

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 August 9, 2016 be and the same are hereby accepted for filing by the Authority.

DATE: SEPTEMBER 13, 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			

INVESTORS BANK

Certified RESOLUTION for Public Entity

I Stephen McEnery, the undersigned, being duly elected or appointed and acting as the Chairman of Western Monmouth Utilities Authority ("Public Entity"), located at 103 Pension Road, Manalapan, NJ 07726, organized and existing under the laws of the State of New Jersey, hereby certify to Investors Bank that at a meeting of the Board of Trustees or such other governing body, as may be authorized or required by law to designate depositories and transact, or delegate authority to transact, the financial business of the Public Entity, duly called and held on September 13, 2016 in accordance with all applicable laws and organizational documents, the following resolutions were duly adopted, and said resolutions have not been revoked or amended and remain in full force and effect.

To the extent the organizational, internal or any other governing documents of the Public Entity, as may be amended, is inconsistent with any provisions of this Resolution, the applicable document is hereby deemed amended in order to comply with this Resolution.

Resolutions

Investors Bank ("Bank") is hereby designated as a depository for the funds of this Public Entity. The Chairman, Treasurer, Executive Director or Director of Finance of the Public Entity, or anyone of them, is/are hereby authorized to open a bank account or accounts from time to time with Bank for and in the name of the Public Entity with such title or titles as he/she may designate.

Bank is hereby authorized to accept for deposit to the credit of this Public Entity, in such account(s) as the Chairman, Treasurer, Executive Director or Director of Finance of this Public Entity shall designate from time to time, monies, checks, drafts, notes, bills of exchange, acceptances, wire transfers, ACH, payment orders or other evidences indebtedness.

The Bank is authorized to make payments from the funds of this Public Entity on deposit with it, upon and according to the check, draft, note, bill of exchange, wire transfer, ACH, payment order, acceptance or other written instrument or direction of this Public Entity, signed, drawn, accepted or endorsed by anyone of its following officers or designated agents ("Authorized Persons") whether the same be payable to the order of or in favor of any officer of the Public Entity or Authorized Person or otherwise, and whether the same be deposited to the individual credit of or tendered in payment of the obligation of any officer of the Public Entity or Authorized Person or otherwise:

Stephen McEnery
Name

Jeffrey Rosen
Name

Brian Valentino
Name

Marilyn Seidenberg
Name

Chairman
Title

Treasurer
Title

Executive Director
Title

Director of Finance
Title

The Authorized Persons may transfer or enter into agreements with the Bank concerning the transfer or other disposition of the funds of this Public Entity or otherwise transact business on the Public Entity's accounts without liability to the Bank concerning the disposition or the purpose of such transfers or transactions. Anyone of the Authorized Persons may countermand payment on any such written instrument of such authorization to transfer funds by either oral or written direction to the Bank.

The Public Entity's account(s) shall be governed by, and the Public Entity agrees to, the rules, terms and conditions, procedures, schedules and disclosures of the Bank for this type of organization, as they may exist from time to time, (collectively, "Account Agreement") for all accounts in the name of the Public Entity opened by the Authorized Persons or the individuals signing this Resolution.

All transactions (if any) with respect to any deposits, withdrawals, payments or other business on the accounts in the name of the Public Entity prior to the adoption of this resolution are hereby ratified, confirmed and approved.

Representations

In providing this document for use by the Public Entity, the Bank makes no representation as to tax and other legal aspects thereof and the Public Entity is encouraged to review this document with its counsel prior to executing it.

The authorizations in this Resolution shall continue and remain in full force and effect until notice of their revocation by Resolution of this Public Entity has been received in writing by the Bank and the Bank has had a reasonable period of time on which to act on such revocation.

In the event any Authorized Person resigns, is removed, dies, becomes incompetent or otherwise ceases to be an Authorized Person, or the Public Entity is dissolved, the Bank shall be fully protected in continuing to deal with such Authorized Person and the Public Entity (as the case may be) and its accounts according to the terms of this Resolution and the Account Agreement until the Bank (a) receives actual written notice of the dissolution or that such Authorized Person is no longer authorized to act for the Public Entity and (b) has had a reasonable period of time to act on such notice.

The Public Entity hereby guarantees to the Bank the payment of all checks, drafts, notes, bills of exchange, ACH, wire transfers, payment orders and acceptances or other evidences of indebtedness that may at any time be deposited without the endorsement of the Public Entity appearing thereon.

Even if the Bank is provided copies of the Public Entity's internal or organizing documents (including but not limited to articles or certificates of incorporation, bylaws, other resolutions or minutes), the Public Entity acknowledges and agrees the Bank is not charged with notice of the contents of such documents and shall not be obligated to comply with any provision in any of those documents.

To the extent the articles of incorporation or any other organizing or governing document of the Public Entity, as may be amended, is inconsistent with any provisions of this Resolution, the applicable document is hereby deemed amended in order to comply with this Resolution.

The Bank shall not have any responsibility to see to the ultimate use of any funds withdrawn by any Authorized Persons regardless of what the actual provisions of any of the Public Entity's internal or organizing documents may provide with respect to the Authorized Persons' authority or any other limitation or restriction.

