

**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: JULY 14TH, 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 CHANGE ORDER NO. #1

WHEREAS, T&M Associates, the Consultant Engineer has recommended to the Authority that a Change Order (Change Order #1) be approved in the Contract for Various Electrical Site Improvements; and

WHEREAS, this Change Order results from adjustment described in the Consulting Engineer's letter dated July 6th, 2011 which is hereby attached, and

WHEREAS, this is resulted in a reduction of the contract price computed as follows:

Original Contract Price	\$ 175,000.00
Previous Changes	\$ 00.00
Change Order #1	\$ -4,000.00
Net Change	\$ -4,000.00
Revised Contract Price	\$ 171,000.00

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

1. The General Manager is hereby authorized to execute the Change Order #1 dated May 6th, 2011 in accordance with its terms.
2. The Secretary is authorized to forward copies of this resolution, certified to be a true copy to:
 - a) T&M Associates
 - b) Marilyn Seidenberg, Director of Finance

DATE: JULY 14TH, 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 SIGNATORIES AND AUTHORIZING THE USE OF A FACSIMILE STAMP FOR AUTHORITY BANK ACCOUNTS

WHEREAS, the Western Monmouth Utilities Authority requires a resolution authorizing signatories on the bank accounts maintained by the Western Monmouth Utilities Authority; and

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority passed resolution #11-12 in February of 2011 naming the following signatories as those which will appear on checks drawn upon the funds of the Authority on all its accounts wherever maintained:

Steve Toubin	Chairman
Jeff Rosen	Treasurer

BE IT FURTHER RESOLVED, that this Resolution will be in effect until January 31st, 2012 or until such time as the annual Re-Organization Meeting is held where it shall be re-addressed.

BE IT FURTHER RESOLVED that the foregoing is a true copy of the Facsimile Signature(s) of the Western Monmouth Utilities Authority and that Investors Savings Bank is authorized to accept this Facsimile Signature(s) to authorize transactions on the Western Monmouth Utilities Authority accounts.

BE IT FURTHER RESOLVED that Western Monmouth Utilities Authority agrees to hold Investors Savings Bank harmless and indemnify Investors Savings Bank from and against any and all loss and cost of expense, including reasonable attorney's fees, resulting from acting upon such authorization which Investors Savings Bank reasonably believes to have come from Western Monmouth Utilities Authority.

BE IT FURTHER RESOLVED that the foregoing applies to all of Western Monmouth Utilities Authority's accounts with the exception of the Revenue Account for which U.S. Bank is the Trustee and the authorized signatory.

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

1. Marilyn Seidenberg, Director of Finance
2. Mark Balsam, Investors Savings Bank

DATE: JULY 14th 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) FOR WAWA INC. #439**

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, the developer proposes to provide sanitary sewer service to this property by constructing 1,616 LF of 15” sanitary sewer along Route 33 connecting to the existing PVC stub of the Gander Brook Interceptor (Four Seasons). The sewer will cross under the Gander Brook. The stream crossing will consist of 16” DIP within a steel casing pipe. The proposed sewer will be outside of the Route 33 ROW therefore the applicant is required to obtain easements from the adjacent property owners in a form suitable to the WMUA attorney, and

WHEREAS, the applicant will be required to provide a lateral connection and cleanout for the house located on Block 66, Lots 20.01, as require by the rules and regulations.

WHEREAS, the applicant has been granted approval in Resolution #11-93, the General Manager can now execute the amended TWA form and the NJDOT Permit Application, 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 and the NJDOT Permit Application on behalf of the WMUA authorizing the treatment works approvals for Project #439 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) T&M Associates
- b) John S. Wisniewski, Esq., Attorney
- c) Wawa Inc. #439

DATE: JULY 14TH, 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 GRANTING APPROVAL TO WAWA #439

WHEREAS, Wawa, Inc. has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #439 located at Lot s 18 &22 in Block #66 in the Township of Manalapan; and

WHEREAS, the applicant proposes to construct a gas station with 16 filling stations and a 5,773 SF mini-market located at the intersection of NJ State Highway Route 33 and Woodward Road in Manalapan Township, and

WHEREAS, the developer proposes to provide sanitary sewer service to this property by constructing 1,616 LF of 15" sanitary sewer along Route 33 connecting to the existing PVC stub of the Gander Brook Interceptor (Four Seasons). The sewer will cross under the Gander Brook. The stream crossing will consist of 16" DIP within a steel casing pipe. The proposed sewer will be outside of the Route 33 ROW therefore the applicant is required to obtain easements from the adjacent property owners in a form suitable to the WMUA attorney, and

WHEREAS, the flow generated from this project is tributary to the Gander Brook Interceptor and the Woodward Road Pumping Station #2. The interceptor and pumping station both have sufficient capacity to accept the full blow from the project. At this time the pumping station is owned and operated by the developer of the Four Seasons Development. As requested the applicant has designed the proposed sewer to be deep enough to provide sanitary sewer service to the properties located along Route 33 to the west. The applicant will provide a stub at the intersection of Route 33 and Woodward Road for a future sewer extension (by others), and

WHEREAS, the applicant will be required to provide a lateral connection and cleanout for the house located on Block 66, Lots 20.01, as require by the rules and regulations.

WHEREAS, approval is recommended based on the following conditions:

1. Execution of a Developers Agreement
2. Payment of all application fees and professional fees including legal and engineering fees to the WMUA.
3. Conformance to the Rules and Regulations of the NJDEP, WMUA and all other applicable regulatory agencies.
4. The sewer connection requires the traversing of property not owned by the WMUA before reaching a WMUA facility, in addition to requiring easements from those property owners, we will need a Deed Restriction.

