

**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: MAY 19<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>X</b>			
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</b>						<b>X</b>
<b>TOUBIN</b>			<b>X</b>			

**RESOLUTION AUTHORIZING EASEMENT AGREEMENT AND HOLD HARMLESS AGREEMENT WITH MARLBORO COMMONS, LLC #484**

**BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the Chairman and Secretary be and they are hereby authorized and directed to execute an Easement Agreement and a Hold Harmless Agreement between the Western Monmouth Utilities Authority and Marlboro Commons, LLC #484; and

**BE IT FURTHER RESOLVED**, the Commissioners of the Western Monmouth Utilities Authority are authorized to execute an easement agreement and Hold Harmless Agreement and

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

1. Consulting Engineer, CME Associates
2. John S. Wisniewski, Attorney
3. Marlboro Commons #484

**DATE: MAY 19<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>X</b>			
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</b>						<b>X</b>
<b>TOUBIN</b>			<b>X</b>			

**RESOLUTION AUTHORIZING EASEMENT AGREEMENT AND HOLD HARMLESS AGREEMENT WITH MARLBORO COMMONS, LLC #484**

**BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the Chairman and Secretary be and they are hereby authorized and directed to execute an Easement Agreement and a Hold Harmless Agreement between the Western Monmouth Utilities Authority and Marlboro Commons, LLC #484; and

**BE IT FURTHER RESOLVED**, the Commissioners of the Western Monmouth Utilities Authority are authorized to execute an easement agreement and Hold Harmless Agreement and

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

1. Consulting Engineer, CME Associates
2. John S. Wisniewski, Attorney
3. Marlboro Commons #484

**DATE: MAY 17<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>X</b>			
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</b>						<b>X</b>
<b>TOUBIN</b>			<b>X</b>			

**RESOLUTION AUTHORIZING EXECUTION OF  
INDEMNIFICATION AND HOLD HARMLESS AGREEMENT AND OTHER  
AGREEMENTS WITH AND GRANTING APPROVAL TO CONSTRUCT ON-SITE  
WITH CONDITIONS TO SHAMROCK @ 79, INC a/k/a FIRESIDE @ 79 REALTY, LLC  
(WMUA 470)**

**WHEREAS**, Shamrock @ 79, INC a/k/a Fireside @ 79 Realty, LLC (“Applicant”) has applied to the WMUA for service and intends to extend the WMUA’s sewer system by construction of an eight inch (8”) sanitary sewer main from the WMUA’s Kensington Gate Pump Station out to and along Route 79’s Right-of-Way to the Applicant’s commercial property located on Route 79, also known as Block 415, Lot 31 on the Official Tax Maps of the Township of Marlboro (the “Property”) (hereinafter referred to as “Project No. 470”); and

**WHEREAS**, the Applicant owns the Property by deed dated December 22, 2010 and recorded in the Monmouth County Clerk’s Office on January 5, 2011 in Deed Book 8871 at Page 273; and

**WHEREAS**, the Property is currently outside of the WMUA sewer service area; and

**WHEREAS**, pursuant to the Rules and Regulations, the WMUA cannot connect properties outside of its sewer service area to the WMUA sewer system; and

**WHEREAS**, a proposed amendment to the Monmouth County (“County”) Areawide Water Management Plan (“WMP”) was submitted by the County Planning Board to the New Jersey Department of Environmental Protection (“NJDEP”); and

**WHEREAS**, the proposed amended WMP includes the Applicant’s Property; and

**WHEREAS**, the NJDEP and/or County have not yet formally approved the proposed amended WMP; and

**WHEREAS**, Applicant desires to undertake on-site construction activity prior to receipt of final NJDEP and/or County approval of the amended WMP which anticipates including the Applicant's Property in the WMUA sewer service area; and

**WHEREAS**, the NJDEP, by letter dated May 3, 2011 to the Applicant, has confirmed that the NJDEP does not prohibit the Applicant from undertaking on-site constructive activity prior to receipt of final NJDEP approval of the amended WMP; and

**WHEREAS**, the County has also recommended the inclusion of Applicant's Property in the proposed amended WMP; and

**WHEREAS**, as a result of the aforementioned, the Applicant has requested from the WMUA a waiver of the WMUA's Rules and Regulations in order to allow it to commence construction with the understanding that it presently cannot connect to the WMUA sewer system; and

**WHEREAS**, the WMUA, on a case-by-case basis, reviews such requests by developers; and

**WHEREAS**, the WMUA has agreed to enter into an Indemnification and Hold Harmless Agreement ("Agreement") with the Applicant in order to allow the Applicant to commence preliminary construction on its Property while at the same time protecting the WMUA's interests by creating no obligations on the part of the WMUA; and

