

**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: SEPTEMBER 20<sup>TH</sup>, 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 EXECUTION OF DEVELOPER'S/HOLD HARMLESS AGREEMENT AND DEED RESTRICTION WITH J. MANZO #214**

**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/Hold Harmless Agreement and Deed Restriction between the Western Monmouth Utilities Authority and J. Manzo #214; 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 Clerk is authorized to forward copies of this Resolution, certified to be true copies to:

1. J. Manzo #214
2. T&M Associates, Consultant Engineer
3. John S. Wisniewski, Attorney

**DATE: SEPTEMBER 20<sup>TH</sup>, 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>
<b>McENERY</b>			<b>X</b>			
<b>MUSICH</b>	<b>X</b>		<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>		<b>X</b>	<b>X</b>			

**RESOLUTION HIRING WILLIAM WITT AS A COLLECTIONS OPERATOR,  
EFFECTIVE OCTOBER 1<sup>ST</sup>, 2012**

**WHEREAS**, there presently exists a vacancy in the Western Monmouth Utilities Authority for the position in the Collections Department; and

**WHEREAS**, the Collections Superintendent has recommended the appointment of William Witt to the position of Collections Operator; and

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

1. William Witt be and he is hereby appointed to the position of Collections Operator effective as of October 1<sup>st</sup>, 2012 at an hourly rate of \$26.8309 per hour.
2. The Clerk is hereby authorized and directed to forward certified copies of this Resolution to:
  - a) Vita Mazzola, Accountant
  - b) Local Union 701
  - c) William Witt

**DATE: SEPTEMBER 20<sup>TH</sup>, 2012**

<u>Commissioner</u>	<u>Motion</u>		<u>Recorded Vote</u>			
	<u>1st</u>	<u>2<sup>nd</sup></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 EXECUTION OF DEVELOPER'S/HOLD  
HARMLESS AGREEMENT WITH TYLER HOMES #459**

**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/Hold Harmless Agreement between the Western Monmouth Utilities Authority and Tyler Homes #459; 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 Clerk is authorized to forward copies of this Resolution, certified to be true copies to:

1. Tyler Homes #459
2. T&M Associates, Consultant Engineer
3. John S. Wisniewski, Attorney

**DATE: SEPTEMBER 20<sup>TH</sup>, 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>
<b>McENERY</b>			<b>X</b>			
<b>MUSICH</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

**AUTHORIZING T&M ASSOCIATES TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR THE DIGESTER/MIXER REHABILITATION IMPROVEMENTS AND THE REPLACEMENT OF THE BOILERS**

WHEREAS, the General Manager has requested that T&M Associates prepare plans and specifications, advertise and receive bids for the Digester/Mixer Rehabilitation and Improvements and Replacement of the Boilers; and

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority need to authorize T&M Associates to prepare plans and specifications, advertise and receive bids for the Digester/Mixer Rehabilitation and Improvements and Replacement of the Boilers, the projected cost of which is \$46,000.00, and

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

1. T&M Associates is hereby authorized to prepare plans and specifications, advertise and receive bids for the Digester/Mixer Rehabilitation and Improvements and Replacement of the Boilers.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy:
  - a) Coleen Weber, Office Manager
  - b) T&M Associates

DATE: SEPTEMBER 20<sup>th</sup>, 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			

**WESTERN MONMOUTH UTILITIES AUTHORITY**

**AUTHORITY BUDGET AMENDMENT NO. 2 RESOLUTION**

**FISCAL YEAR: From February 1, 2012 to January 31, 2013**

**WHEREAS**, the Annual Budget and Capital Budget for the Western Monmouth Utilities Authority for the fiscal year beginning February 1, 2012 and ending January 31, 2013 has been presented before the Commissioners of the Western Monmouth Utilities Authority at its open public meeting of November 21, 2011; and

**WHEREAS**, such budget was adopted on January 26, 2012; and

**WHEREAS**, the Authority adopted an Amendment on August 16, 2012; and

**WHEREAS**, it is the desire of the Authority to again Amend said budget; and

**WHEREAS**, the Director of Finance has reviewed Authority financial records and recommends the amendment; and

**WHEREAS**, the Authority Financial Advisor to the Authority on this matter has reviewed, concurs with the recommendation on the amendment; and

