

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the regular minutes of the meeting and the closed session minutes of February 16, 2016 be and the same are hereby accepted for filing by the Authority.

DATE: MARCH 15, 2016

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN	X		X			

GRANTING APPROVAL TO MONARCH POINTE, LLC, PROJECT #534

WHEREAS, Monarch Pointe, LLC has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #534 located at Block#119 in Lots #23, 25 and 26 in the Township of Marlboro; and

WHEREAS, CME Associates has recommended approval subject to a favorable variance Resolution from Marlboro Township for the construction of the pump station building at the Marlboro Planning Board Meeting on March 16th, 2016, and

WHEREAS, this Resolution will be given conditional approval and will only be certified after proof of approval from the Marlboro Township Planning Board is provided to the WMUA and Marlboro Townships Resolution will become part of this Resolution. **THIS RESOLUTION WILL BE EFFECTIVE ON MARCH 17TH, 2016.**

WHEREAS, the applicant proposes to construct approximately 2,048 linear feet of 8" PVC SDR-35 gravity sanitary sewer, a pump station and approximately 825 linear feet of 2" HDPE force main to service a proposed subdivision consisting of 17 residential homes. The proposed gravity sewer will be constructed within Monarch Path, a proposed roadway, and within a proposed sanitary sewer easement to a proposed pump station located along Texas Road. The applicant will make connection to the Authority's existing collection system via connection to an existing manhole. The flow will then go to the Greenwood Road Pumping Station and ultimately to the Bayshore Regional Sewerage Authority for treatment

WHEREAS, CME Associates recommends that this application for connection to WMUA's sanitary sewer facilities be granted Approval subject to the following:

- a. Variance approval from the Marlboro Township Planning Board for the Construction of the pump station building within the required setbacks.
- b. Conformance with the Rules and Regulations of the NJDEP, WMUA and all other applicable regulatory agencies;
- c. Conformance with the Applicant-Operated Pumping Station provisions in the WMUA Rules and Regulations until such time that the WMUA accepts the pump station and its operations.
- d. Payment of all application, escrow and connection fees of the WMUA;
- e. Payment of connection fees to the Bayshore Regional Sewerage Authority;
- f. Payment of all other fees of other Governmental and/or regulatory agencies having jurisdiction over same;
- g. Applicants compliance with all 'issues' and terms, including plan revisions as noted above;
- h. Applicant obtaining all required permits including; NJDEP TWA for sewer extensions

- i. Applicant is required to furnish sufficient performance guarantees per the attached, in the amount of \$435,837.12 and \$48,426.35 representing the 90% bond portion and 10% cash portion respectively, to guarantee construction of the improvements described in the application. No construction may begin until the required performance bond is submitted and approved by the Authority. The performance guarantee must be in a form acceptable to the Authority Attorney.
- j. The applicant shall furnish the required escrow for construction observation as per the attached in the amount of \$51,737.55 in accordance with the Authority's rules and regulations. The applicant has the option of posting an initial deposit representing 5% of the total anticipated construction costs in the amount of \$17,245.85. If applicable the applicant may be required to post additional fees to cover extra work or overtime cost as documented by the Authority and/or its consulting engineer.
- k. Submittal of an acceptable insurance certificate naming the WMUA and its consulting engineer additionally insured and
- l. Applicant's attendance at a preconstruction meeting.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the application for approval in connection with Monarch Pointe, LLC, Project #534 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 February 25th, 2016.

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

- 1) Monarch Pointe, LLC, Project #534
- 2) CME Associates. Consultant Engineer
- 3) Frank Borin, DeCotiis, Fitzpatrick & Cole, LLC

DATE: MARCH 15TH, 2016

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN	X		X			

AUTHORIZING THE GENERAL MANAGER TO PREPARE PLANS AND SPECIFICAITONS AND ADVERTISE AND RECEIVE RFP/RFQ'S FOR IT SUPPORT

WHEREAS, the Western Monmouth Utilities Authority is subject to certain requirements of the Local Public Contracts Law, N.J.S.A.40A:11-5 et seq. and the local Pay to Play Law (N.J.S.A. 19:44A-20.4, 20.5 et seq.) ; and

WHEREAS, the General Manager of the Western Monmouth Utilities Authority has deemed it necessary and appropriate to award contracts over \$17,500.00 for services in 2016 for IT Support in accordance with the "Fair and Open" contract provisions of the Local Pay to Play Law.

