

**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 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 not return to open session.

DATE: MARCH 24<sup>TH</sup>, 2011

<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				
PERNICE						
ROSEN	X					
TOUBIN						

**RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH SURETY AND ALL REMAINING ESCROW TO SRA PROPERTIES #433**

**WHEREAS**, the developer of SRA Properties #433 has requested a Performance Bond release, Cash Surety release and all remaining Escrow, and;

**WHEREAS**, there are no remaining deficiencies with the above referenced project. CME Associates recommends the release of the remaining performance guarantees and cash surety (plus accrued interest).

**WHEREAS**, CME Associates also recommends that all remaining escrow monies be returned to the developer after all professional fees have been paid (as per attached letter dated March 9, 2011), 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 SRA Properties, LLC #433 be released.
2. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to
  - a) SRA Properties, LLC

**DATE: March 24, 2011**

<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>PERNICE</b>		<b>X</b>	<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			
<b>TOUBIN</b>			<b>X</b>			

**RESOLUTION AUTHORIZING CONTRACT WITH STATE CONTRACT VENDOR XEROX #A51145 TO PURCHASE A FOUR TRAY PRINTER, MODEL # 1.55755PT 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 the attached Referenced State Contract Vendor through this resolution to purchase a Xerox printer, model #1.5755PT, 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 the Referenced State Contract Vendor shall be from March 24<sup>th</sup>, 2011 thru January 31<sup>st</sup>, 2012.

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

1. Coleen Weber, Office Manager

**DATE: MARCH 24<sup>TH</sup>, 2011**

<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			
PERNICE		X	X			
ROSEN	X		X			
TOUBIN			X			

**RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND CASH SURETY TO TENNENT ESTATES PUMP STATION #380P1**

WHEREAS, Tennent Estates, LLC has requested the release of its Performance Bond and Cash Surety for the Pump Station #380P1, and

WHEREAS, T&M Associates recommends that the remaining amount of the Performance Bond in the amount of and Cash Surety in the amount of be released with \$1000.00 being held by the WMUA to cover the cost associated with the Maintenance Bond Inspection, and

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

1. The Performance Bond and Cash Surety shall be released withholding \$1000.00 for the Maintenance Bond Inspection as per engineer's letter dated March 4<sup>th</sup>, 2011, subject to:
  - a) Payment of all outstanding engineering, legal and Authority administrative fees; and
2. The Secretary is hereby authorized to forward copies of this resolution, certified to be true to:
  - a) Tennent Estates, LLC #380PS
  - b) T & M Associates

**DATE: MARCH 24<sup>TH</sup>, 2011**

<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>ABRAHAM</b>			<b>X</b>			
<b>PERNICE</b>		<b>X</b>	<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			
<b>TOUBIN</b>			<b>X</b>			

**RESOLUTION AUTHORIZING THE TAKEOVER OF THE TENNENT ESTATES  
PUMP STATION #380PS**

**WHEREAS**, the developer, Tennent Estates, LLC has requested that the Western Monmouth Utilities Authority (Authority) takeover the ownership and operation cost of the Tennent Estates Pump Station #380PS; and

**WHEREAS**, the consulting engineer, T&M Associates has recommended the takeover of the pump station by the Authority subject to certain conditions; and

**WHEREAS**, the Authority rules and regulations state as follows:

The following procedures shall be followed for the release of performance guarantees pertaining to pump stations and/or force mains. Upon certification by Authority Engineer that pump station is substantially complete, the performance guarantee provided by the Developer associated with a proposed pump station and force main shall be reduced up to a maximum of eighty (80) percent. The Authority shall operate at its expense, the pump station for a period of ninety (90) calendar days thereafter. All deficiencies identified by the Authority's operating personnel and Authority Engineer during this ninety (90) day period shall be corrected by the Developer prior to releasing the remaining twenty (20) percent of the performance guarantee and the Authority's taking over ownership of the pump station.

