

**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: JUNE 16TH, 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			
TOUBIN		X	X			

**RESOLUTION AUTHORIZING USE OF STATE CONTRACT VENDOR CAOLA COMPANY
#A76000 FOR CORE LOCKS AND PADLOCKS FOR THE PUMP STATIONS**

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 removable core locks and padlocks for the Pump Stations, 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 June 16th, 2011 thru January 31st, 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: JUNE 16TH, 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 CME ASSOCIATES TO PREPARE PLANS
AND SPECIFICATIONS AND ADVERTISE AND RECEIVE BIDS FOR THE
HAWKINS ROAD PUMP STATION RENOVATION**

WHEREAS, Western Monmouth Utilities Authority has requested that CME Associates prepare plans and specifications and advertise and receive bids for the Hawkins Road Pump Station Renovation, and:

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority need to authorize CME Associates to prepare plans and specifications, advertise and receive bids for the Hawkins Road Pump Station Renovation, and

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

1. CME Associates is hereby authorized to prepare plans and specifications and advertise and receive bids for the Hawkins Road Pump Station 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: JUNE 16TH, 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 NAMING DEPOSITORY FOR VARIOUS BANK ACCOUNTS FOR A
MINIMUM OF THREE (3) YEARS WITH TWO (2) ONE YEAR RENEWAL OPTIONS**

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority (WMUA) authorized the advertisement and receipt of proposals for banking services in accordance with the "Fair and Open" contract provision of the Local Pay to Play Law, on December 16, 2010 ; and

WHEREAS, the Request for Proposals (RFPs) were advertised in the authorized newspapers of the Authority and on the Authority's web site; and

WHEREAS, the proposals were received by 10:00 AM on May 24, 2011; and

WHEREAS, it is the recommendation of the Director of Finance to authorize the designation of Investors Savings Bank as WMUA's depository for various bank accounts; and

WHEREAS, Investors Savings Bank is named as a depository in the Authority's Cash Management Plan and meets its requirements; and

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

1. Investors Savings Bank is designated to act as depository for the following bank accounts:
 - A. U.S. Bank as Trustee for WMUA - Revenue Account
 - B. Operating Cash Management Account
 - C. Operating Checking Account
 - D. Payroll Account
 - E. Developers' Escrow Accounts

2. The Secretary is hereby authorized to forward copies of this Resolution, certified to be a true copy to:
 - A. Marilyn Seidenberg, CMFO, CGFM, Director of Finance
 - B. Leslie Warshauer, Supervising Accountant
 - C. Gerard Stankiewicz, CPA, RMA, Auditor
 - D. Rick Barnes, V.P., U.S. Bank N.A., as Trustee
 - E. Investors Savings Bank

DATE: JUNE 16TH, 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 RELEASE OF THE PERFORMANCE BOND
AND CASH SURETY TO CROWN CAR WASH #465**

WHEREAS, the developer of Crown Car Wash #465 has requested a Performance Bond release and Cash Surety, and;

WHEREAS, there are no remaining deficiencies with the above referenced project. CME Associates recommends the release of the remaining performance guarantees, \$1000.00 to remain in the escrow account until such time as the Maintenance Bond is released, and

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 (June 3rd, 2011), and

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

1. The performance bond shall be released subject to the receipt of and approval by the WMUA of a maintenance bond and all outstanding professional fees have been paid.
2. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to
 - a) Crown Car Wash #465

DATE: JUNE 16TH, 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 PUBLIC HEARING TO SET NEW CONNECTION
FEES FOR FISCAL YEAR 2011-2012**

WHEREAS, in accordance with *NJSA 40:14B-22*, the Western Monmouth Utilities Authority shall annually revise the schedule of connection fees; and

WHEREAS, the Commissioners of the Western Monmouth Utilities Authorities propose to conduct a public hearing on Thursday, August 11th, 2011, at the offices of the Western Monmouth Utilities Authority, 103 Pension Road, Manalapan, New Jersey at 7:30 p.m., for the purpose of setting the connection fee for the year ending January 31st, 2012, and until such time as a new connection fee is computed; 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 August 11th, 2011.