The Public Entity agrees to indemnify and hold the Bank harmless against the claims of all others related to this Resolution or arising out of the agreement of the Bank to permit the Authorized Persons' unrestricted rights over the funds deposited with the Bank (including reasonable costs of defense).

The Chairman, Treasurer, Executive Director or Director of Finance are hereby authorized and directed to certify to the Bank, from time to time, the names of the officers or agents authorized to sign on behalf of this Public Entity.

This Resolution does not conflict with the internal or organizing documents of the Public Entity and there is no provision in those documents that prevents or limits the Public Entity from entering into this Resolution, which is effective and binding on the Public Entity.

The Chairman's signature below is conclusive evidence of his authority to act on behalf of the Public Entity.

IN WITNESS WHEREOF and intending to be legally bound hereby, I have hereunto set my hand this 13th, day of September, 2016.

Signature: 

Name (printed): Stephen McEnery

DATE: SEPTEMBER 13, 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 CME ASSOCIATES TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR THE TEXAS ROAD FORCEMAIN

WHEREAS, Jim Carr, Manager of Engineering Services has requested that CME Associates prepare plans and specifications, advertise and receive bids for the repair of the Texas Road Forcemain and,

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority must authorize the Manager of Engineering Services to receive bids, and

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 Texas Road Forcemain.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy:
 - a) Tim Gillen, CME Associates
 - b) Jim Carr, Manager of Engineering Services
 - c) Coleen Weber, Accounts Payable Clerk

DATE: SEPTEMBER 13, 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			

**RESOLUTION AUTHORIZING THE RETURN OF ALL ESCROW MONEY TO
PEAR TREE PLAZA, PROJECT #469**

WHEREAS, Pear Tree Plaza, Project #469 has requested the release of its escrow money, and

WHEREAS, the General Manager of the Western Monmouth Utilities Authority recommends that any remaining balances (plus all accrued interest) be returned to the developer subject to the payment of any outstanding engineering, legal and Authority administrative fees;

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

1. The remaining escrow money shall be released to Pear Tree Plaza, Project #469 subject to
 - a) Payment of all outstanding engineering, legal and Authority administrative fees; and
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be true to
 - a) Kathy Leatherman, General Manager
 - b) CME Associates
 - c) Pear Tree Plaza, Project #469

DATE: SEPTEMBER 13, 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 GENERAL MANAGER TO PREPARE PLANS AND SPECIFICATIONS ADVERTISE AND RECEIVE BIDS FOR MANHOLE REHABILITATION

WHEREAS, the General Manager has requested to prepare plans and specifications, advertise and receive bids for Manhole Rehabilitation;

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority need to authorize the General Manager to receive bids, and

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, advertise and receive bids for Manhole Rehabilitation.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy
 - a) Coleen Weber, Office Manager
 - b) George White, Collections Superintendent

DATE: SEPTEMBER 13, 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			

**RESOLUTION AUTHORIZING CONTRACT WITH STATE CONTRACT VENDOR
CAMPBELL FOUNDRY, CONTRACT #A84205 AND NORTH EAST TECHNICAL SALES,
CONTRACT #A85090 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 Campbell Foundry and North East Technical Sales 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 Campbell Foundry, State Contract #A84205 and North East Technical Sales, Contract #A85090 from September 13, 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. George White, Collections Superintendent
3. Campbell Foundry Company
4. North East Technical Sales

DATE: SEPTEMBER 13, 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 RELEASE OF THE PERFORMANCE BOND AND CASH SURETY
TO AMERICAN PLAZA LLC, PROJECT #532**

WHEREAS, the developer of American Plaza, Phase 1, Project #532 has requested a Performance Bond release and Cash Surety, and;

WHEREAS, CME Associates has recommended the release of the Performance Guarantee and Cash Bond for American Plaza Phase 1, Project #532. Please note, that due to the time period since the completion of the project wherein the Performance Bond has covered the Maintenance Guarantee period, a Maintenance Guarantee should not be required. The Applicant is currently proceeding with American Plaza, Phase 2 under the same application and will be posting a separate Performance Guarantee and Cash Bond. The remaining escrow should be maintained to cover inspections during Phase 2, and

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

1. All bonds associated with the American Plaza, Project #532 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) American Plaza, Project #532

DATE: SEPTEMBER 13, 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 RELEASE OF THE PERFORMANCE BOND, CASH SURETY
AND ANY REMAINING ESCROW TO K.HOVNANIAN, PROJECTS #367A-H**

WHEREAS, the developer of K. Hovnanian, Projects #367A-H has requested a Performance Bond release and Cash Surety, and;

WHEREAS, The Director of Engineering and the General Manager have recommended the release of the Performance Guarantee, Cash Bond and any remaining escrow for K. Hovnanian Projects #367A-H. Please note that the two (2) year Maintenance Bonds have all expired, and

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

1. All bonds and funds associated with the K. Hovnanian, Project #367A-H 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) K. Hovnanian, Project #367A-H

DATE: SEPTEMBER 13, 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: SEPTEMBER 13, 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			