**WHEREAS**, the Applicant, clearly and unequivocally, understands that neither the Agreement nor this Resolution operates as an Approval for sewer connection with the WMUA or is to be construed as a guarantee by the WMUA to connect the Applicant's Property to the WMUA sewer system should the NJDEP and/or County fail to adopt the proposed amended WMP; and

**WHEREAS**, the Applicant, clearly and unequivocally, understands that only after final Approval is granted by the WMUA and approval of the proposed amended WMP is granted by the NJDEP and/or County, all other applicable fees are paid to the WMUA, and all application conditions have been satisfied to the approval of the WMUA Commissioners shall the WMUA allow the Applicant to connect to the WMUA sewer system; and

**WHEREAS**, as such, the Applicant acknowledges that it is proceeding at its own risk and that the WMUA will not and shall not assume any responsibility for the sewers constructed by the Applicant if the proposed amended WMP is not approved by the NJDEP or the County and/or the Applicant's Property is not included in the adopted WMP; and

**WHEREAS**, the WMUA shall not be held responsible or liable in anyway whatsoever to the Applicant, the NJDEP or the County for any costs or damages, including attorney's fees, for allowing Applicant to commence construction or if Applicant does not or is not able to connect to the WMUA sewer system, regardless of fault; and

**WHEREAS**, the total amount of EDCUs for WMUA Application 470 is 15 EDCUs; and

**WHEREAS**, the terms of CME Associates' Engineer's Report dated May 16, 2011 are incorporated herein;

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

1. The WMUA Commissioners are authorized to execute an Indemnification and Hold Harmless Agreement and any other agreements with the Applicant that addresses the terms and conditions herein.
2. The Applicant shall continue to advance its application to meet all requirements of the WMUA and to complete all construction associated therein in compliance

with the WMUA Rules and Regulations and be able to connect to the WMUA sewer system.

3. However, it is acknowledged by the Applicant that the NJDEP and/or County have not formally approved an amendment to the WMP that would include Applicant's Property in the WMUA sewer service area. It is also acknowledged by the Applicant that a downstream capacity test has to be conducted for the Kensington Gate Pump Station to determine adequate capacity. Therefore, until such time as the NJDEP and/or County approve the proposed amended WMP and there is capacity in the Kensington Gate Pump Station to handle the Applicant's flow, the Applicant cannot connect to the WMUA sewer system. Because construction will be complete, yet the connection will not be effectuated, this is known as a "dry" sewer.
4. Neither the Agreement nor this Resolution operates in anyway whatsoever as an Approval for sewer connection with the WMUA or is to be construed as a guarantee by the WMUA to connect the Applicant to the WMUA sewer system.
5. Only after final Approval is granted by the WMUA and approval of the proposed amended WMP is granted by the NJDEP and/or County which include Applicant's Property, all other applicable fees are paid to the WMUA, and all application conditions have been satisfied to the approval of the WMUA Commissioners shall the WMUA allow the Applicant to connect to the WMUA sewer system.
6. The Applicant is still obligated to comply with the WMUA Rules and Regulations including, but not limited to:

- i. Payment of all outstanding WMUA fees, including but not limited to, connection charges and service charges; and
- ii. Payment of all outstanding escrow monies; and
- iii. Posting of performance and maintenance guarantees; and
- iv. Entering into any necessary agreements with the WMUA (e.g. Developer's Agreement, Deed of Easement, etc.). The WMUA Commissioners are authorized to execute these agreements upon receipt.

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

- i. CME Associates
- ii. John S. Wisniewski, Esq., Attorney
- iii. Shamrock @ 79, INC a/k/a Fireside @ 79 Realty, LLC

**DATE: MAY 19<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>X</b>			
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</b>						<b>X</b>
<b>TOUBIN</b>			<b>X</b>			



## RESOLUTION GRANTING APPROVAL TO WOOD AVENUE APARTMENTS #481

**WHEREAS**, Wood Avenue Apartments #481 has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #481 located at Lot 17 in Block #47 in the Township of Manalapan; and

**WHEREAS**, the applicant proposes to provide sanitary sewer service to this property by constructing approximately 1,735 L.F. of 8" PVC gravity sewer. The proposed sewer connection will connect to the existing sanitary sewer manhole located at the intersection of Water Street and Wood Avenue in the Borough of Englishtown. The WMUA's ownership will include only the 8" sewer main. The service laterals from the main to the buildings will be owned, operated and maintained by the applicant. A blanket easement will be granted for the entire development.

