

**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: MARCH 15TH, 2012

<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			
MUSICH	X		X			
PERNICE			X			
ROSEN		X	X			

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOTICES AND CRITERIA FOR
CONTRACT AWARDS FOR CELL TOWER**

WHEREAS, the Western Monmouth Utilities Authority is subject to certain requirements of the Local Public Contracts Law and the local Pay to Play Law (N.J.S.A. 19:44-20.4, 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 2012 for a cell tower 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 notice in the *Asbury Park Press* and *The Star Ledger* and shall make available to interested vendors and professionals
2. The Clerk is hereby authorized to forward copies of this Resolution, certified to be a true copy to:
 - a) Katherine Leatherman, General Manager

DATE: MARCH 15TH, 2012

<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			
MUSICH		X	X			
PERNICE			X			
ROSEN	X		X			

**RESOLUTION AUTHORIZING THE REFUND OF A CUSTOMER
OVERPAYMENT**

WHEREAS, a payment was made to Western Monmouth Utilities Authority in the amount of \$386.27 by John Sparapani, owner of 3 Bishop Court, Marlboro, New Jersey; and

WHEREAS, the Authority wishes to return the overpayment of \$386.27, and;

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

1. A check in the amount of 386.27 payable to John Sparapani will be presented on the April 6th, 2012 bill paying.
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 - a) Marilyn Seidenberg, Director of Finance

DATE: MARCH 15TH, 2012

<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			
MUSICH	X		X			
PERNICE			X			
ROSEN		X	X			

**RESOLUTION APPOINTING REGULATORY COUNSEL FOR THE YEAR ENDING JANUARY
31ST, 2013**

WHEREAS, there exists a need for Legal Services to be performed on behalf of the Western Monmouth Utilities Authority; and

WHEREAS, Archer and Greiner has been working on the NJPDES permit appeal and the litigation involving K. Hovnanian, and it is in the Authority's best interest to allow Archer and Greiner to remain with these projects until they are complete, and

WHEREAS, under the provisions of the "Pay to Play" law, N.J.S.A. 19:44A-20.4 et seq., the Western Monmouth Utilities Authority adopted criteria for submission of Requests for Qualifications from applicants seeking the appointment as Regulatory Counsel and

WHEREAS, the Commissioners have evaluated the criteria set forth in each applicant's submission for this position and have made their decision regarding this appointment based on that criteria; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A 40A:11-1 et seq. and the "Pay to Play" Law under N.J.S.A. 19:44A-20.4 et seq. require that the Resolution appointing the Regulatory Counsel and awarding the contract shall state the supporting reasons, therefore, and be printed in a newspaper of general circulation not more than ten days after the passage of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that Vincent Sarubbi of Archer & Greiner, P.C. is and he is hereby appointed Regulatory Counsel for the Western Monmouth Utilities Authority for the year ending January 31st, 2013 and until a successor is qualified and appointed. The person appointed is affiliated with a Law firm, the members and associates of which are members of a recognized profession;

BE IT FURTHER RESOLVED that the General Manager and/or Chairman and Secretary be and the same are hereby authorized to execute a contract with Vincent Sarubbi in accordance with its terms; and

BE IT FURTHER RESOLVED that Archer & Greiner, P.C. are required to comply with requirements of P.L. 1975 C. 127. (NJAC 17:27); and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in an official newspaper designated by the Authority as required by law within ten days from the date of adoption; and

BE IT FURTHER RESOLVED that copies of this Resolution, certified to be a true copy be forwarded to:

1. Vincent Sarubbi of Archer & Greiner, P.C., Regulatory Counsel

DATE: MARCH 15th, 2012

<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			
MUSICH		X	X			
PERNICE			X			
ROSEN			X			

**RESOLUTION APPOINTING LABOR & CONFLICT COUNSEL FOR THE YEAR ENDING
JANUARY 31ST, 2013**

WHEREAS, there exists a need for Legal Services to be performed on behalf of the Western Monmouth Utilities Authority; and

WHEREAS, under the provisions of the "Pay to Play" law, N.J.S.A. 19:44A-20.4 et seq., the Western Monmouth Utilities Authority adopted criteria for submission of Requests for Qualifications from applicants seeking the appointment as Labor & Conflict Counsel and