**WHEREAS**, the Authority requires additional funds; and

**WHEREAS**, N.J.A.C. 5:31-2.2 and 5:31-2.8 provides that all amendments to the adopted budget and capital budget shall be approved and adopted by resolution of the Authority, passed by not less than a majority of the full membership; and

**WHEREAS**, such amendment is beneficial to the environmental condition, financial condition and necessary for proper maintenance and operation of the Authority on behalf of the ratepayers; and

**WHEREAS**, the Capital Budget is amended as follows in accordance with attached detailed budget schedule (CB-3):

<u>Capital Budget</u>	<u>From</u> <u>Adopted &amp;</u> <u>Amendment #1</u>	<u>To</u> <u>Amendment #2</u>	<u>Increase</u>	<u>Ref.</u>
Appropriation:	\$ 2,341,265.00	\$ 2,387,265.00	\$ 46,000.00	*
Net Assets Utilitized:	\$ 1,797,874.69	\$ 1,843,874.69	\$ 46,000.00	*

\* *Explanatory statement budget appropriation need as follows – (1) Preliminary Engineering Expenses for a new Digester Mixing System and Hot Water Boiler. The Authority must authorize preliminary engineering to meet the objective of the project on a timely basis. Expenditures of this type were not anticipated at the time of preparation of the 2012-1213 Budget.*

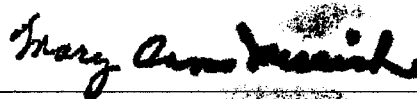
**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the Annual Budget and Capital Budget for the fiscal year ended January 31, 2013 is hereby amended in accordance with the attached schedules labeled Page 4, Page 5/6, SS-4 through SS-9 and CB-3.

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

1. Marilyn Seidenberg, Director of Finance
2. Gerard Stankiewicz, CPA
3. Keith Henderson, P.E., Consulting Engineer
4. Norman Barnes, Authority Trustee at U.S. Bank
5. State of New Jersey Department of Community Affairs
6. Bureau of Authority Regulation (two copies within 3 days)
7. Township Clerk of Marlboro and Manalapan (within 3 days)

**CERTIFICATION**

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Members on the 20<sup>th</sup> day of September, 2012.



\_\_\_\_\_  
 Mary Ann Musich, Secretary  
 Western Monmouth Utilities Authority

**DATE: SEPTEMBER 20<sup>TH</sup>, 2012**

<u>Commissioners</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>X</b>			
<b>MUSICH</b>	<b>X</b>		<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>			<b>X</b>			

2012

**AUTHORITY CAPITAL PROGRAM**

Western Monmouth Utilities Authority

FISCAL YEAR: From February 1, 2012 TO January 31, 2013

PROPOSED YEAR'S CAPITAL IMPROVEMENT PLAN

**PROPOSED YEAR'S CAPITAL IMPROVEMENT PLAN  
PAGE CB-3 (Amended)**

<u>PROJECTS</u>	<u>FUNDING SOURCES</u>				
	<u>ESTIMATED TOTAL COST</u>	<u>UNRESTRICTED NET ASSETS</u>	<u>RENEWAL &amp; REPLACEMENT RESERVE</u>	<u>DEBT * AUTHORIZATION</u>	<u>OTHER ** SOURCES</u>
DD. Digester Mixer Replacement	\$ 23,000.00				***
EE. Hot Water Boiler	\$ 23,000.00				
<b>TOTAL</b>	<b>\$ 2,387,265.00</b>	<b>\$1,843,874.69</b>			<b>\$543,390.31</b>

Summary:

	<u>From</u>	<u>To</u>	<u>Increase/ (Decrease)</u>
Capital Budget Appropriation:			
Digester Mixing Replacement	\$ -	\$ 23,000.00	\$ 23,000.00
Hot Water Boiler		\$ 23,000.00	\$ 23,000.00
<b>Total Capital Budget</b>	<b>\$ 2,341,265.00</b>	<b>\$ 2,387,265.00</b>	<b>\$ 46,000.00</b>



