

WESTERN MONMOUTH UTILITIES AUTHORITY

PUBLIC MEETING

March 15TH, 2012

Chairman Pernice called the Western Monmouth Utilities Authority's Public meeting to order at 7:35PM. It was announced that pursuant to the Open Public Meeting Act and N.J.S.A. 10:4-6 et seq., adequate notice of this meeting has been sent to the Asbury Park Press, The Home News and Tribune, Clerks of Manalapan and Marlboro Townships, and is posted in the lobby of the Western Monmouth Utilities Authority ("W.M.U.A.").

Upon roll call:

Present: Messrs. McEnery, Musich, Pernice and Rosen
Absent: None
Also in Attendance: J. Wisniewski, Attorney, Wisniewski & Associates
K. Henderson, Engineer, T&M Associates
G. Stankiewicz, Auditor
D. Martindell, Facility Manager
K. Leatherman, General Manager
M. Seidenberg, Director of Finance
A. Finnerty, Authority Clerk

All present cited the Pledge of Allegiance.

Chairman Pernice asked if there was any public comment. There was none.

Chairman Pernice addressed the meeting by stating that we had received a letter from Mayor Susan Cohen of Manalapan. She stated that Rob Noel and John Sawicki came to a resident's aid in a timely fashion and did an outstanding job. Chairman Pernice asked Marilyn Seidenberg to comment on the computer updates. Mrs. Seidenberg stated that we were unable to secure the back-up the Authority's computer utilizing the cloud system. She will secure a second back-up in another building on the facility.

Chairman Pernice asked for a motion on Resolutions 12-34 thru 12-41.

- 12-34 Accepting Minuets of February 6th, 2012 and February 16th, 2012
- 12-35 Appointing Robert Smith as JIF Fund Manager
- 12-36 Authorizing General Manager of Director of Finance to Refund Customer Overpayments
- 12-37 Authorizing CME to prepare plans and specifications, advertise and receive Bids for the Edwards Drive Repair

- 12-38 Authorizing General Manager to Execute Developers Agreement for Maple Tree Plaza #456
- 12-39 Appointing Attorney John Wisniewski of Wisniewski & Associates
- 12-40 Appointing Labor & Conflict Counsel Brian Nelson of Nelson Supko & Hanlon LLC
- 12-41 Appointing Regulatory Counsel Vincent Sarubbi of Archer & Greiner, P.C.

Commissioner Rosen moved 12-34, seconded by Commissioner McEnergy. Upon roll call, the vote was as follows:

AYES: Messrs. McEnergy, Pernice and Rosen
NAYS: None
ABSENT: None
ABSTENTIONS: Musich

Commissioner Rosen moved 12-35, and 12-36, seconded by Commissioner McEnergy. Upon roll call, the vote was as follows:

AYES: Messrs. McEnergy, Musich, Pernice and Rosen
NAYS: None
ABSENT: None
ABSTENTIONS: None

Commissioner McEnergy moved 12-37, seconded by Commissioner Musich. Upon roll call, the vote was as follows:

AYES: Messrs. McEnergy, Musich, Pernice and Rosen
NAYS: None
ABSENT: None
ABSTENTIONS: None

Commissioner Rosen moved 12-38, seconded by Commissioner McEnergy. Upon roll call, the vote was as follows:

AYES: Messrs. McEnergy, Musich, Pernice and Rosen
NAYS: None
ABSENT: None
ABSTENTIONS: None

Commissioner Rosen moved 12-39, seconded by Chairman Pernice. Upon roll call, the vote was as follows:

AYES: Messrs. Pernice and Rosen
NAYS: McEnergy
ABSENT: None
ABSTENTIONS: Musich

Commissioner McEnergy moved 12-40, seconded by Commissioner Rosen. Upon roll call, the vote was as follows:

AYES: Messrs. McEnergy, Musich, Pernice and Rosen
NAYS: None
ABSENT: None
ABSTENTIONS: None

Commissioner McEnergy moved 12-41, seconded by Commissioner Musich. Upon roll call, the vote was as follows:

AYES: Messrs. McEnergy, Musich, Pernice and Rosen
NAYS: None
ABSENT: None
ABSTENTIONS: None

Two Resolutions were added to the meeting. Mrs. Seidenberg requested:

12-42 Refunding a Customer Overpayment

Commissioner Musich moved, seconded by Commissioner McEnergy. Upon roll call, the vote was as follows:

AYES: Messrs. McEnergy, Musich, Pernice and Rosen
NAYS: None
ABSENT: None
ABSTENTIONS: None

The Commissioners wanted to proceed with the cell tower RFP, they requested:

12-43 RFP for a Cell Tower

Commissioner Rosen moved, seconded by Commissioner Musich. Upon roll call, the vote was as follows:

AYES: Messrs. McEnergy, Musich, Pernice and Rosen
NAYS: None
ABSENT: None
ABSTENTIONS: None

