

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

**DATE: DECEMBER 18, 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		<b>X</b>	<b>X</b>			
MENDEZ						<b>X</b>
PERNICE			<b>X</b>			
ROSEN	<b>X</b>		<b>X</b>			

## **GRANTING APPROVAL TO B&I CENTER, LLC, PROJECT #658**

**WHEREAS**, Richard Herbst has 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; and

**WHEREAS**, the Applicant proposes 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 existing wastewater is currently conveyed to an on-site septic system. The proposed gravity sewers will be constructed on Block 360, Lot 5 to convey existing wastewater flow from the existing septic system to a new pump station. Approximately 864 linear feet of 1-1/2" HDPE force main will be constructed from the pump station to a discharge manhole near Timber Lane. All facilities to be constructed shall remain private with the exception of approximately 128 linear feet of 8" PVC SD R-35 gravity sanitary sewer 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. 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
- e. Applicant is required to furnish sufficient performance guarantees per the attached, in the amounts of \$290,578.72 and \$32,286.52 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 \$34,484.15 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 \$11,498.05. 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 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 October 30, 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) Richard Herbst, Project #658, B&I Center, LLC
- 2) CME Associates. Consultant Engineer
- 3) Frances J. Borin, Esq.

**DATE: DECEMBER 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>
McENERY		X	X			
MENDEZ						X
PERNICE			X			
ROSEN	X		X			

## **GRANTING APPROVAL TO AMERICAN PLAZA III, LLC, PROJECT #668**

**WHEREAS**, American Plaza III has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #668, located in Block #176 on Lots #2 & 5.02 in the Township of Marlboro and Block #21002 and Lot #3 in Old Bridge; and

**WHEREAS**, the Applicant proposes to construct a new 22,245 square foot retail building and a 5,129 square foot fast-food restaurant consisting of 112 seats. The proposed sanitary sewer system will consist of a sanitary sewer lateral to a proposed sewage pump station. The pump station will discharge through a new force main constructed of approximately 190 linear feet of HDPE pipe to an existing manhole in Texas Road. All proposed facilities will be privately owned. 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;
- e. Applicant's compliance with the Authority's Exhibits "F" & "G" relative to Grease Traps;
- f. Applicant is required to furnish sufficient performance guarantees per the attached, in the amounts of \$60,981.34 and \$6,775.70 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 \$7,239.00 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 \$2,413.00. 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;
- h. Submittal of an acceptable insurance certificate naming the WMUA and its Consulting Engineer additionally insured;
- i. Applicant's attendance at a preconstruction meeting.

- j. The Authority shall not be responsible for ownership or maintenance of any of the sanitary sewer facilities constructed for this project.

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 American Plaza III, 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) American Plaza III, Project #668
- 2) CME Associates. Consultant Engineer
- 3) Frances J. Borin, Esq.

**DATE: DECEMBER 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>
McENERY		X	X			
MENDEZ						X
PERNICE			X			
ROSEN	X		X			

**RESOLUTION AUTHORIZING A PUBLIC HEARING TO SET THE NEW  
BUDGET FOR FISCAL YEAR 2019-2020**

**WHEREAS**, from time to time, the Western Monmouth Utilities Authority reviews the budget to determine that the revenues of the Authority are adequate to pay the expense of the operation and maintenance of the system and to fairly apportion the Debt Service among customers; and

**WHEREAS**, the Commissioners of the Western Monmouth Utilities Authority propose to conduct a public hearing on January 22, 2019 at the offices of the Western Monmouth Utilities Authority, 103 Pension Road, Manalapan, New Jersey at 7:00 p.m., for the purpose of adopting the new budget for the year ending January 31<sup>st</sup>, 2020 and until such time as a new budget is set; and

**WHEREAS**, a notice of this hearing is required to be published in a newspaper of general circulation in the service area of the Western Monmouth Utilities Authority at least twenty (20) days prior to January 22, 2019, and

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

1. A public hearing shall be on Thursday, January 22, 2019, at 7:00 p.m., at the offices of the Authority.
2. Certified true copies of this Resolution shall be forwarded for publication to the clerk of each municipality serviced by the Western Monmouth Utilities Authority.

**DATE: DECEMBER 18, 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>ROSEN</b>	<b>X</b>		<b>X</b>			

**RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND  
AND CASH SURETY AND ALL REMAINING ESCROW TO MARLBORO  
COMMONS, PROJECT #484**

**WHEREAS**, the developer of Marlboro Commons, Project #484 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 recommends the release of the remaining performance guarantees and cash surety (plus accrued interest).

**WHEREAS**, CME also recommends that all remaining escrow monies be returned to the developer, and

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

1. The Performance bond, Cash Surety and all remaining escrow associated with the Marlboro Commons #484 be released.
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) Marlboro Commons, Project #484

**DATE: DECEMBER 18, 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>ROSEN</b>	<b>X</b>		<b>X</b>			

**AMENDING AUTHORIZATION OF CONTRACT WITH BEYER FORD STATE CONTRACT #A88727 FOR THE PURCHASE OF ONE 2019 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 entered 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. Due to conditions beyond WMUA's control, the vehicle was unavailable in a timely manner however the dealership has notified us they have receipt of 6 2019 Ford Super Duty F250's which our specification, however is the vehicle is \$109.50 more. We are hereby amending this Resolution to reflect the new price of \$35,820.50

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 now thru January 31<sup>st</sup>, 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, Chief Financial Officer
2. BEYER FORD, CONTRACT #A88727

**DATE: DECEMBER 18, 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	X			
MENDEZ						X
PERNICE			X			
ROSEN	X		X			



**RESOLUTION HIRING TIMOTHY VAN PELT AS AN OPERATOR,  
EFFECTIVE JANUARY 1, 2019**

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

**WHEREAS**, Brian J. Valentino, the CEO has recommended that the WMUA approve the appointment of Timothy Van Pelt to the position of 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. Timothy Van Pelt be and he is hereby appointed to the position of Operator effective as of Monday, January 7, 2019 at an hourly rate of \$31.98 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) Timothy Van Pelt

**DATE: DECEMBER 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>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 closed the meeting to discuss personnel for the purpose of taking action on matters in open session, 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: DECEMBER 18, 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						
MENDEZ						
PERNICE						
ROSEN						

**18-149 ADJOURNED**