

**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: AUGUST 11TH, 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 FINAL CHANGE ORDER

WHEREAS, T&M Associates, the Consultant Engineer has recommended to the Authority that a Final Change Order be approved in the Contract for 2008 Capital Improvements Project; and

WHEREAS, this Change Order results from adjustment described in the Consulting Engineer's letter dated August 4th, 2011 which is hereby attached, and

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

Original Contract Price	\$ 5,319,000.00
Previous Changes	\$ (302.56)
Change Order #1	\$ 0.00
Net Change	\$ 0.00
Revised Contract Price	\$ 5,318,697.44

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 Final Change Order dated August 4th, 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: AUGUST 11TH, 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 RESCINDING APPROVAL TO DALLENBACH SAND COMPANY,
INC. #477, PHASE 1 – CVS PHARMACY**

WHEREAS, on July 14th, 2011 in Resolution #11-91 the Western Monmouth Utilities Authority granted approval to Dallenbach Sand Company, Inc. #477. Phase I CVS Pharmacy, and

WHEREAS, Timothy Gillen, of CME Associates notified the Authority in an email dated August 8th, 2011 that CME Associates has a potential conflict with Dallenbach Sand Company, that he was just made aware of, and

NOW THEREFORE BE IT RESOLVED that T&M Associates will review said project and the approval granted to CVS Pharmacy, Project #477 is officially withdrawn until such time as T&M Associates determines the status of this project, and

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) T&M Associates
- 2) CME Associates
- 3) Bayshore Regional Sewerage Authority
- 4) John Wisniewski, Attorney

DATE: AUGUST 11TH, 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 EXECUTION OF DEVELOPERS
AGREEMENT FOR SFC ENTERPRISES INC. #442**

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the General Manager be and they are hereby authorized and directed to execute a Developer's Agreement between the Western Monmouth Utilities Authority and SFC Enterprises Inc. #442; and

BE IT FURTHER RESOLVED, the Commissioners of the Western Monmouth Utilities Authority are authorized to execute a developers agreement; and

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

1. SFC Enterprises Inc. #442
2. Katherine Leatherman, General Manager
3. CME Associates
4. John S. Wisniewski, Attorney

DATE: AUGUST 11TH, 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 EXECUTION OF DEVELOPERS
AGREEMENT FOR WOOD AVENUE APARTMENTS #481**

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the General Manager be and they are hereby authorized and directed to execute a Developer's Agreement between the Western Monmouth Utilities Authority and Wood Avenue Apartments #481; and

BE IT FURTHER RESOLVED, the Commissioners of the Western Monmouth Utilities Authority are authorized to execute a developers agreement; and

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

1. Wood Avenue Apartments #481
2. Katherine Leatherman, General Manager
3. T&M Associates
4. John S. Wisniewski, Attorney

DATE: AUGUST 11TH, 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 MEMORIALIZING THE HIRING OF BRUCE MATANO AS
COLLECTIONS TRAINEE**

WHEREAS, there was a vacancy in the Western Monmouth Utilities Authority for the position of Collections Trainee; and

WHEREAS, the Special Projects Manager, Rob Noel has recommended the appointment of Bruce Matano for the position of Collections Trainee; and

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

1. Bruce Matano be and he is hereby appointed to the position of Collections Trainee which was effective on August 1st, 2011 at an hourly rate of \$25.4555 per hour.
2. The Secretary is hereby authorized and directed to forward certified copies of this Resolution to:
 - a) Lil Maigne Accountant & H.R./Specialist
 - b) Local Union 701
 - c) Personnel File
 - d) Bruce Matano

DATE: AUGUST 11TH, 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 AWARDING CONTRACT FOR GRIT BUILDING IMPROVEMENTS
PROJECT TO C&T ASSOCIATES, INC.**

WHEREAS, a notice to bidders was published in the Asbury Park Press on May 27th, 2011; and

WHEREAS, on June 30th, 2011 at 10:00AM, bids were received by the Authority for the Grit Building Improvements Project, and

WHEREAS, T&M Associates reviewed the bids set forth on the bid tally sheet of June 30th, 2011, and

WHEREAS, **C&T Associates, Inc.**, was the second lowest bidder in the amount of \$672,500.00 for the Grit Building Improvements Project, and

WHEREAS, the T&M Associates has recommended that the contract for the Grit Building Improvements Project be awarded to C&T Associates, Inc., 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 C&T Associates, Inc. in the amount of \$672,500.00 for the Grit Building Improvements Project be awarded and,
2. The General Manager is authorized to enter into a contract between the Western Monmouth Utilities Authority and C&T Associates, Inc.
3. C&T Associates, Inc. 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) C&T Associates, Inc.
 - b) T&M Associates
 - c) Marilyn Seidenberg, Director of Finance