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 July 8th, 2011

BE IT FURTHER RESOLVED that this approval is subject to the payment of all application fees and professional fees including legal and engineering fees, the Applicant complying with the Rules and Regulations of the WMUA and the New Jersey Department of Environmental Protection.

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

- 1) Wawa Inc. #439
- 2) T&M Associates. Consultant Engineer
- 3) John Wisniewski, Attorney

DATE: JULY 14TH, 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 GRANTING APPROVAL TO MANALAPAN EPICENTER #497

WHEREAS, Manalapan Epicenter has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #497 located at Lot #14.04 in Block #22 in the Township of Manalapan; and

WHEREAS, the applicant is proposing to subdivide the former Value Center structure into several components, one of which is a PC Richard. The applicant is proposing individual laterals to each of the subdivided components of the existing structure. As said existing structure previously had sanitary sewer service and as the proposed work constitutes a lateral realignment, the Authority has deemed the application to be minor in nature. The proposed work includes a doghouse manhole with 350 feet of PVC pipe to a terminal manhole and multiple side laterals, and

WHEREAS, CME Associates recommends that the Authority issue a formal letter of approval to Manalapan Township such that the applicant can comply with the municipality's conditions of approval and apply for a building permit to proceed with the construction as proposed, and

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. Deed of Easement
3. Conformance to the Rules and Regulations of the NJDEP, WMUA and all other applicable regulatory agencies.

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 June 22nd, 2011

BE IT FURTHER RESOLVED that this approval is subject to the payment of all application fees and professional fees including legal and engineering fees, the Applicant complying with the Rules and Regulations of the WMUA and the New Jersey Department of Environmental Protection.

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

- 1) Manalapan Epicenter #497
- 2) CME Associates. Consultant Engineer
- 3) John Wisniewski, Attorney

DATE: JULY 14TH, 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 GRANTING APPROVAL TO DALLENBACH SAND COMPANY, INC. #477,
PHASE 1 – CVS PHARMACY**

WHEREAS, Dallenbach Sand Company, Inc. has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #477 located at Lot #27.02 in Block #122 in the Township of Marlboro; and

WHEREAS, the applicant has received approval of the Township of Marlboro Planning Board to subdivide the existing lots (27.01 & 27.02) into two (2) lots for the purpose of constructing three (3) structures on the property. The applicant proposes Phase 1 improvements consisting of a 12,900 SF CVS Pharmacy with a 1,668 SF mezzanine on Lot 27.02 and Phase II improvements consisting of an 11,880 SF general retail building, 3,000SF bank on Lot 27.01, and

WHEREAS, the applicant is currently seeking approval of the Authority to construct ONLY those sanitary sewer improvements necessary to service the Phase I – CVS/Pharmacy that will occupy Lot 27.02, the applicant proposes to construct 394 LF of “private” 8” PVC, SCH 40 gravity sewer within the main access driveway, and

WHEREAS, the flow generated by the CVS Pharmacy will be gravity conveyed through the “private” 8” PVC sewer and through a series of the Authority’s existing gravity sewer mains to the Texas Road Pump Station and ultimately to the Bayshore Regional Sewerage Authority for treatment, and

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. Execution of a Developer’s Agreement, Deed Restriction, Hold Harmless and Indemnification Agreement.
3. Conformance to the Rules and Regulations of the NJDEP, WMUA and all other applicable regulatory agencies.
4. Subject to payment of connection fees to WMUA and BRSA.

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 June 14th, 2011

BE IT FURTHER RESOLVED that this approval is subject to the payment of all application fees and professional fees including legal and engineering fees, the Applicant complying with the Rules and Regulations of the WMUA and the New Jersey Department of Environmental Protection.

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

- 1) Dallenbach Sand Company, Inc. #477
- 2) CME Associates. Consultant Engineer
- 3) Bayshore Regional Sewerage Authority
- 4) John Wisniewski, Attorney

DATE: JULY 14TH, 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 REDUCTION OF PERFORMANCE GUARANTEE FOR
PELICAN COURT AKA ENCLAVE @ GLENBROOK (WMUA 449)**

WHEREAS, the developer of Pelican Court AKA Enclave @ Glenbrook, Project #449 has requested a reduction in the Performance Guarantee, and

WHEREAS, CME Associates has recommended a reduction in the Performance Guarantee in a letter dated June 20th, 2011 attached, and

WHEREAS, CME Associates has reviewed the project and as per site observations, the Applicant has substantially completed all of the improvements in compliance with the approved drawings and approval conditions, and

WHEREAS, the Performance Bond shall be reduced from \$32,061.18 to \$9,618.35, the cash surety and escrow shall be retained until the end of the project.

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

1. The Performance Bond shall be reduced from \$32,061.18 to \$9,618.35.
2. The Cash Surety and escrow shall be retained until the end of the project.
3. Notwithstanding the foregoing, Applicant shall continue to be obligated to pay any outstanding escrow fees and comply with all WMUA Rules and Regulations.
4. A certified copy of the Resolution shall be provided to each of the following:
 1. Katherine Leatherman, General Manager
 3. Tim Gillen, CME Associates
 4. Wisniewski & Associates, LLC
 5. Pelican Court AKA Enclave @ Glenbrook #44

DATE: JULY 14TH, 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 APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meetings of June 2nd, 2011 and June 16th, 2011 be and the same are hereby accepted for filing by the Authority.

DATE: JULY 14TH, 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			