

WESTERN MONMOUTH UTILITIES AUTHORITY

PUBLIC MEETING

May 19th, 2011

Chairman Toubin called the Western Monmouth Utilities Authority's Public meeting to order at 7:38PM. It was announced that pursuant to the Open Public Meeting Act and N.J.S.A. 10:4-6 et seq., adequate notice of this meeting has been sent to the Asbury Park Press, The Home News and Tribune, Clerks of Manalapan and Marlboro Townships, and is posted in the lobby of the Western Monmouth Utilities Authority ("W.M.U.A.").

Upon roll call:

Present:	Messrs. McEnery, Pernice and Toubin
Absent:	Rosen
Also in Attendance:	J. Wisniewski, Attorney, and Wisniewski & Associates K. Henderson, Engineer, T&M Associates T. Gillen, Engineer, CME Associates G. Stankiewicz, Auditor D. Martindell, Facility Manager R. Corbett, Collections Superintendent G. Kasternakis, Maintenance Supervisor K. Leatherman, General Manager A. Finnerty, Authority Clerk

All present cited the Pledge of Allegiance.

Chairman Toubin asked if there was any public comment. There was none.

- The Discussion items on the Agenda were addressed;
 - Chairman Toubin asked about SRA Properties #433. Tim Gillen stated that they have reviewed everything with the Authority staff and the project is complete. Mr. Gillen has recommended that cash surety and escrow be released.
 - Chairman Toubin asked about Roxbury Estates #115. Mrs. Leatherman attached paperwork from Jim Carr of T&M which stated that everything has been addressed; therefore, the cash surety and escrow can be released.
 - Keith Henderson addressed the Commissioners regarding the Grit Building renovation. He stated that T&M has met with the Authority Staff and they have approved the plans and specifications prepared by T&M.
 - John Wisniewski addressed the approval for Wood Avenue Apartments. Mr. Wisniewski stated that the developers for Wood Avenue; in previous meetings with the Authority, had requested a reduction in connection fees and did not want to provide laterals to attached properties as per the Authorities Rules and

Regulations. The laterals that will be provided are clearly stated in Resolution 11-73, Granting Approval to Wood Avenue Apartments #481. The developer has provided information that confirms it is a non-profit development. We have prepared a developers agreement stating that if they should no longer be a non-profit organization within a 30 year time period, they must provide the laterals to the adjacent properties. Chairman Toubin asked if they should sell some assets and are no longer a non-profit organization, how would we know and how could we enforce our rules and regulations. Mr. Wisniewski stated that it would be very difficult for us to find out if the development changes. He said that in cases such as these, we can ask them to post a bond for 10 years to cover the cost of installation of the laterals should it change from being a non-profit organization. Commissioner McEnergy asked if they had done away with the 30 year housing commitment. Mr Wisniewski stated that the laws today still require a 30 year commitment. Chairman Toubin asked if all the connection fees had been paid. Mrs. Leatherman said the connection fees get paid when they need building permits, but they have posted escrow funds. Mrs. Leatherman stated that escrow funds are posted in stages. Commissioner McEnergy would like the Authority to request a bond. Mr. Wisniewski said that we can approve the resolution but it is still subject to approval of the Developers Agreement.

- o Chairman Toubin asked about the WMP Mapping Revisions. Mrs. Leatherman stated that we have correspondence from the state and T&M Associates. Keith Henderson attended all the meetings regarding the revisions.

Chairman Toubin asked for a motion on Resolutions 11-67 thru 11-75. Resolution 11-73 was tabled as per Commissioner McEnergy’s request. Commissioner Pernice moved, seconded by Commissioner McEnergy. Upon roll call the vote was as follows:

AYES:	Messrs McEnergy, Pernice and Toubin
NAYS:	None
ABSENT:	Rosen
ABSTENTIONS:	None

- 11-67 Accepting Minutes of April 7th, 2011 and April 21st, 2011
- 11-68 Authorizing release of Cash Surety and all remaining escrow for SRA Properties #433
- 11-69 Authorizing release of Cash Surety and all remaining escrow for Roxbury Estates #115
- 11-70 Awarding Sanitary Sewer Maintenance Repair contract to B&W Construction
- 11-71 Consenting to the Proposed Monmouth County Water Quality Management (WQM) Plan Amendment
- 11-72 Authorizing T&M Associates to prepare plans and specifications, advertise and receive bids for Grit Building Renovation
- 11-73 Granting Approval to Wood Avenue Apartments #481 **(TABLED)**
- 11-74 Authorizing Hold Harmless Agreement for Shamrock @ 79, LLC #470

11-75 Authorizing Developers Agreement and Hold Harmless Agreement for Marlboro Commons #484

Commissioner McEnergy wanted to discuss the Wood Avenue Development before he agreed to approve the Resolution. Chairman Toubin explained that the approval is subject to approval by the township. Commissioner McEnergy needed to confirm that the approval will only go through with the township's approval. Tim Gillen also explained that every approval is always contingent upon the municipality, and vice versa, the township's approvals are subject to the Authority's approval. Commissioner McEnergy then agreed to move 11-73 Granting Approval to Wood Avenue Apartments #481, seconded by Commissioner Pernice. All present voted Aye.

Chairman Toubin asked if there were any questions on the Bill List. Chairman Toubin asked about the payment to Layne Christensen. Keith Henderson stated that this is a partial payment and we still have a final payment to make. Chairman Toubin wanted to confirm that we have enough money left to cover the late charges; Mr. Wisniewski said that we have significant delay damage and they have been notified. Commissioner Pernice moved the bill list, seconded by Commissioner McEnergy:

- AYES: Messrs McEnergy, Pernice, and Toubin
- NAYS: None
- ABSENT: Rosen
- ABSTENTIONS: None

With all Discussion items being addressed, Chairman Toubin asked if there was any other Authority business. Mr. Wisniewski addressed the Bayshore Regional Sewerage Authority Agreement from the last meeting. They are aware that we still have a substantial amount of time to renew the Agreement. Bayshore was working on all of these agreements so they wanted just to update ours. Gerry Stankiewicz explained to Commissioner McEnergy that this a standard agreement that all authorities have and it dates back to the early 1970's. Commissioner Pernice addressed the ribbon cutting ceremony that took place this morning at the Authority and thanked the staff for the excellent job in the maintenance and cleanliness of our facility. The Mayor of Marlboro was very impressed with the plant maintenance and how we have kept the rates stable.

At 8:14 pm Chairman Toubin asked for a motion to go into Closed Session to discuss:

1. Personnel & Litigation

Resolution 11-76 Authorizing the Commissioners to go into Closed Session for the purpose of discussing Litigation and Personnel, and they will not return to Public Session was moved by Commissioner Pernice and seconded by Commissioner McEnergy. All present voted aye.

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