DATE: AUGUST 11TH, 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 GENERAL MANAGER TO APPROVE REFUND OF CUSTOMER CONNECTION FEE

WHEREAS, the Authority's customers sometimes request to have their Connection Fee returned to them; and

WHEREAS, the Authority's General Manager recommend that the customers connection fee be returned to customer upon their request in an attached letter dated July 21st, 2011; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the customers connection fee be returned to customer upon their request and approval of the General Manager; and

BE IT FURTHER RESOLVED, certified true copies shall be forwarded to:

- a) Tyler Homes, Inc. #04-18
- b) Katherine Leatherman, General Manager

DATE: AUGUST 11TH, 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 ADOPTING REVISED PURCHASING MANUAL

WHEREAS, the Commissioners have received and reviewed the Revisions to the Purchasing Manual prepared by management of the Western Monmouth Utilities Authority; and

WHEREAS, the Commissioners have agreed to adopt the Revisions to the Purchasing Manual.

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

1. The Purchasing Manual be and the same is hereby adopted.
2. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 1. Katherine Leatherman, General Manager
 2. Gerard Stankiewicz, Auditor
 3. Marilyn Seidenberg, Director of Finance
 4. Coleen Weber, Office Manager

DATE: AUGUST 11th, 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 GENERAL MANAGER TO PREPARE PLANS
AND SPECIFICATIONS AND ADVERTISE FOR THE RECEIPT OF BIDS FOR A
TRIAL OF THIOGUARD**

WHEREAS, the General Manager has requested that plans and specifications be prepared, and advertise for the receipt of bids for a trail of Thioguard; and

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

1. The General Manager is hereby authorized to prepare plans and specifications and to advertise for the receipt of bids receive bids for a trial of Thioguard.
2. The Secretary is authorized to forward copies of this resolution, certified to be a true copy to:
 - a) Coleen Weber, Office Manager
 - b) Dane Martindell, Facilities Manager

DATE: AUGUST 11TH, 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 APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of July 14th, 2011 be and the same are hereby accepted for filing by the Authority.

DATE: AUGUST 11TH, 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 SETTING NEW CONNECTION FEE FOR FISCAL YEAR ENDING
JANUARY 31ST, 2012**

WHEREAS, in accordance with N.J.S.A. 40:14B-22 the Western Monmouth Utilities Authority annually revises the schedule of connection fees; and

WHEREAS, pursuant to an Order of the Superior Court dated March 17th, 2000, the Authority is required to create a separate connection fee for those customers treated by Bayshore Regional Sewerage Authority; and

WHEREAS, pursuant to P.L.2005 Chapter 29, the Authority is required to set a separate connection fee at a 50% discount for Public Housing Authorities and non-profit organizations; and

WHEREAS, pursuant to the Rules and Regulations of the Authority and N.J.S.A. 40:14B-23 a Public Hearing was conducted on August 11th, 2011 for the purpose of fixing the connection fee for the year ending January 31st, 2012; and

WHEREAS, notice of the proposed hearing was sent to the Clerk of each municipality serviced by the Authority and published in one newspaper of general circulation in the area serviced by the Authority; and

WHEREAS, at that hearing the Authority Auditor testified and presented evidence concerning the calculation of the charges based on the Rules and Regulations of the Authority and N.J.S.A. 40:14B-22; and

WHEREAS, pursuant to these Rules and Regulations and statutes, it was determined that the connection fee for the year ending January 31st, 2012 should be fixed at \$3,809.00 for those customers treated by WMUA and \$1,847.00 for those customers treated by BRSA; and

WHEREAS, pursuant to the Rules and Regulations and Statutes, it was determined that the connection fee for Public Housing Authority and non-profit organizations for the year ending January 31st, 2012 should be fixed at \$1,904.50 for those customers treated by WMUA and \$924.00 for those customers treated by BRSA; and

WHEREAS, at that hearing an opportunity for cross examination was offered to the public and a transcript was made which shall be made available at a reasonable fee to any interested party;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the connection fees promulgated pursuant to the Rules and Regulations of the Western Monmouth Utilities Authority be fixed at \$3,809.00 for those

customers treated by the WMUA and \$1,847.00 for those customers treated by the BRSA and \$1,904.50 for Public Housing Authorities and non-profit organizations treated by WMUA and \$924.00 for Public Housing Authorities and non-profit organizations treated by BRSA for the year ending January 31st, 2012 to be in effect until such time as a new rate is calculated;

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

1. Bayshore Regional Sewerage Authority
2. T&M Associates
3. CME Associates
4. Gerard Stankiewicz, CPA
5. Marilyn Seidenberg, Director of Finance

DATE: AUGUST 11TH, 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			