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

1. A public hearing shall be set on August 11th, 2011 at 7:30 p.m., at the offices of the Authority.
2. Certified true copies of the Resolution shall be forwarded for publication and to:
 - a) Clerk of each Municipality serviced by the Western Monmouth Utilities Authority
 - b) Marilyn Seidenberg, Director of Finance

DATE: JUNE 16th, 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 CERTIFYING THAT EACH AUTHORITY COMMISSIONER HAS
REVIEWED THE AUDIT REPORT OF THE YEAR ENDING
JANUARY 31ST, 2011**

WHEREAS, N.J.S.A. 40A:5A-15 requires that the Western Monmouth Utilities Authority make an annual report of its accounts in accordance with the audit requirements promulgated by the Division of Local Government Services, Department of Community Affairs of the State of New Jersey; and

WHEREAS, the annual audit report of the Western Monmouth Utilities Authority for the fiscal year ended January 31st, 2011 has been completed by the Auditor Samuel Klein & Company and filed with the Western Monmouth Utilities Authority and the governing bodies of Manalapan Township and Marlboro Township pursuant to N.J.S.A. 40A:5A-15; and

WHEREAS, N.J.S.A. 40A:5A-15 requires that the Commissioners of the Western Monmouth Utilities Authority within 45 days receipt of the annual audit report, certify by Resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report specifically the section entitled "General Comments" and "Recommendations", and provide evidence of same in a Group Affidavit to be executed in the form prescribed by the Local Finance Board; and

WHEREAS, the Commissioners of the Authority have received the annual audit report and have personally reviewed same in accordance with N.J.S.A. 40A:5A-17;

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

1. The Commissioners do hereby certify to the Local Finance Board of the State of New Jersey that each Authority Commissioner has personally reviewed the annual audit report for the fiscal year ended January 31st, 2011, and have evidenced same in a Group Affidavit executed in the form prescribed by the Local Finance Board.

2. The Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid Group Affidavit accompanied by a certified true copy of the Resolution;
3. The Secretary is hereby authorized to forward copies of the Resolution, certified to be a true copy to:
 1. Gerard Stankiewicz, Samuel Klein & Company
 2. Marilyn Seidenberg, Director of Finance
 3. Clerk of Marlboro Township
 4. Clerk of Manalapan Township
 5. Clerk of Freehold Township
 6. Clerk of Borough of Englishtown
 7. Local Finance Board of the State of New Jersey



STEVEN TOUBIN, CHAIRMAN
WESTERN MONMOUTH UTILITIES AUTHORITY

June 16th 2011

DATED

DATE: JUNE 16TH, 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			

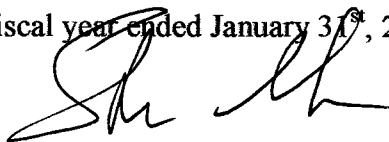
LOCAL AUTHORITIES
GROUP AFFIDAVIT FORM

PRESCRIBED BY THE
NEW JERSEY LOCAL FINANCE BOARD

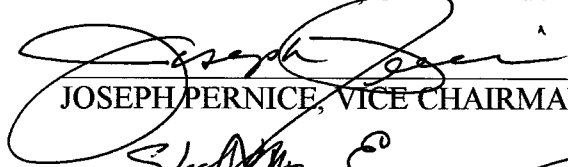
AUDIT REVIEW CERTIFICATE

WE, the Commissioners of the Western Monmouth Utilities Authority, being of full age and being duly sworn according to the law upon our oath depose and say:

1. We are duly appointed member of the Western Monmouth Utilities Authority.
2. We certify, pursuant to N.J.S.A. 40:A5A-17, that which we have each reviewed the annual audit report for the fiscal year ended January 31st, 2011.