**Western Monmouth Utilities Authority**

**Sewer  
(OPERATION)**

**AUTHORITY BUDGET  
SUPPLEMENTAL SCHEDULES  
Revised August 16, 2012**

**FISCAL YEAR: FROM February 1, 2012 TO January 31, 2013**

<b>(1) PY UNRESTRICTED NET ASSETS</b>	PY AUDIT	*	*	11,106,641.28 *
<b>ADJUSTMENTS DURING CURRENT YEAR</b>				
(a) EST. NET INCOME OR (LOSS) ON CURRENT YEAR'S RESULTS OF OPERATIONS (Include unbudgeted use of unrestricted net assets)	*	*	(345,532.00) *	
(b) BUDGET AMENDMENT:	*	*	[ ] *	
<b>(2) SUBTOTAL - ADJUSTMENTS</b>	<b>(ADD AMOUNTS ON LINES a-b)</b>		*	(345,532.00) *
<b>(3) ADD LINES 1 AND 2</b>			*	10,761,109.28 *
<b>CURRENT YEAR ESTIMATED CHANGES IN RESTRICTIONS (attach documentation)</b>				
(c) DEBT SERVICE	*		INC./(DEC.)	*
(d) MAINTENANCE RESERVE	*		[ ]	*
(e) OPERATING REQUIREMENT	*		[ ]	*
(f) OTHER LEGAL RESERVATIONS	*		[ ]	*
<b>(4) SUB-TOTAL - RESTRICTIONS</b>	<b>(ADD AMOUNTS ON LINES c-f)</b>		*	- *
<b>DESIGNATIONS (attach documentation)</b>				
(g) NON-OPERATING IMPROVEMENTS & REPAIRS (CB-4&5)	*		[ ]	*
(h) CONTRIBUTION TO RATE STABILIZATION PLAN (#)	*		[ ]	*
(i) DEBT SERVICE RESERVE - NJEIT 2010 ARRA LAON	*		[ ]	*
(j) ADJUSTMENTS /OTHER (Attach list):	*		[ ]	*
<b>(5) SUBTOTAL - DESIGNATIONS</b>	<b>(ADD AMOUNTS ON LINES g-i)</b>		*	- *
<b>(6) ADD LINES 4 and 5</b>			*	- *
<b>(7) UNRESTRICTED NET ASSETS AVAILABLE FOR USE IN PROPOSED BUDGET</b>			*	10,761,109.28 *
<b>(SUBTRACT LINE 6 FROM LINE 3)</b>				
<b>PROPOSED UTILIZATION OF AVAILABLE UNRESTRICTED NET ASSETS</b>				
(8) AS REVENUE IN ANNUAL BUDGET (PAGE 6, LINE R-3b)	*		[ ]	*
(9) FOR CURRENT YEAR CAPITAL BUDGET (PAGE CB-3)	*		1,843,874.69	*
<b>(10) SUBTOTAL - U/R NET ASSETS UTILIZED</b>	<b>(ADD AMOUNTS ON LINES 8-9)</b>		*	1,843,874.69 *
<b>(11) MAXIMUM ALLOWABLE FOR APPROPRIATION TO MUNICIPALITY/COUNTY</b> (Budget Item B-2 times 5%)			Not Applicable	
<b>(12) AS APPROPRIATED TO MUNICIPALITY/COUNTY (PAGE 6, LINE R-3a)</b>			*	- *
<b>(13) TOTAL UNRESTRICTED/UNDESIGNATED NET ASSETS</b>			*	8,917,234.59 *
<b>(SUBTRACT LINES 10 AND 12 FROM LINE 7)</b>				

(732) 446-9300 x104 / (732) 446-1203

Phone # (extension) / Fax #

CERTIFIED BY:

*Marilyn Seidenberg*

Marilyn Seidenberg, Director of Finance

(#) Explain in detail in the Budget Message

DATE: September 20, 2012

**RESOLUTION APPROVING MINUTES**

**BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of August 16<sup>th</sup>, 2012 be and the same are hereby accepted for filing by the Authority.

