

**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: DECEMBER 20TH, 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			

AMENDING DATE OF PUBLIC HEARING AUTHORIZING 2013 AUTHORITY BUDGET

WHEREAS, on November 15th, 2012, in Resolution 12-126 the Annual Budget and Capital Budget for the Western Monmouth Utilities Authority for the fiscal year beginning February 1st, 2013 and ending January 31st, 2014 was presented before the governing body, and

WHEREAS, the governing body of the Western Monmouth Utilities Authority approved said Annual and Capital Budgets, and

WHEREAS, the governing body of the WMUA is required to have a public hearing to authorize the annual budget, and

WHEREAS, the public hearing has been rescheduled to take place on Monday, January 14th, 2013 at 7:30pm at the Administrative building of the Western Monmouth Utilities Authority located at 103 Pension Road, Manalapan, NJ, and

WHEREAS, a copy of this notice shall be published in the Asbury Park Press and the Star Ledger;

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

1. A public hearing originally scheduled for, Thursday, January 17th, 2013 has been cancelled.
2. The public hearing for the purpose of approving the 2013/2014 Authority Budget shall be held on Monday, January 14th, 2013 at 7:30 p.m., at the offices of the Authority.
2. Certified true copies of this Resolution shall be forwarded for publication and to:
 - a) Clerk of each Municipality serviced by the Western Monmouth Utilities Authority
 - b) Marilyn Seidenberg, Director of Finance
 - c) Gerry Stankiewicz, Auditor

DATE: DECEMBER 20TH, 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 GENERAL MANAGER TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE AND RECEIVE BIDS FOR SLUDGE HAULING AND DISPOSAL

WHEREAS, the General Manager has requested that plans and specifications be prepared and advertised and bids received for Sludge Hauling and Disposal;

NOW, 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 and to advertise for the receipt of bids receive bids for Sludge Hauling and Disposal.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy:
 - a) Coleen Weber, Office Manager

DATE: DECEMBER 20TH, 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						
MUSICH						
PERNICE						
ROSEN						

12-139 TABLED

**RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND AND
CASH SURETY FOR MEADOW CREEK ESTATES #372A**

WHEREAS, the developer of Meadow Creek Estates #372A has requested a release of the Performance Bond and Cash Surety and;

WHEREAS, T&M Associates has recommended the Performance Guarantee and Cash Surety be released, and

WHEREAS, the Consulting Engineer recommends that the remaining performance bond in the amount of \$609,454.50 be released and the cash surety in the amount of \$67,717.17 be released by the Authority. A two year maintenance bond in the amount of \$72,347.40 was posted and will remain in effect until October 10th, 2014. \$1000.00 will be held by the Authority to cover costs and fees of the final inspection for the maintenance bond release, and

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

1. The Performance Bond in the amount of \$609,454.50 be released.
2. Cash Surety in the amount of \$67,717.17 be released
3. The Consulting engineers report dated December 13th, 2012 is attached hereto.
4. All professional fees must be current.
5. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to
 - a) Kathy Leatherman, General Manager
 - b) T&M Associates
 - c) Meadow Creek Estates #372A

DATE: DECEMBER 20TH, 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			

Eleven Tindall Road, Middletown, New Jersey 07748-2792
(732) 671-6400 * fax (732) 671-7365 * www.tandmassociates.com



WMUA-II581

December 13, 2012

Mrs. Katherine Leatherman, General Manager
Western Monmouth Utilities Authority
103 Pension Road
Manalapan, New Jersey 07726

**Re: Western Monmouth Utilities Authority
Meadow Creek Estates/ Villages at Meadow Creek
Phase 2 On-Site Sewer (372-A)
Performance Guarantees Release**

Dear Mrs. Leatherman:

T&M conducted a final inspection for the above-referenced project on October 9, 2012. All remaining deficiencies identified have been satisfactorily completed. The Developer has since submitted an acceptable 2-year Maintenance Bond in the amount of \$72,347.40 as required by the Rules and Regulations. The bond will remain in effect until **October 10, 2014**. A copy is enclosed for your use.

T&M recommends that the remaining Performance Bond in the amount of \$609,454.50 and the Cash Surety in the amount of \$67,717.17 (plus accrued interest, which to date our records indicate to be \$72,385.11) be released minus \$1,000.00 that shall be retained by the Authority to cover costs and fees relative to the final inspection for the Maintenance Bond release.