STEVEN TOUBIN, CHAIRMAN



JOSEPH PERNICE, VICE CHAIRMAN

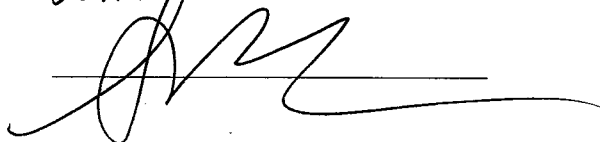


STEPHEN McENERY, SECRETARY



JEFF ROSEN, TREASURER

Sworn and subscribed to
Before me this 16th day of
June 2011



ANN ZAGORSKI-FINNERTY
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JULY 19, 2012

11-82

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meetings of May 5th, 2011 and May 19th, 2011 be and the same are hereby accepted for filing by the Authority.

DATE: MAY 5TH, 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			

DATE: MAY 19TH, 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	
TOUBIN			X			

MEETING DATE: JUNE 16TH, 2011

**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: JUNE 2ND, 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 APPOINTING LESLIE WARSHAUER
CERTIFYING AGENT OF WMUA**

WHEREAS, there is a need at the Western Monmouth Utilities Authority for a Certified Agent to certify certain documents on behalf of the Western Monmouth Utilities Authority for pension, health insurance and other papers; and

NOW, THEREFORE, BE IT RESOLVED that Leslie Warshauer be and the same is hereby appointed Certified Agent of the Western Monmouth Utilities Authority effective immediately; and

BE IF FURTHER RESOLVED that this Resolution supersedes all previous resolutions relating to Certified Agents; and

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

1. Marilyn Seidenberg, Director of Finance
2. Leslie Warshauer, Supervising Accountant

DATE: JUNE 2ND, 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 EXECUTION OF SETTLEMENT AGREEMENT WITH
K. HOVNANIAN AT MARLBORO
TOWNSHIP, VIII, LLC**

WHEREAS, litigation was filed last year against the Western Monmouth Utilities Authority (“WMUA”) by K. Hovnanian at Marlboro Township, VIII, LLC (“K. Hovnanian”) in the Superior Court of New Jersey, Monmouth County, Law Division, Docket Number MON-L-3976-10; and

WHEREAS, the WMUA and K. Hovnanian wish to amicably resolve this matter without the need for formal Court proceedings; and

WHEREAS, the parties have agreed on the terms of a Settlement Agreement which would dismiss the lawsuit; and

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

1. The Commissioners are authorized to execute the Settlement Agreement in this matter.
2. A certified copy of the Resolution shall be provided to each of the following:
 - a. Wisniewski & Associates, LLC
 - b. K. Hovnanian

DATE: JUNE 2ND, 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 EXECUTION OF TREATMENT WORKS
APPLICATION (TWA) AND FOR SHAMROCK @79, INC. #470**

WHEREAS, *N.J.A.C. 7:14A-22.8* requires that any person who proposes to build, install, or modify treatment works that require the New Jersey Department of Environmental Protection (hereinafter the "NJDEP") approval shall submit information and documents, one of which is a resolution and/or written statement of consent from the affected utilities authority; and

WHEREAS, the Western Monmouth Utilities Authority (hereinafter, the "WMUA") Engineer has forwarded to the WMUA a TWA-1 (Treatment Works Approval Permit Application), WQM-003 (Statements of Consent), and WQM-006 (Engineer's Report for Domestic Treatment Works Approval Application (collectively, the "TWA Application") with original signatures from the applicant and the applicant's engineer; and

WHEREAS, the WMUA Engineer recommends execution by the WMUA of the TWA Application in order to obtain permits authorizing the treatment works approvals for the 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 Shamrock @ 79, Inc. located on Block #415, Lot #31, and

WHEREAS, the construction will be complete, yet the connection will not be effectuated, this is known as a "dry" sewer, and

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

1. That the General Manager is hereby authorized to execute the TWA Application on behalf of the WMUA authorizing the treatment works approvals for Project #470, in accordance with the terms set forth herein.

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

- a) John S. Wisniewski, Esq., Attorney
- b) Shamrock @ 79, Inc. #470

DATE: JUNE 2ND, 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			