**DATE: SEPTEMBER 20<sup>TH</sup>, 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>
<b>McENERY</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>	<b>X</b>		<b>X</b>			

RESOLUTION AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT AND RELEASE OF CERTAIN PERFORMANCE GUARANTEES IN RELATION TO LEXINGTON ESTATES PUMP STATION

WHEREAS, on June 19, 2001, Lexington Estates' wastewater collection system was approved by the WESTERN MONMOUTH UTILITIES AUTHORITY ("WMUA") under WMUA Application 244 and a Treatment Works Approval ("TWA") permit was issued by the New Jersey of Environmental Protection ("NJDEP") (Permit No. 01-0265) with the design of the system completed by D.W. Smith Associates to provide service to 181 single family homes (later reduced to 170 homes), including 49 homes in the community known as Marlboro Village, which were later removed from the applicable service area; and

WHEREAS, on or about July 17, 2001, the developer, K. HOVNANIAN AT MARLBORO TOWNSHIP VIII, LLC ("KHOV") posted a sewer performance guarantee bond with the WMUA in the amount of \$1,200,834.46, and a cash surety guarantee in the amount of \$133,426.05, covering the construction of the on-site gravity sewer system, 183 laterals and the Lexington Estates Pump Station ("Pump Station") and Force Main (hereinafter referred to collectively as the "Pump Station/Force Main"); and

WHEREAS, in 2002, construction of the Pump Station/Force Main was completed and its operation commenced in 2004 with KHOV seeking to turn over its operation to the WMUA in 2006, which generally coincided with the completion of construction and sales of homes in Lexington Estates in 2007; and

WHEREAS, since 2007, numerous deficiencies have been remedied to a certain extent by various methods (cleaning the force main, replacing certain sections and installing air release valves where suspected high spots existed, and by installing new impellers) that appear to have increased the performance of the pumps while also increasing their consistency of operating capacity, but still at rates less than specified in the original approved design; and

WHEREAS, in August 2010, KHOV filed suit in Superior Court in Monmouth County in the matter of *K. Hovnanian at Marlboro VIII, LLC v. Western Monmouth Utilities Authority*, Docket No. MON-L-3976-10 ("2010 Litigation") seeking to compel the WMUA's acceptance of certain bonded sewer improvements and a release and reduction of associated performance guarantees for the same at Lexington Estates; and

WHEREAS, on November 1, 2010, as a result of the 2010 Litigation, the Parties entered a Consent Order requiring acceptance of the gravity sewer collection system by the WMUA with a corollary reduction in the

performance bond to \$254,718.00 and \$28,302.00 in a cash surety, representing the Pump Station/Force Main that was not required to be accepted and operated by the WMUA at that time; and

WHEREAS, on November 18, 2010, the WMUA adopted a Resolution conforming with the terms of the Consent Order resulting from the 2010 Litigation by accepting the gravity collection system and reducing performance guarantees in accordance therewith; and

WHEREAS, on June 2, 2011, the Parties entered a Settlement Agreement in the 2010 Litigation, establishing a process by which the Pump Station/Force Main was to be accepted by the WMUA after the commencement of a monitoring period as set forth under the WMUA's regulations, while KHOV retained its rights to reinstitute litigation; and

WHEREAS, on February 28, 2012, due to continued concerns by the WMUA's engineer regarding latent or unknown defects causing the Pump Station to continue to underperform from its approved design, the WMUA's engineer recommended that the WMUA not commence the 90-day monitoring period that would result the WMUA's acceptance of the Pump Station/Force Main along with the eventual release of the guarantees therewith; and

WHEREAS, on April 12, 2012, KHOV again filed suit in Superior Court in Monmouth County in the current matter of *K. Hovnanian at Marlboro Township VIII, LLC v. Western Monmouth Utilities Authority*, Docket No. MON-L-1712-12 ("2012 Litigation") generally seeking to compel the WMUA's acceptance of the Pump Station/Force Main and full release of the performance guarantees associated with Lexington Estates; and

WHEREAS, professional engineers for both Parties cannot definitively determine what other deficiencies may exist that may be causing the pumps to perform at less than their approved and designed capacity, but agree that the current rates of operation are sufficient to service the current and anticipated flows within the reduced area serviced by the Pump Station within the standards required by the NJDEP; and

WHEREAS, for the aforesaid reasons, the Parties hereto now desire to resolve the differences between them relating to the acceptance of ownership and operation of the Pump Station/Force Main along with the release and retention of certain performance guarantees relating to the same without any admission of liability by any Party, in order to avoid the expense and inconvenience of further litigation; and