**WHEREAS**, on February 23<sup>rd</sup>, 2011, the Applicant requested a waiver from the WMUA's Rules and Regulations requiring an extension of the Applicant's property frontage on Wood Avenue; and

**WHEREAS**, the WMUA Rules and Regulations require that applicants extend sewer lines to allow for gravity connections for adjacent lots or properties owned by others; and

**WHEREAS**, because the Applicant has represented and it was confirmed that the project is 100% affordable housing, the WMUA Commissioners have determined that in order to avoid a significant impediment to the development of affordable housing, the WMUA Commissioners will waive the requirement for the Applicant to extend the sewer line along the property frontage on Wood Avenue, without establishing any precedent; and

**WHEREAS**, such waiver is conditioned on the project staying 100% affordable housing. In the event that the affordable restrictions are cancelled, revoked or expire or the Property is no longer 100% affordable housing, the AUTHORITY reserves the right to demand that Applicant, its heirs, successors or assigns, among other things, extend the sewer line along the Applicant's property frontage on Wood Avenue; and

**WHEREAS**, the applicant is required to provide sewer laterals for the existing lots which front the sewer extension. The properties which are to be provided separate laterals are:

Block 49 Lot 7

Block 49 Lot 1.01

Block 49 Lot 1.02

**WHEREAS**, the flow generated from the proposed project is tributary to an 8” gravity sewer on Water Street, the Weamaconk Brook Interceptor and the McGelliards Brook Interceptor. The downstream infrastructure has adequate capacity to accept the proposed flow.

**WHEREAS**, approval is recommended based on the following conditions:

1. Payment of all application fees and professional fees including legal and engineering fees to the WMUA.
2. Obtaining all required easements in a form suitable to the WMUA Attorney.
3. Conformance to the Rules and Regulations of the NJDEP, WMUA and all other applicable regulatory agencies.
4. The WMUA and the Applicant shall enter into a Developer’s Agreement and any other agreement to effectuate the terms of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the application for approval in connection with be and the same 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 May 11, 2011, which is hereby attached.

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

- 1) Wood Avenue Apartments #481
- 2) T&M Associates. Consultant Engineer
- 3) John Wisniewski, Attorney

**DATE: May 19, 2011**

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

**RESOLUTION AUTHORIZING T&M ASSOCIATES TO PREPARE PLANS  
AND SPECIFICATIONS AND ADVERTISE AND RECEIVE BIDS FOR THE  
GRIT BUILDING RENOVATION**

**WHEREAS**, Western Monmouth Utilities Authority has requested that T&M Associates prepare plans and specifications and advertise and receive bids for the Grit Building Renovation, and :

**WHEREAS**, the Commissioners of the Western Monmouth Utilities Authority need to authorize T&M Associates to prepare plans and specifications, advertise and receive bids, and

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

1. T & M Associates is hereby authorized to prepare plans and specifications and advertise and receive bids for the Grit Building Renovation.
2. The Secretary is authorized to forward copies of this resolution, certified to be a true copy
  - a) Coleen Weber, Accounts Payable Clerk

**DATE: MAY 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>
<b>McENERY</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</b>						<b>X</b>
<b>TOUBIN</b>			<b>X</b>			

**RESOLUTION CONSENTING TO THE PROPOSED MONMOUTH COUNTY  
WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT**

**WHEREAS**, the Western Monmouth Utilities Authority desires to provide for the orderly development of wastewater facilities within Monmouth County; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

**WHEREAS**, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

**WHEREAS**, a proposed WQM plan amendment noticed in the New Jersey Register on May 2, 2011 for Proposed Amendment to the Monmouth County Water Quality Management Plan has been prepared by Monmouth County Department of Planning:

**NOW, THEREFORE, BE IT RESOLVED** on this 19<sup>th</sup>, day of May, 2011 by the governing body of the Western Monmouth Utilities Authority that:

1. The Western Monmouth Utilities Authority hereby consents to the Amendment to the Monmouth County Water Quality Management Plan, and publicly noticed on May 2<sup>nd</sup>, 2011, prepared by the Monmouth County Department of Planning, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

**DATE:**

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

**RESOLUTION AWARDING CONTRACT FOR SANITARY SEWER MAINTENANCE  
AND REPAIR TO B&W CONSTRUCTION CO OF NJ**

**WHEREAS**, a notice to bidders was published in the Asbury Park Press on April 23<sup>rd</sup>, 2011; and

**WHEREAS**, on May 10<sup>th</sup>, 2011 at 10:00AM, bids were received by the Authority for the Sanitary Sewer Maintenance and Repair Contract, and

**WHEREAS**, the General Manager reviewed the bids set forth on the bid tally sheet of May 10<sup>th</sup>, 2011, and

**WHEREAS**, **B&W Construction of NJ**, was the lowest bidder in the amount of \$347,175.00 for the Sanitary Sewer Maintenance and Repair Contract, and