Chairman Pernice asked if there were any questions on the Bill List. Chairman Pernice inquired About the charge on the bill list for the interpreter. Mrs. Leatherman stated that we have a deaf employee and must utilize an interpreter for safety training. Commissioner Musich inquired about the petty cash receipts. Mrs. Leatherman stated that we will review the receipts. Mr. Stankiewicz stated that we will create a policy setting limits for petty cash usage and forward it to Marilyn Seidenberg. Commissioner McEnergy asked about the bills from John Wisnieski's

office. Mr. Wisniewski stated the last month's bills were higher during the Layne Christensen arbitration. Commissioner Rosen read the invoices that were attached to the bill. Mr. Wisniewski explained each invoice thoroughly which satisfied the Commissioners questions. Commissioner Musich moved the bill list, seconded by Commissioner Rosen. Upon roll call, the vote was as follows:

AYES: Messrs. McEnery, Musich, Pernice, and Rosen
NAYS: None
ABSENT: None
ABSTENTIONS: None

With all Discussion items being addressed, Chairman Pernice asked if there was any other Authority business.

- Mrs. Leatherman asked a question regarding the cell tower RFP. Mrs. Leatherman said we can ask for a proposal with cost estimate, best location, what type of access, how big it will need to be, etc. Keith Henderson said they will provide a site plan for the Authority to utilize in the proposal. Commissioner McEnery inquired about other locations, i.e. the pump stations. Mrs. Leatherman stated that most of the pump station sites are not large enough for a cell tower. At Chairman Penrice's request, we added this Resolution to this Agenda.
- Mr. Wisniewski provided the Commissioners with the light duty policy that we are trying to add the Authority's employee manual. The JIF has requested that we try and have a light duty policy in effect. The Commissioners will review the policy and forward any revisions to Dane Martindell.
- Mr. Wisniewski reviewed the credit card policy. The credit card company states that we are not allowed to charge a fee in case the card is declined. Mr. Wisniewski stated he will send a letter stating our position as a government agency which will allow us to charge fees providing the credit card is declined.
- Mr. Wisniewski asked about Paragon Homes, formerly Marble Arch Homes, our Project #438. Their approval that was given to them in November of 2006 has expired. They want to reactivate there application. Keith Henderson stated that in the past we have waived the expiration. If we extend the approval and the application has not changed then no additional fees should be charged. When they actually begin building then the plans will be reviewed. We just need to confirm that nothing has changed since the original application, once they affirm this, then we will just extend the original approval. The Commissioners agreed to the extension and it will be placed on the next meeting agenda.
- Mr. Wisniewski stated that John Miller and Greg Valesi of CME attended the meeting of the Manalapan Planning Board regarding the capital facilities review of the Hawkins Road Pump Station. The board voted unanimously to allow the project to proceed. The only concern was the generator, they would like to know why it needs to run on diesel and not natural gas. Keith Henderson stated that originally diesel was used because there is a booster station that powers the natural gas, if there were a power failure in the area, the booster station would lose power as well.

- Commissioner McEnergy stated that the Wood Avenue Development is changing the original project plan. Keith Henderson stated that unless they are changing the design of the sewer plan, this would have no impact on the Authority, a change in remediation would not affect us.
- Commissioner McEnergy stated that Rob Noel had done a presentation of two pump stations, Texas and Daum, in January, he inquired if he will be presenting any more information on any other pump stations. Dane Martindell answered by stating that he had personal issues he had to attend to. He will be at the next meeting.
- Keith Henderson and Dane Martindell attended an energy management conference. One presentation that piqued the interest of the Authority was Biogas. Grant funding for the Authority for the CHP projects would be about \$600,000.00 indicative by the size of our digesters and the gas we could produce. The entire project would cost 2 to 3 million dollars. The study would cost about \$25,000.00 of which \$12,500.00 would be reimbursed immediately at the beginning of the study and the other half would be given to us providing we move forward with the project. T&M can conduct a study for \$5000.00 to see if we should actually move forward. This T&M study would not be equivalent to the study needed to collect reimbursement but it will definitely tell us if we should move forward. The Commissioners will consider all these options and decide in the future. Commissioner Rosen asked if Keith Henderson believes that this is a feasible project. Mr. Henderson stated that it is and the payback would be about 10 years. Also, Mr. Henderson advised us that we must really make a decision by October 2012 because of the funding.
- Chairman Pernice also wanted to compliment George Kasternakis for sending out a report regarding all the maintenance of equipment in the plant and how his department saved the Authority money.

At 8:35 pm Chairman Pernice asked for a motion to go into Closed Session to discuss:

1. Personnel & Litigation

Resolution 12-44 Authorizing the Commissioners to go into Closed Session for the purpose of discussing Litigation and Personnel, and they will not return to Public Session was moved by Commissioner Musich and seconded by Commissioner Rosen. All present voted aye.

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