WHEREAS, in consideration for this settlement and acceptance of these improvements, the WMUA will retain more than \$28,000 in remaining cash performance guarantees while releasing KHOV from any more obligations in relation to the Pump Station/Force Main, including the posting of any maintenance guarantees hereafter; and

WHEREAS, it is recommended that this litigation be resolved as being in the best interest of the ratepayers serviced by the WMUA to avoid incurring further costs and exposure to the risks and uncertainties associated with protracted litigation.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the WMUA that the Authority's staff and/or professionals are hereby authorized and directed to execute the Settlement Agreement and Release between the WMUA and KHOV attached hereto and made part hereof pursuant to the terms and conditions set forth therein.

BE IT FURTHER RESOLVED that the WMUA's Special Conflicts Counsel, upon execution of the attached Settlement Agreement and Release, is authorized and directed to accept, file, record and/or execute, with opposing counsel, a Stipulation of Dismissal with the Court in the matter of *K. Hovnanian at Marlboro Township VIII, LLC v. Western Monmouth Utilities Authority*, Docket No. MON-L-1712-12.

BE IT FURTHER RESOLVED that upon execution of the attached Settlement Agreement and Release and the filing of a Stipulation of Dismissal with the Court, Authority staff is hereby authorized and directed to cause the full release of American Insurance Company Performance Bond No. 11141745858 (the "Performance Bond") and direct the return of the Performance Bond to KHOV while retaining the remaining cash surety of \$28,367.95 (as of August 13, 2012) to be deposited into the WMUA's General or Capital Fund as consideration for its acceptance and assumption of the ownership and operation of the Pump Station/Force Main.

DATE: SEPTEMBER 20<sup>th</sup>, 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			

**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 return to open session.

**DATE: SEPTEMBER 20<sup>TH</sup>, 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			

**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: SEPTEMBER 6<sup>TH</sup>, 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>
<b>McENERY</b>		<b>X</b>	<b>X</b>			
<b>MUSICH</b>	<b>X</b>		<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>						<b>X</b>

**AUTHORIZING T&M ASSOCIATES TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR THE DIGESTER/MIXER REHABILITATION IMPROVEMENTS AND THE REPLACEMENT OF THE BOILERS**

**WHEREAS**, the General Manager has requested that T&M Associates prepare plans and specifications, advertise and receive bids for the Digester/Mixer Rehabilitation and Improvements and Replacement of the Boilers; and

**WHEREAS**, the Commissioners of the Western Monmouth Utilities Authority need to authorize T&M Associates to prepare plans and specifications, advertise and receive bids for the Digester/Mixer Rehabilitation and Improvements and Replacement of the Boilers, and

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

1. T&M Associates is hereby authorized to prepare plans and specifications, advertise and receive bids for the Digester/Mixer Rehabilitation and Improvements and Replacement of the Boilers.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy:
  - a) Coleen Weber, Office Manager
  - b) T&M Associates

**DATE: SEPTEMBER 5<sup>TH</sup>, 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>
<b>McENERY</b>						
<b>MUSICH</b>						
<b>PERNICE</b>						
<b>ROSEN</b>						

**12-93 tabled**



**AUTHORIZING CME ASSOCIATES TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR THE RENOVATION OF FIVE PUMP STATIONS**

**WHEREAS**, the General Manager has requested that CME Associates prepare plans and specifications, advertise and receive bids for the Renovation of Five Pump Stations; and

**WHEREAS**, the Commissioners of the Western Monmouth Utilities Authority need to authorize CME Associates to prepare plans and specifications, advertise and receive bids for the Renovation of Five Pump Stations as listed below:

1. Brunswick Drive Pump Station
2. Greenwood Road Pump Station
3. Lloyd Road Pump Station
4. Prince William Pump Station
5. Texas Road Pump Station

**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 Renovation of Five Pump Stations.
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: SEPTEMBER 5<sup>TH</sup>, 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>
<b>McENERY</b>		<b>X</b>	<b>X</b>			
<b>MUSICH</b>	<b>X</b>		<b>X</b>			
<b>PERNICE</b>			<b>X</b>			
<b>ROSEN</b>						<b>X</b>