

**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 June 14, 2016 be and the same are hereby accepted for filing by the Authority.

**DATE: JULY 12, 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>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

**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 June 28, 2016 be and the same are hereby accepted for filing by the Authority.

**DATE: JULY 12, 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>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

**AUTHORIZING THE EXECUTIVE DIRECTOR TO ALLOW THE CLEANING OF  
SEPTIC TANKS IN THE WMUA SERVICE AREA OF ALL  
“NOT FOR PROFIT” AGENCIES THAT PROVIDE A SERVICE TO THE WMUA**

**WHEREAS**, the Western Monmouth Utilities Authority has the equipment necessary to pump septic tanks, and

**WHEREAS**, the Authority is not in the business of pumping septic tanks but desires to help it’s “Not for Profit” agencies, that provide a service to the WMUA and are located in the WMUA service area, and

**WHEREAS**, these “Not for Profit” agencies would namely be: first aid squads, fire companies and social service agencies; and

**WHEREAS**, the WMUA must maintain a “jet-vac” truck at all times as it is used in the day to day operation of the Authority, and

**WHEREAS**, it is the desire of the Authority to be a good neighbor to its residents and can easily accommodate the pumping of the “Not for Profit” agencies septic tanks;

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

1. The WMUA at the direction of the Executive Director is permitted to pump the septic tanks of the “Not for Profit” agencies in the WMUA service area, and
2. This Resolution shall be presented at each Re-Organization Meeting going forward to be approved by the Commissioners each year, and
3. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
  - a) Brian J. Valentino, Executive Director
  - b) George White, Collections Superintendent
  - c) Matthew McCann, Ass’t Collections Superintendent
  - d) Robert J. Smith, Acting Facility Manager

**DATE: July 12, 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>
<b>McENERY</b>			X			
<b>MENDEZ</b>		X	X			
<b>PERNICE</b>			X			
<b>ROSEN</b>	X		X			

**AUTHORIZING EXECUTIVE DIRECTOR SALARY INCREASE EFFECTIVE  
JULY 1, 2016**

**WHEREAS**, the Executive Director, Brian J. Valentino, of the Western Monmouth Utilities Authority (WMUA) has an Employment Agreement dated July 10, 2015 with the WMUA and:

**WHEREAS**, Article 10 of said Agreement includes a guaranteed salary adjustment, and

**WHEREAS**, the Commissioners of the Western Monmouth Utilities Authority have determined effective July 1,2016 the salary of the Executive Director, Brian J. Valentino shall be increased to \$139,125.00; inclusive of the guaranteed adjustment stated in Article 10 ;and

**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the WMUA that Brian J. Valentino be and is hereby given a base salary increase to \$139,125.00 effective July 1, 2016 and

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

1. Brian J. Valentino, Executive Director
2. Marilyn Seidenberg, Director of Finance

**DATE: July 12, 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>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

**ESTABLISHING THE MANAGER OF ENGINEERING SERVICES BILLING RATE EFFECTIVE  
JUNE 1, 2016**

**WHEREAS**, there exists a need to establish a billing rate to apply the cost of the Developer Reviews and Inspections done by the Manager of Engineering services on behalf of the Western Monmouth Utilities Authority; and

**WHEREAS**, under the provisions of Local Finance Notice #CFO-97-2, dated January 13, 1997 the Western Monmouth Utilities Authority has authorized its Auditor to calculate such rate (s); and

**WHEREAS**, the Executive Director has evaluated the calculations and find them to be reasonable; and

**WHEREAS**, by way of Resolution 16-74 dated June 14, 2016 James Carr has been hired as Manager of Engineering Services; and

**WHEREAS**, it is the job description of the Manager of Engineering to process Developer applications and perform all necessary inspections;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that James Carr is the Manager of Engineering and as part of his job duty will review Developer applications and perform all necessary inspections; and

**BE IT FURTHER RESOLVED** that as required by the nature of the review it will be necessary for James Carr to have the use of an Authority vehicle for said inspections, and

**BE IT FURTHER RESOLVED** that James Carr will keep adequate record of time spent on Developer Reviews and Inspections and mileage for said Authority vehicle and,

**BE IT FURTHER RESOLVED** that an internal invoice shall be submitted from the Engineering Department to the Finance Department for services rendered; and

**BE IT FURTHER RESOLVED**, it shall be the duty of the CFO to review all such invoices and to bi-annually review and adjust if necessary any or all rates used for these billable hours; and

**BE IT FURTHER RESOLVED** that the hourly rate shall be billed at \$93.40 and the mileage shall be calculated at the current IRS business mileage rate.

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

1. Brian Valentino, Executive Director
2. James Carr, Manager of Engineering Services
3. Marilyn Seidenberg, Director of Finance

**DATE: July 12, 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>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

**AMENDING APPROVAL TO MARLBORO ESTATES, LLC PROJECT #605, SOLD TO  
FALSON LANE DEVELOPMENT, LLC, PROJECT #605**

**WHEREAS**, Marlboro Estates, LLC applied to the Western Monmouth Utilities Authority for approval in connection with its Application #605 located at Lot #119 in Block #31 in the Township of Marlboro; and

**WHEREAS**, approval was granted in Resolution #15-161 (attached) dated January 26, 2016; and

**WHEREAS**, Marlboro Estates, LLC and Falson Lane Development, LLC in letters sent to WMUA Engineer, Tim Gillen of CME Associates (attached), have requested the following:

- a. An amended resolution acknowledging that Marlboro Estates, LLC is selling Project #605 to Falson Lane Development, LLC
- b. The Hold Harmless Agreement, Developer’s Agreement and Performance Bonds will be in the name of Falson Lane Development, LLC
- c. Payment of connection fees will be bifurcated between Marlboro Estates, LLC and Falson Lane Development, LLC

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the application in connection with Marlboro Estates, LLC, Project #605 has hereby been sold to Falson Lane Development, LLC. Falson Lane Development is subject to any and all conditions set forth in Resolution #15-161, as well as any conditions set forth in the report of the Consultant Engineer, dated November 9, 2015 (hereby attached); and

**BE IT FURTHER RESOLVED**, The Hold Harmless Agreement, Developer’s Agreement and Performance Bonds will be submitted by Falson Lane Development LLC. Connection fees will be bifurcated between Marlboro Estates, LLC and Falson Lane Development, LLC. A W9 form for Falson Lane Development, LLC will be required to be submitted to the WMUA before any fees will be accepted.

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

- 1) Marlboro Estates, LLC, Project #605
- 2) Falson Lane Development, LLC
- 3) Frances J. Borin, Esq.

**DATE: July 12, 2016**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

**RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND  
AND CASH SURETY AND ALL REMAINING ESCROW TO SHELBOURNE  
HEALTHCARE, PROJECT #548**

**WHEREAS**, the developer of Shelbourne Healthcare, Project #548 has requested a Performance Bond release, Cash Surety release and all remaining Escrow, and;

**WHEREAS**, there are no remaining deficiencies with the above referenced project. CME recommends the release of the remaining performance guarantees and cash surety (plus accrued interest).

**WHEREAS**, the CME also recommends that all remaining escrow monies be returned to the developer after all professional fees have been paid (as per attached letter dated July 7<sup>th</sup>, 2016), and

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

1. All bonds and Cash Escrow associated with the Shelbourne Healthcare, Project #548 be released.
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) Shelbourne Healthcare, Project #548

**DATE: JULY 12, 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>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

**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: JULY 12, 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>
<b>McENERY</b>			<b>X</b>			
<b>MENDEZ</b>	<b>X</b>		<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>		<b>X</b>	<b>X</b>			