WHEREAS, the Commissioners have evaluated the criteria set forth in each applicant's submission for this position and have made their decision regarding this appointment based on that criteria; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A 40A:11-1 et seq. and the "Pay to Play" Law under N.J.S.A. 19:44A-20.4 et seq. require that the Resolution appointing the Labor & Conflict Counsel and awarding the contract shall state the supporting reasons, therefore, and be printed in a newspaper of general circulation not more than ten days after the passage of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that Brian Nelson of Nelson Supko & Hanlon LLC is and he is hereby appointed Labor & Conflict Counsel for the Western Monmouth Utilities Authority for the year ending January 31st, 2013 and until a successor is qualified and appointed. The person appointed is affiliated with a Law firm, the members and associates of which are members of a recognized profession;

BE IT FURTHER RESOLVED that the General Manager and/or Chairman and Secretary be and the same are hereby authorized to execute a contract with Brian Nelson in accordance with its terms; and

BE IT FURTHER RESOLVED that Nelson Supko & Hanlon LLC are required to comply with requirements of P.L. 1975 C. 127. (NJAC 17:27); and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in an official newspaper designated by the Authority as required by law within ten days from the date of adoption; and

BE IT FURTHER RESOLVED that copies of this Resolution, certified to be a true copy be forwarded to:

1. Brian Nelson of Nelson Supko & Hanlon LLC, Labor & Conflict Counsel

DATE: MARCH 15th, 2012

<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			
MUSICH			X			
PERNICE			X			
ROSEN		X	X			

RESOLUTION APPOINTING ATTORNEY FOR THE YEAR ENDING JANUARY 31ST, 2013

WHEREAS, there exists a need for Legal Services to be performed on behalf of the Western Monmouth Utilities Authority; and

WHEREAS, under the provisions of the "Pay to Play" law, N.J.S.A. 19:44A-20.4 et seq., the Western Monmouth Utilities Authority adopted criteria for submission of Requests for Qualifications from applicants seeking the appointment as attorney; and

WHEREAS, the Commissioners have evaluated the criteria set forth in each applicant's submission for this position and have made their decision regarding this appointment based on that criteria; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A 40A:11-1 et seq. and the "Pay to Play" Law under N.J.S.A. 19:44A-20.4 et seq. require that the Resolution appointing the Attorney and awarding the contract shall state the supporting reasons, therefore, and be printed in a newspaper of general circulation not more than ten days after the passage of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that John Wisniewski of Wisniewski & Assoc. is and he is hereby appointed Attorney for the Western Monmouth Utilities Authority for the year ending January 31st, 2013 and until a successor is qualified and appointed. The person appointed is affiliated with a Law firm, the members and associates of which are members of a recognized profession;

BE IT FURTHER RESOLVED that the General Manager and/or Chairman and Secretary be and the same are hereby authorized to execute a contract with John Wisniewski in accordance with its terms; and

BE IT FURTHER RESOLVED that Wisniewski & Associates are required to comply with requirements of P.L. 1975 C. 127. (NJAC 17:27); and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in an official newspaper designated by the Authority as required by law within ten days from the date of adoption; and

BE IT FURTHER RESOLVED that copies of this Resolution, certified to be a true copy be forwarded to:

1. John Wisniewski, Authority Attorney

DATE: MARCH 1ST, 2012

<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		
MUSICH					X	
PERNICE		X				
ROSEN	X					

**RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER'S
AGREEMENT WITH MAPLE TREE PLAZA #456**

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the Chairman and Secretary be and they are hereby authorized and directed to execute a Developer's Agreement between the Western Monmouth Utilities Authority and Maple Tree Plaza #456; 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. CME Associates
2. John S. Wisniewski, Attorney
3. Maple Tree Plaza #456

DATE: MARCH 15TH, 2012

<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			
MUSICH			X			
PERNICE			X			
ROSEN	X		X			

RESOLUTION AUTHORIZING CME ASSOCIATES TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR EDWARDS DRIVE REPAIR

WHEREAS, the General Manager has requested that CME Associates prepare plans and specifications, advertise and receive bids for the Edwards Drive Repair; and

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority need to authorize CME Associates to receive bids, and

NOW 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, advertise and receive bids for the Edwards Drive Repair.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy:
 - a) Coleen Weber, Office Manager
 - b) CME Associates

DATE: MARCH 15TH, 2012

<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			
MUSICH		X	X			
PERNICE			X			
ROSEN			X			

**RESOLUTION AUTHORIZING THE GENERAL MANAGER AND/OR
DIRECTOR OF FINANCE TO APPROVE REFUNDS OF CUSTOMER
OVERPAYMENTS**

WHEREAS, from time to time, overpayments are made by the Authority's customers; and

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

WHEREAS, the Authority's General Manager and the Authority's Director of Finance recommend that customer overpayments up to the amount of four times the quarterly charge for 1 E.D.C.U. be returned to customers upon their request, in accordance with the Authority's normal bill paying procedure; and

WHEREAS, this change in procedure will enhance the efficiency of the Authority's operation as well as improve the Authority's responsiveness to its customers;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that customer overpayments up to the amount of four times the quarterly charge for 1 E.D.C.U. be returned to customers upon their request, in accordance with the Authority's normal bill paying procedure.