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

1. The General Manager of the Western Monmouth Utilities Authority shall hereby advertise the enclosed legal notice in the *Asbury Park Press* and The Home News Tribune and shall make available to interested vendors and professionals the enclosed Western Monmouth Utilities Authority Criteria for Submission of Qualifications and Proposals for IT Support.
2. The Clerk is hereby authorized to forward copies of this Resolution, certified to be a true copy to:
 - A) Katherine Leatherman, General Manager
 - B) Marilyn Seidenberg, Director of Finance
 - C) Coleen Weber, Office Manager

DATE: MARCH 15, 2016

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN	X		X			

LEGAL NOTICE

**REQUEST FOR QUALIFICATIONS/PROPOSALS FOR IT SUPPORT IN THE WESTERN
MONMOUTH UTILITIES AUTHORITY**

NOTICE IS HEREBY GIVEN, that pursuant to N.J.S.A. 19:44A-20.4, 20.5 et seq. that the Western Monmouth Utilities Authority shall pursue a “Fair and Open Process” in awarding contracts for services set forth more fully below, and hereby solicit qualifications and proposals in the form more fully described in the specifications of the Western Monmouth Utilities Authority, which shall be submitted to Katherine Leatherman, General Manager, Western Monmouth Utilities Authority, 103 Pension Road, Manalapan, New Jersey 07726 documentation showing qualifications and compliance with criteria set forth by the Western Monmouth Utilities Authority and State Statute. All qualifications and proposals shall be submitted in a sealed envelope to the General Manager to be received by no later than 2:00 p.m., Wednesday, April 13th, 2016. Professional services for the following are hereby requested:

IT SUPPORT

**Katherine Leatherman, General Manager
Western Monmouth Utilities Authority**

RESOLUTION AUTHORIZING CONTRACT WITH WINNER FORD STATE CONTRACT #A88726 FOR THE PURCHASE OF ONE 2016 FORD F250 EXTENDED CAB WITH UTILITY BODY PURSUANT TO N.J.S.A.40A:11-12a

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 Winner Ford, for the purchase of one 2016 Ford F250 Extended Cab with Utility Body for the price of \$45,688.00 through this resolution and properly executed contracts, 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 on the attached list, 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 Winner Ford State Contract #A88726 from March 15th, 2016 thru January 31st, 2017.

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

1. Marilyn Seidenberg, Director of Finance
2. WINNER FORD, CONTRACT #A88726

DATE: MARCH 15, 2016

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN	X		X			

AUTHORIZING EXECUTIVE DIRECTOR TO SIGN AND EXECUTE THE SETTLEMENT AGREEMENT BETWEEN BRADLEY W. PARKSTROM, PROJECT #597

WHEREAS it is the intent of this resolution to designate the Executive Director to sign and execute a Settlement Agreement between Bradley W. Parkstrom, Project #597 & the WMUA, and

WHEREAS Bradley W. Parkstrom is the record owner of the property identified as Block 19, Lot 35 on the tax maps of the Township of Manalapan which includes an existing single-family residential structure within the WMUA sewer service area, and

WHEREAS during the course of processing the application, the WMUA advised Parkstrom that he would have to install a lateral line across his neighbor's property, which revised the application status creating a complex sewer connection application which required additional monies.

WHEREAS between October 30 and November 12, 2015, Parkstrom, the WMUA and T&M exchanged in numerous electronic mail correspondences regarding the confusion associated with the applications submitted and Revised Parkstrom's responsibility for the additional application fees which resulted in litigation and ultimately a settlement agreement attached and made part of this Resolution

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that Brian J. Valentino, Executive Director is hereby appointed as Official WMUA signatory to execute the settlement agreement between Bradley W. Parkstrom and the WMUA,

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

1. Bradley W. Parkstrom, Project #597
2. Brian J. Valentino, Executive Director
3. Francis J. Borin, Esq., Decotiis, Fitzpatrick & Cole, LLP

DATE: FEBRUARY 16, 2016

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN	X		X			

**MEMORIALIZING THE RELEASE OF ALL REMAINING ESCROW FUNDS TO
MICHAEL WILSON, PROJECT #586**

WHEREAS, Michael Wilson, Project #586 has requested a release of all remaining Escrow, and;

WHEREAS, there are no remaining deficiencies with the above referenced connection CME recommends the release of the remaining Inspection Escrow account, and

WHEREAS, the General Manager has addressed this project and there are no outstanding professional fees remaining, and

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

1. All inspection escrow funds should be returned to Michael Wilson, Project #586
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to
 - a) Kathy Leatherman, General Manager
 - b) Vita Mazzola, Accountant
 - c) Michael Wilson, Project #586

DATE: MARCH 15, 2016

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN	X		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

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: MARCH 15, 2016

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN	X		X			