**WHEREAS**, T&M Associates, in accordance with the rules and regulations has certified to the Authority that the pump station is substantially complete; and

**NOW THEREFORE BE AND IS HEREBY RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority as follows:

1. The Authority shall take over the operation and ownership of the Tennent Estates pump station.
2. The ninety (90) day time period has been completed.
3. Tennent Estates, LLC has authorized that \$8,700.00 shall be reallocated from the cash surety account to the escrow account so that all outstanding engineering fees and other escrow fees may be paid (letter dated March 4<sup>th</sup>, 2011 attached hereto).
4. Tennent Estates, LLC, shall post a title policy in an amount to be determined by the Authority Engineer and or Executive Director if it has not already done so.

6. All deficiencies identified by the Authority's operation personnel and Authority Engineer during the ninety (90) day time period shall be corrected by the developer prior to releasing the remaining 20% of the performance guarantee and the Authority taking over the ownership of the pump station.

7. The Authority attorneys be and they are hereby authorized to take all steps necessary to effectuate this takeover of the pump station.

8. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to:

1. Russell Corbett, Collection Superintendent
2. Tennent Estates, LLC

**DATE: MARCH 24<sup>TH</sup>, 2011**

<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>PERNICE</b>		<b>X</b>	<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			
<b>TOUBIN</b>			<b>X</b>			

**RESOLUTION AUTHORIZING EXECUTION OF DEEDS OF EASEMENT FOR THE  
RECONSTRUCTION OF BRIDGE ML-29**

**WHEREAS**, Monmouth County has applied to Western Monmouth Utilities Authority for a non-exclusive easement and unobstructed right-of-way in, upon, over and across the property on Block 103, Lot 13, on Greenwood Road, Over Bakers Brook in order to rehabilitate Bridge ML-29, and

**WHEREAS**, Monmouth County proposes to do certain improvements for the Reconstruction of Bridge ML-29 On Greenwood Road over Bakers Brook in the Township of Marlboro, and

**WHEREAS**, Western Monmouth Utilities Authority (Authority) owns a portion of the premises by deed dated November 30<sup>th</sup>, 1978 and recorded in the Monmouth County Clerk's Office on December 19<sup>th</sup>, 1978 in Deed Book 4143 at Page 468; and

**WHEREAS**, Monmouth County desires to obtain two (2) permanent non-exclusive easements over portions of the Authority's property for the purpose of bridge reconstruction and roadway improvements, including the right to: access, construct, and maintain a reinforced earth slope, riprap stabilization and utility support, including the right to clear, construct slopes, grade, fill, topsoil, seed, and to maintain same for the purposes of rehabilitating Bridge ML-29 within the easement limits, and to complete any additional work as may be required in connection with the enjoyment of such easement purposes; and

**WHEREAS**, to enable Monmouth County to go forward with the planned improvements, the Authority has agreed to convey to Monmouth County a non-exclusive Deed of Permanent Easement on those portions of the Authority's property, and

**WHEREAS**, the Authority does agree to convey a perpetual non-exclusive easement and right-of-way for purposes stated herein, for Monmouth County's use and the use of its successors and assigns, up the conditions, covenants, promises and terms hereinafter set forth for the mutual benefit of the Authority and Monmouth County.

**NOW THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth

Utilities Authority as follows:

1. The WMUA Commissioners do hereby give, grant and convey forever to Monmouth County, its successors and assigns, a perpetual non-exclusive easement and a free, uninterrupted and unobstructed right-of-way, in, upon, over and across the property of the Authority with full rights, privileges and authority to Monmouth County to enter upon said lands from time to time without notice to the Authority for the purposes set forth above.
2. Monmouth County may enter upon said easement, in its sole and absolute discretion, as it may deem necessary or proper, together with the right of Monmouth County, its successors and assigns, to such free and unlimited access to, egress and ingress in, from and over the easement property as reasonable or necessary for the full use, occupancy and enjoyment of the easement herein granted.
3. The Authority warrants and represents that the Authority is lawfully seized and possessed of the real property hereby subject to said non-exclusive easement and right-of-way, having acquired said property by Deed conveyed to the WMUA, a public body politic and corporate and existing under the provisions of N.J.S.A.40:14B-1 et seq., by Deed.
4. Monmouth County agrees, by acceptance of this Deed of Easement, that Monmouth County shall be responsible for the maintenance of Monmouth County's appurtenances and improvements on the easement property and in the event of damage to the Authority's property incurred in connection with any of the purposes of this easement and right-of-way, subject to any limitations set forth by the Laws of the State of New Jersey or municipal ordinances wherein the property lies, and said damage to the property shall be repaired and the property restored to substantially the same condition

as existed immediately prior to such damage, at the sole cost and expense of Monmouth County. The Authority shall be responsible for its appurtenances and improvements located within the Easement property and on the Authority's property adjacent to the Easement property. Monmouth County further agrees to indemnify and hold the Authority harmless from any liability for injury sustained or damage occurring to Monmouth County, its licenses, agents, servants and employees or otherwise incurred by said Monmouth County, its licenses, agents, servants and employees while on the easement property pursuant to rights, privileges and authority granted herein.

