 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			
ROSEN		X	X			

AUTHORIZING GENERAL MANAGER TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR CONCRETE REPAIRS TO THE FINAL CLARIFIERS AND DIGESTERS

WHEREAS, the General Manager has requested to prepare plans and specifications, advertise and receive bids for Concrete Repairs to the Final Clarifiers and Digesters, and

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority need to authorize the General Manager to advertise and receive bids, and

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

1. The General Manager is hereby authorized to prepare plans and specifications, advertise and receive bids for Concrete Repairs to the Final Clarifiers and Digesters.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy:
 - a) Coleen Weber, Office Manager
 - b) Robert Smith, Facilities Manager

DATE: APRIL 24, 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		X			
PERNICE			X			
ROSEN		X	X			

GRANTING APPROVAL TO REGENT PARK, PROJECT #627

WHEREAS, OHAD Associates, LLC has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #627, Regent Park located in Block #143 on Lots #1.02 and 12 in the Township of Marlboro; and

WHEREAS, the application proposes to construct approximately 2,857 linear feet OF 8” PVC SDR-35 gravity sanitary sewer to service a proposed development. The proposed Regent Park development consists of 14 apartment buildings containing 285 units, a clubhouse and a pool with a backwash filter. The proposed gravity sewers will be constructed within the development and remain as a “private” collection system. The applicant will make connections to the WMUA Collection System via connections to existing manholes on Thorton Avenue within a utility easement. The flow will then go to the Lloyd Road Pumping Station and ultimately to the Bayshore Regional Sewerage Authority 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 connection fee of the Bayshore Regional Sewage Authority
- d. Payment of all other fees of other governmental and/or regulatory agencies having jurisdiction over same
- e. Applicant obtaining all required permits including; NJDEP TWA for sewer extensions
- f. Applicant is required to furnish sufficient performance guarantees per the attached, in the amounts of \$259,178.26 and \$28,797.58 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;
- g. Applicant shall furnish the required escrow for construction observation as per the attached, in the amount of \$30,766.65 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 \$10,255.55. 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;

- h. Submittal of an acceptable insurance certificate naming the WMUA and its consulting engineer additionally insured and;
- i. 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 OHAD Associates, Project #627, Regent Park 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 29, 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) OHAD Associates, Project #627, Regent Park
- 2) CME Associates. Consultant Engineer
- 3) Frances J. Borin, Esq.

DATE: APRIL 24, 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		X			
PERNICE			X			
ROSEN		X	X			

**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: APRIL 24, 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			
MELENDEZ		X	X			
PERNICE			X			
ROSEN	X		X			

**RESOLUTION AUTHORIZING EXECUTION OF A
SEWER TREATMENT AGREEMENT BETWEEN
THE WMUA AND THE BOROUGH OF ENGLISHTOWN**

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; 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 sewage treatment plant together with a sewage collection system and other appurtenances (collectively, the “Authority’s System”); and

WHEREAS, the Borough of Englishtown (“Borough”) owns and operates a sewage collection system within its municipal boundaries (“Borough Collection System”); and

WHEREAS, the Authority and Borough entered into an agreement, dated June 25, 1973 and amended September 19, 1973 (collectively, the “1973 Agreement”), pursuant to which the Authority agreed to construct and install certain interceptor sewer lines (“Interceptor Sewer Lines”) to allow the Borough to transmit sewage from the Borough Collection System to the Authority System for treatment by the Authority; and

WHEREAS, the term of the 1973 Agreement was for forty (40) years; and

WHEREAS, the 1973 Agreement stipulated that there would be a total of three hundred fifty (350) connections (i.e., EDCUs) from the Borough Collection System to the Authority System; and

WHEREAS, notwithstanding that the 1973 Agreement expired automatically in 2013 and, further, notwithstanding that the Borough currently has one thousand thirty two and one half (1,032.5) EDCUs to the Authority System, the Borough continued to transmit sewage to

the Authority System and the Authority continued to treat the Borough's sewage in accordance with the terms of the 1973 Agreement; and

WHEREAS, the Authority and Borough have determined that it is in their mutual best interest to enter into a new agreement to govern the Borough's transmission and the Authority's treatment of the Borough's sewage; and

WHEREAS, the new agreement, the terms of which are memorialized in the contract attached hereto ("2018 Agreement"), recognizes the substantial changed circumstances since the 1973 Agreement;

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

1. That the Chairman, or his designee, is hereby authorized to execute the 2018 Agreement, 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 2018 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 Englishtown
 - d. Frank Born, Esq.
 - e. Leslie Warshauer, Director of Finance

DATE: APRIL 24, 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>
PERNICE			X			
MENDEZ	X		X			
ROSEN		X	X			
McENERY			X			