

WESTERN MONMOUTH UTILITIES AUTHORITY

PUBLIC MEETING

September 20<sup>th</sup>, 2012

Chairman Pernice called the Western Monmouth Utilities Authority's Public meeting to order at 7:30PM. 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:	B. Nelson, Nelson Supko & Hanlon LLC J. Wisniewski, Wisniewski & Associates T. Gillen, CME Associates K. Henderson, T&M, Engineer G. Stankiewicz, Auditor D. Martindell, Facilities Manager G. Kasternakis, Maintenance Supervisor L. Warshauer, Supervising Accountant K. Leatherman, General Manager A. Finnerty, Authority Clerk

All present cited the Pledge of Allegiance.

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

At 7:31 pm Chairman Pernice asked for a motion to go into Closed Session to discuss:

1. Personnel & Litigation

Resolution 12-95 Authorizing the Commissioners to go into Closed Session for the purpose of discussing Litigation and Personnel, and they WILL return to Public Session was moved by Commissioner Musich and seconded by Commissioner McEnery. All present voted aye.

The Commissioners returned at 8:25 pm and resumed the meeting. Chairman Pernice stated that they adjourned to Closed Session to discuss Lexington Estates with our labor Attorney, Brian Nelson. John Wisniewski recused himself as he has a conflict.

Chairman Pernice asked for a motion on Resolution 12-96 Accepting Settlement Agreement and Release for Lexington Estates Pump Station #244. Commissioner Musich moved 12-96, seconded by Commissioner McEnery. All present voted aye.

Chairman Pernice proceeded with the Discussion for the Public Meeting.

- The Discussion items on the Agenda were addressed;
  - Chairman Pernice asked for comment regarding the new employee. Dane Martindell stated that he will be replacing the original hire from last month that never showed up.
  - Chairman Pernice stated the Merchant Credit Card Agreement was discussed in closed session. Mr. Wisniewski stated that the reason this was discussed in closed session is due to contract negotiations that are still pending.
  - Chairman Pernice stated that the Wastewater Management Plan should be brought before the township first, the county, and then the DEP. Upon getting approval from the DEP, then the Authority can move forward. Keith Henderson stated that this process was explained to John Ploskonka from Concept Engineering. The Commissioners requested that John Wisniewski draft an amendment to our rules and regulations specifying requirements for the building of private pump stations. The Authority would like to increase the escrow in the time frame for the maintenance of future pump stations that the Authority will assume control of. Tim Gillen stated that a graph should be created for potentially new pump stations based on horse power of the generators and electrically usage. We can create these utilizing records for our current pump stations.
  - Chairman Pernice asked for comment regarding the Developers Agreement/Hold Harmless and Deed Restriction for J. Manzo #214.

Chairman Pernice asked if there were any other questions and asked for a motion on Resolutions #12-97 thru 12-102. Commissioner Rosen moved 12-97 and 12-98, seconded by Commissioner McEnergy. Upon roll call the vote was as follows:

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| 12-97  | Accepting Minutes of August 16 <sup>th</sup> , 2012  |
| 12-98  | Authorizing Budget Amendment   |
| 12-99  | Authorizing T&M Associates to prepare plans and specifications, advertise and receive bids for the Digester Mixer Replacement and Replacement of the Boilers |
| 12-100 | Authorizing Execution of Developers Agreement and Hold Harmless Agreement for Tyler Homes #459   |
| 12-101 | Authorizing Employment of William Witt effective October 1 <sup>st</sup> , 2012  |
| 12-102 | Authorizing Execution of Developers Agreement and Hold Harmless Agreement and Deed Restriction for J. Manzo, Inc. #214                                       |

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

Commissioner Musich moved 12-99, 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 Rosen moved 12-100, 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 12-101, 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 Musich moved 12-102, 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

With all Discussion items being addressed, Chairman Pernice asked if there were any other Authority business. George Kasternakis addressed the meeting. He handed out a spread sheet to the commissioners displaying how we cut down running the pumps from 360 hours a month to 144 hours. The Commissioners were pleased with the results. Leslie Warshauer stated that she does have information regarding the credit card agreements. John Wisniewski stated that the concern of the Authority is the language in the contract regarding the chargeback of customers. The Commissioners stated they will examine information from all vendors and move forward accordingly. Mrs. Warshauer stated the first vendor wanted us to collect the fees from the customers requiring us to segregate those fees from the payments for sewer service. 'Point & Pay,' the second vendor will take the fee right away from the customer. Marilyn Seidenberg would prefer the 'Point & Pay' service. Chairman Pernice stated that since 'Point & Pay' collects the fee that it is not necessary for the Authority to put this out to bid. Mrs. Leatherman stated that this should be prepared as a bid as per the contracts law which was confirmed by Gerry Stankiewicz. As per our attorney, John Wisniewski, this is not a cost for the Authority and he stated a bid would not be necessary. Chairman Pernice stated based on these findings, he feels that John Wisniewski should confirm utilizing 'Point and Pay' if the language in the agreement reflects our request.

Chairman Pernice stated that he and Commissioner McEnery attended the Manalapan committee meeting. The Authority received good feedback and the committee is considering the request regarding revising the ordinance for maintaining grease traps. Mayor Cohen of Manalapan also expressed her gratitude to the employees of the Authority regarding response to the needs of Manalapan residents. The residents stated that the service from the Authority was quick and professional. Also, a private resident sent a letter expressing thanks for keeping our staff locally based, and for keeping our rates stable in this volatile economy.

Tim Gillen said they are moving forward with the Edwards Lane sewer repair, and all permits are being executed.

Chairman Pernice asked if there were any questions on the Bill List. There were none. Commissioner Rosen then moved the Bill List, seconded by Commissioner Musich. Upon roll call the vote was as follows:

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

At 8:50 pm Chairman Pernice asked for a motion to close the meeting.

Commissioner McEnery and seconded by Commissioner Rosen. All present voted aye. The meeting was adjourned.

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