The WMUA should determine if there are sufficient funds to cover all professional fees necessary for the closing of the project.

The Developer is advised of the aforementioned by copy of this letter.

If you have any questions, please contact Stephen Schreiber at this office.

Very truly yours,

KEVIN F. TOOLAN, P.E.
WESTERN MONMOUTH UTILITIES
AUTHORITY ENGINEER

KEITH W. HENDERSON, PE, PP, PLS
SENIOR VICE PRESIDENT

KFT:KWH:SS:FWG:scb

cc: Authority Commissioners
Brian Nelson, Esq., Nelson Supko & Hanlon
Robert Noel, Collection System Superintendent, WMUA
James Holtz, Toll Brothers

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**RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND AND
CASH SURETY FOR CASTLE POINTE #379**

WHEREAS, the developer of Castle Pointe #379 has requested a release of the Performance Bond and Cash Surety and;

WHEREAS, T&M Associates has recommended the Performance Guarantee and Cash Surety be released, and

WHEREAS, the Consulting Engineer recommends that the remaining performance bond in the amount of \$178,784.99 be released and the cash surety in the amount of \$21,591.72 be released by the Authority. In compliance with the stipulations of the settlement agreement for Lexington Estates, a maintenance bond will not be required for this project. The WMUA should determine if there are sufficient funds to cover all professional fees necessary for the closing of the project.

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

1. The Performance Bond in the amount of \$178,784.99 be released.
2. Cash Surety in the amount of \$21,591.72 be released
3. The Consulting engineers report dated November 20th, 2012 is attached hereto.
4. All professional fees must be current.
5. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to
 - a) Kathy Leatherman, General Manager
 - b) T&M Associates
 - c) Castle Pointe #379

DATE: DECEMBER 20TH, 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			

Eleven Tindall Road Middletown, New Jersey 07748-2792
(732) 671-6400 * fax (732) 671-7365 * www.tandmassociates.com



WMUA-II202

November 20, 2012

Mrs. Katherine Leatherman
Western Monmouth Utilities Authority
103 Pension Road
Manalapan, New Jersey 07726

**Re: Western Monmouth Utilities Authority
Castle Pointe @ Marlboro (379)
Performance Guarantees Release**

Dear Mrs. Leatherman:

T&M conducted a final inspection for the above-referenced project on November 15, 2012. The deficiency identified in our November 5, 2012 letter has been satisfactorily completed.

Based on the above, T&M recommends that the remaining Performance Bond in the amount of \$178,784.99 and the Cash Surety in the amount of \$21,591.72 be released by the Authority. In compliance with the stipulations of the settlement agreement for Lexington Estates, a maintenance bond will not be required for this project. The WMUA should determine if there are sufficient funds to cover all professional fees necessary for the closing of the project.

The Developer is advised of the aforementioned by copy of this letter.

If you have any questions, please contact Stephen Schreiber at this office.

Very truly yours,

KEVIN F. TOOLAN, P.E.
WESTERN MONMOUTH UTILITIES
AUTHORITY ENGINEER



KEITH W. HENDERSON, PE, PP, PLS
SENIOR VICE PRESIDENT

KFT:KWH:SS:FWG:scb

cc: Authority Commissioners
Brian Nelson, Esq., Nelson Supko & Hanlon
Robert Noel, Collection System Superintendent, WMUA
James Holtz, Toll Brothers

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**RESOLUTION AUTHORIZING WESTERN MONMOUTH UTILITIES
AUTHORITY TO ENTER INTO A CONTRACT WITH DELTA
DENTAL PLAN OF NEW JERSEY FOR TWO YEARS**

WHEREAS, Delta Dental Plan of New Jersey has provided a dental agreement for two years, beginning February 1st, 2013 thru January 31st, 2015 with the Western Monmouth Utilities Authority; and

WHEREAS, the Commissioners have reviewed and approved the dental agreement;

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

1. The General Manager is hereby authorized to enter into the contract for group dental services with Delta Dental Plan of New Jersey, Inc. for two years.
2. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 - a) Delta Dental
 - b) Marilyn Seidenberg, Director of Finance

DATE: DECEMBER 20TH, 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 SETTING MEETING DATES FOR PUBLIC AND WORKSHOP
MEETINGS FOR THE YEAR ENDING JANUARY 31ST, 2014**