**WHEREAS**, the General Manager has recommended that the contract for Sanitary Sewer Maintenance and Repair be awarded to B&W Construction of NJ, and

**WHEREAS**, funds are or will be available for this purpose;

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

1. The bid from B&W Construction of NJ in the amount of \$347,175.00 for the Sanitary Sewer Maintenance and Repair Contract to expire on January 31<sup>st</sup>, 2013, be awarded and,
2. The General Manager is authorized to enter into a contract between the Western Monmouth Utilities Authority and B&W Construction of NJ.
3. B&W Construction of NJ is required to comply with requirements of P.L. 1975 C.127 (N.J.A.C. 17:27)

4. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to;
- a) B&W Construction Co. of NJ Inc.
  - b) Russell Corbett, Collection Superintendent
  - c) Marilyn Seidenberg, Director of Finance

**DATE: MAY 19<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			

**RESOLUTION AUTHORIZING THE RELEASE OF CASH SURETY AND ESCROW  
TO ROXBURY ESTATES #115**

**WHEREAS**, Roxbury Estates #115 has requested the release of its Cash Surety and Escrow, and

**WHEREAS**, the General Manager recommends that any remaining balances (plus all accrued interest) be returned to the developer subject to the payment of any outstanding engineering, legal and Authority administrative fees;

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

1. Cash Surety and Escrow money shall be released to Roxbury Estates #115 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) Kathy Leatherman, General Manager
  - b) Roxbury Estates #115
  - d) T& M Associates

**DATE: MAY 19<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>X</b>			
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</b>						<b>X</b>
<b>TOUBIN</b>			<b>X</b>			

**RESOLUTION AUTHORIZING THE RELEASE OF CASH SURETY AND ESCROW  
TO SRA PROPERTIES #433**

**WHEREAS**, SRA Properties #433 has requested the release of its Cash Surety and Escrow, and

**WHEREAS**, the General Manager recommends that any remaining balances (plus all accrued interest) be returned to the developer subject to the payment of any outstanding engineering, legal and Authority administrative fees;

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

1. Cash Surety and Escrow money shall be released to SRA Properties #433 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) Kathy Leatherman, General Manager
  - b) SRA Properties #433
  - d) T& M Associates

**DATE: MAY 19<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>X</b>			
<b>PERNICE</b>	<b>X</b>		<b>X</b>			
<b>ROSEN</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 April 7<sup>th</sup>, 2011 and April 21<sup>st</sup>, 2011 be and the same are hereby accepted for filing by the Authority.

**DATE: MAY 19<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>		X	X			
<b>PERNICE</b>	X		X			
<b>ROSEN</b>						X
<b>TOUBIN</b>			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 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: MAY 5<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 USE OF STATE CONTRACT VENDOR FRIDEN NEOPOST**

**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; Contract #T-0200 will be used to purchase 1 (one) IM16 Letter Opener at the State Contract Price of \$1,443.00 and Contract #75256 to purchase 1 (one) IS420 Mail Machine at the State Contract Price of \$2,001.00, and

**WHEREAS**, the Western Monmouth Utilities Authority intends to enter into a contract with the attached Referenced State Contract Vendor through this resolution 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 as per Resolutions authorizing same 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 May 1, 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
2. Marilyn Seidenberg, Director of Finance

**DATE: May 5, 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 USE OF STATE CONTRACT VENDOR HEWLETT PACKARD TO PURCHASE COMPUTERS, COMPUTER PERIPHERALS, PARTS AND SUPPLIES**

**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 computers, computer peripherals, parts and supplies for WMUA computers, 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 as per Resolutions authorizing same 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 May 1, 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
2. Marilyn Seidenberg, Director of Finance

**DATE: May 5, 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 BIRDSALL GROUP TO PROVIDE ENERGY  
PROCUREMENT CONSULTANT SERVICES FOR REVERSE ENERGY  
AUCTION FOR ELECTRICITY**

**WHEREAS**, the Western Monmouth Utilities Authority intends to procure for its own usage electricity through a reverse auction process, and

**WHEREAS**, the Birdsall Group has been pre-qualified pursuant to Resolution R10-851 adopted on December 29<sup>th</sup>, 2010, and

**WHEREAS**, Birdsall Group has experience conducting on-line reverse auctions, and

**WHEREAS**, the Western Monmouth Utilities Authority will apply to the Division of Local Government Services, Department of Community Affairs for approval to conduct the aforesaid reverse auction, and

**NOW THEREFORE, BE IT RESOLVED** that the Birdsall Group is authorized to act as the Western Monmouth Utilities Authority's Agent for the purposed of conducting the energy procurement, and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be provided to the Division of Local Government Services, Department of Community Affairs in application for approval of the energy procurement.

**DATE: MAY 5<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>			