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

- a) Marilyn Seidenberg, Director of Finance
- b) Nancy Yeh, Accounts Receivable

DATE: MARCH 15TH, 2012

<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			
MUSICH			X			
PERNICE			X			
ROSEN	X		X			

**RESOLUTION OF THE WESTERN MONMOUTH UTILITIES
AUTHORITY (WMUA) APPOINTING ROBERT SMITH AS FUND
COMMISSIONER TO THE NEW JERSEY UTILITIES AUTHORITY
JOINT INSURANCE FUND**

NOW, THEREFORE BE IT RESOLVED, by the Commissioners of the Western Monmouth Utilities Authority that Robert Smith be and is hereby appointed as a Fund Commissioner for the Western Monmouth Utilities Authority to the New Jersey Authorities Joint Insurance Fund;

BE IT FURTHER RESOLVED, that Robert Noel is hereby designated the alternate Fund Commissioner;

BE IT FURTHER RESOLVED, that the terms of these Commissioners shall be in accordance with the By-Laws of the New Jersey Utilities Authorities Joint Insurance Fund;

BE IT FURTHER RESOLVED, that this Resolution will expire on January 31st, 2013 or until such time as the annual Re-Organization Meeting is held where is shall be re-addressed.

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

1. Robert Smith, Plant Superintendent
1. Robert Noel, Collections Superintendent
2. New Jersey Joint Insurance Fund

DATE: MARCH 15TH, 2012

<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			
MUSICH		X	X			
PERNICE			X			
ROSEN	X		X			

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of February 6th, 2012 and February 16th, 2012 be and the same are hereby accepted for filing by the Authority.

DATE: MARCH 15TH, 2012

<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			
MUSICH					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 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: MARCH 1ST, 2012

<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			
MUSICH			X			
PERNICE		X	X			
ROSEN						X

RESOLUTION AUTHORIZING CHANGE ORDER

WHEREAS, T&M Associates, the Consultant Engineer has recommended to the Authority that a Change Order be approved in the Contract for the UV Equipment Conversion Project; and

WHEREAS, this Change Order includes contractual language modifications to the contract to include federal Davis Bacon wage rates for building construction as requested by the NJDEP, 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 execute the Change Order dated February 23rd, 2012 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

DATE: MARCH 1ST, 2012

<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			
MUSICH					X	
PERNICE		X	X			
ROSEN						X

**RESOLUTION APPOINTING ASSISTANT TREASURER FOR THE YEAR
ENDING JANUARY 31ST, 2013**

WHEREAS, the Western Monmouth Utilities Authority requires that a Commissioner be elected Assistant Treasurer to assume the duties of the Treasurer in the absence of the Treasurer of said Authority for the year ending January 31st, 2013; and

WHEREAS, Mary Ann Musich has been appointed by his fellow Commissioners to fill said position, and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that Mary Ann Musich be and he is hereby elected Assistant Treasurer of the Western Monmouth Utilities for a term of one year to expire on January 31st, 2013 or until a successor is elected and qualified; and

BE IT FURTHER RESOLVED that copies of this Resolution, certified to be a true copy to:

- 1) Manalapan Township
- 2) Marlboro Township

DATE: MARCH 1ST, 2012

<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			
MUSICH					X	
PERNICE		X	X			
ROSEN						X

12-06

**RESOLUTION APPOINTING SECRETARY FOR YEAR ENDING
JANUARY 31ST, 2013**

WHEREAS, the Western Monmouth Utilities Authority requires that a Commissioner be elected Secretary of said Authority for the year ending January 31st, 2013; and

WHEREAS, Mary Ann Musich has been appointed by his fellow Commissioners to fill said position, and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that Mary Ann Musich be and he is hereby elected Secretary of the Western Monmouth Utilities Authority for a term of one year to expire on January 31st, 2013, or until a successor is elected and qualified; and

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

- 1) Manalapan Township
- 2) Marlboro Township

DATE: MARCH 1ST, 2012

<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			
MUSICH					X	
PERNICE		X	X			
ROSEN						X

12-03