5. The easement and right-of-way herein granted, and the agreements, conditions, covenants and promises herein contained are intended to be covenants running with the land, which shall inure to the benefit of and be binding upon the respective parties hereto, their heirs, successors and assigns.
6. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to:
  - a) John S. Wisniewski, Esq.
  - b) Monmouth County
  - c) Marlboro Township

**DATE: MARCH 24<sup>TH</sup>, 2011**

<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>PERNICE</b>		<b>X</b>	<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			
<b>TOUBIN</b>			<b>X</b>			

**RESOLUTION APPROVING MINUTES**

**BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meetings of February 1<sup>st</sup>, 2011, and February 23<sup>rd</sup>, 2011 be and the same are hereby accepted for filing by the Authority.

**DATE: MARCH 24<sup>TH</sup>, 2011**

<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>PERNICE</b>		<b>X</b>	<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			
<b>TOUBIN</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, personnel and contracts , 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: MARCH 10<sup>TH</sup>, 2011

<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			
PERNICE	X		X			
ROSEN			X			
TOUBIN			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 and will 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 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 return to open session.

DATE: MARCH 10<sup>TH</sup>, 2011

<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			
PERNICE						X
ROSEN	X		X			
TOUBIN			X			

**RESOLUTION AUTHORIZING THE GENERAL MANAGER TO PREPARE PLANS  
AND SPECIFICATIONS AND ADVERTISE FOR THE RECEIPT OF BIDS FOR  
ELECTRIC PURCHASE AGREEMENT**

WHEREAS, the General Manager has requested that plans and specifications be prepared, and advertise for the receipt of bids for Electric Purchase Agreement;

NOW, 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 and to advertise for the receipt of bids receive bids for Electric Purchase Agreement.
2. The Secretary is authorized to forward copies of this resolution, certified to be a true copy to:
  - a) Coleen Weber, Office Manager
  - b) Eddie Leatherman, Special Projects Manager

DATE: MARCH 10<sup>TH</sup>, 2011

<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			
PERNICE		X	X			
ROSEN	X		X			
TOUBIN			X			

**RESOLUTION AUTHORIZING THE GENERAL MANAGER TO PREPARE PLANS  
AND SPECIFICATIONS AND ADVERTISE FOR THE RECEIPT OF BIDS FOR  
DeZURIK VALVES**

WHEREAS, the General Manager has requested that plans and specifications be prepared, and advertise for the receipt of bids for DeZurik Valves;

NOW, 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 and to advertise for the receipt of bids receive bids for DeZurik Valves.
2. The Secretary is authorized to forward copies of this resolution, certified to be a true copy to:
  - a) Coleen Weber, Office Manager
  - b) George Kasternakis, Maintenance Supervisor

DATE: MARCH 10<sup>TH</sup>, 2011

<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			
PERNICE		X	X			
ROSEN	X		X			
TOUBIN			X			

**RESOLUTION AUTHORIZING THE GENERAL MANAGER TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR THE RECEIPT OF BIDS FOR THE TRICKING FILER #2**

WHEREAS, the General Manager has requested that plans and specifications be prepared, and advertise for the receipt of bids for the Tricking Filter #2;

NOW, 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 and to advertise for the receipt of bids receive bids for the Tricking Filter #2.
2. The Secretary is authorized to forward copies of this resolution, certified to be a true copy to:
  - a) Coleen Weber, Office Manager
  - b) Eddie Leatherman, Special Projects Manager

DATE: MARCH 10<sup>TH</sup>, 2011

<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			
PERNICE		X	X			
ROSEN	X		X			
TOUBIN			X			