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that pursuant to the provisions of the N.J.S.A. 10:4-6 et seq. the time and place for the regular meetings of the Western Monmouth Utilities Authority be and the same are hereby affixed as the first and third Thursday of each and every month, the first Thursday to be a Workshop meeting and Public meeting and the third Thursday to be a Public meeting, said meetings to be held at 7:30 p.m., at the Meeting Room at the offices of the Western Monmouth Utilities Authority, 103 Pension Road, Manalapan, New Jersey 07726;

The dates of the workshop meetings for February 1st, 2013 to January 31st, 2014 will be:

February 12 th , 2013	
March 7 th , 2013	
April 4 th , 2013	
May 2 nd , 2013	
June 6 th , 2013	
July 18 th , 2013	(Workshop and Regular Public Meeting)
August 15 th , 2013	(Workshop and Regular Public Meeting)
September 5 th , 2013	
October 3 rd , 2013	
November 7 th , 2013	
December 5 th , 2013	
January 2 nd , 2014	

The dates of the public meetings for 2013 will be:

February 21 st , 2013	
March 21 st , 2013	
April 18 th , 2013	
May 16 th , 2013	
June 20 th , 2013	
July 18 th , 2013	(Workshop and Regular Public Meeting)
August 15 th , 2013	(Workshop and Regular Public Meeting)
September 19 th , 2013	
October 17 th , 2013	
November 21 st , 2013	
December 19 th , 2103	
January 16 th , 2014	

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Municipal Clerks of Marlboro Township, Manalapan Township, Freehold Township and the Borough of Englishtown for filing and posting, and that copies of this Resolution be published in the *Asbury Park Press* and *The Star Ledger*, and also be posted on the bulletin board at the Authority Offices in accordance with provisions of Statute;

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

1. Kathy Leatherman, General Manager

DATE: DECEMBER 20TH, 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 APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of November 15th, 2012 be and the same are hereby accepted for filing by the Authority.

DATE: DECEMBER 20TH, 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: DECEMBER 6TH, 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 CHANGE ORDER #1 FOR EDWARDS DRIVE
SEWER REHABILITATION**

WHEREAS, CME Associates, the Consultant Engineer has recommended to the Authority that a Change Order be approved in the Contract for the Edwards Drive Sewer Rehabilitation, and

WHEREAS, this Change Order results from an adjustment described in the Consulting Engineer's letter dated November 29th, 2012 which is hereby attached, and

WHEREAS, this resulted in a decrease of the contract price computed as follows:

Original Contract Price	\$ 129,775.00
Previous Changes	\$
Change Order #1	\$ 15,000.00
Revised Contract Price	\$ 144,775.00

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 November 29th, 2012 in accordance with its terms.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy to:
 - a) CME Associates
 - b) Marilyn Seidenberg, Director of Finance

DATE: DECEMBER 6TH, 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 A 36 MONTH PAYMENT PLAN FOR CONNECTION FEE FOR
CIOSA DEVELOPMENT LLC, #487**

WHEREAS, the Western Monmouth Utilities Authority ("WMUA"), from time to time, and on case-by-case basis, reviews hardship requests for payment plans of its connection fees; and

WHEREAS, Ciosa Development LLC, #487 is the owner of Block 2503, Lot 21.06 on the tax map of the Township of Manalapan ("Property"); and

WHEREAS, the WMUA has been advised of a hardship by the Owner in paying outstanding connection fees. The Customer has paid \$1954.50 toward the connection fee of \$11,721.00; and

WHEREAS, the balance which is \$9,766.50 will be paid in 35 monthly installments of \$271.00, the final payment being \$281.50; and

WHEREAS, the connection fee will be paid in its entirety by December 26th, 2015; and

WHEREAS, the Commissioners of the WMUA have reviewed the request and approve of it subject to the Owner making timely payments to the WMUA, and

WHEREAS, the Owner is advised that in the event a monthly payment is missed, the entire unpaid balance will be due and payable to the Authority; and

WHEREAS, the Owner is advised that if it closes title and sells the Property, the entire unpaid balance, will be due and payable to the Authority.

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

1. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 - a) Marilyn Seidenberg, Director of Finance

b) Ciosa Development LLC #487 Signed  dated 12/18/12

DATE: DECEMBER 6TH, 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: NOVEMBER 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			