

**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 July 28, 2015 be and the same are hereby accepted for filing by the Authority.

**DATE: AUGUST 25, 2015**

<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>MENDEZ</b>	<b>X</b>		<b>X</b>			
<b>PERNICE</b>						<b>X</b>
<b>ROSEN</b>					<b>X</b>	

**15-102a**

**AUTHORIZING EXECUTION OF DEVELOPER'S AGREEMENT WITH M&M  
AT 483 ROUTE 79 LLC, PROJECT #508**

**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 Agreement between the Western Monmouth Utilities Authority and M&M At 483 Route 79 LLC , Project #508; 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. M&M AT 483 Route 79 LLC, Project #508
2. CME Associates, Consultant Engineer
3. John S. Wisniewski, Attorney

**DATE: AUGUST 25, 2015**

<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>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>						<b>X</b>
<b>ROSEN</b>			<b>X</b>			

**15-103a**

**GRANTING APPROVAL TO OAK HILL ESTATES, PROJECT #563**

**WHEREAS**, Oak Hill Estates has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #563 located at Lot #11.01 in Block #143 in the Township of Marlboro; and

**WHEREAS**, the applicant proposes to construct approximately 1800 lf of 8” PVC SDR-35 gravity sanitary sewer to service a proposed subdivision consisting of 17 residential homes, and

**WHEREAS**, the proposed gravity sewer will be constructed within Captiva Lane, a proposed roadway, and will connect to an existing sewer main located within Nolan Road. The applicant will make connection to the Authority’s existing sewer main via connection to a proposed doghouse manhole. The flow will then go to the Lloyd Road PS and ultimately to the BRSA for treatment, and

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that the application for approval in connection with the Oak Hill Estates is hereby granted, subject to any and all conditions set forth in this resolution, as well as any conditions set forth in the report of the Consultant Engineer, dated June 8, 2015.

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

- 1) Oak Hill Estates, Project #563
- 2) CME Associates. Consultant Engineer

**DATE: AUGUST 25, 2015**

<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>X</b>			
<b>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>						<b>X</b>
<b>ROSEN</b>			<b>X</b>			

**RESOLUTION APPOINTING SIGNATORIES FOR AUTHORITY BANK ACCOUNTS AND THE INVESTMENT FUNCTION**

**WHEREAS**, the Western Monmouth Utilities Authority requires a resolution authorizing signatories on the bank accounts maintained by the Western Monmouth Utilities Authority; and

**WHEREAS**, the Western Monmouth Utilities Authority requires that the resolution authorize signatories for the purpose of facilitating the investment function of the Authority; and

**WHEREAS**, the investment functions of the Authority may include opening or closing accounts in the Authority’s name, depositing funds to accounts in the Authority’s name, transferring funds from accounts in the Authority’s name to other accounts in the authority’s name;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Western Monmouth Utilities Authority that two (2) of the following signatories shall be those which will appear on checks drawn upon the funds of the Authority on all its accounts wherever maintained:

Jeffrey Rosen	Chairman
Glen Mendez	Treasurer
Marilyn Seidenberg	Director of Finance

**BE IT FURTHER RESOLVED**, that Marilyn Seidenberg is authorized to perform the investment functions necessary to implement the Authority’s Cash Management Plan; and

**BE IT FURTHER RESOLVED**, that this Resolution will be in effect until January 31<sup>st</sup>, 2016 or until such time as the annual Re-Organization Meeting is held where it shall be re-addressed.

**BE IT FURTHER RESOLVED** that the Clerk of the Authority by and the same is hereby authorized to forward copies of this Resolution, certified to be a true copy to:

1. Marilyn Seidenberg, Director of Finance
2. All banks and brokers listed in the Authority’s Cash Management Plan

**DATE: AUGUST 25, 2015**

<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>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>						<b>X</b>
<b>ROSEN</b>			<b>X</b>			

**AUTHORIZING A REVISED REIMBURSEMENT SERVICES AGREEMENT (RSA) WITH WAGEWORKS FOR THE FLEXIBLE SPENDING ACCOUNT (FSA)**

**WHEREAS**, the Western Monmouth Utilities Authority (WMUA) adopted a Medical Care Expense Reimbursement Plan and a Dependent Care Expense Reimbursement Plan for its employees in Resolution 12-151, dated January 14, 2013 in conjunction with its Flexible Benefits Plan administered in accordance with Sections 125 and 129 of the Internal Revenue Code of 1986, as amended; and

**WHEREAS**, AFLAC has been administering the Plan but will be discontinuing its FSA administrative services; and

**WHEREAS**, AFLAC has teamed up with WageWorks to provide administrative services for its customers; and

**WHEREAS**, the Director of Finance had recommended that the FSA be transferred to WageWorks for receiving and processing reimbursement requests for eligible expenses under the Plan; and

**WHEREAS**, the WMUA adopts the attached amendment which reflects changes to the nondiscrimination requirements of the Plan; which will become effective as of the date of this Resolution, August 25<sup>th</sup>, 2015, and

**WHEREAS**, WageWorks has agreed to maintain, for a period of three (3) years, the same service fees that were previously charged by AFLAC; and

**WHEREAS**, the fees are six (6) dollars per participant per month, subject to a monthly minimum fee of fifty (50.00) dollars; and

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

1. The Executive Director is authorized to amend the RSA contract between the Western Monmouth Utilities Authority and WageWorks.
2. The Clerk is authorized to forward copies of this Resolution, certified to be a true copy, to:
  - a) Marilyn Seidenberg, Director of Finance
  - b) WageWorks

**DATE: AUGUST 25, 2015**

<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>MELENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>						<b>X</b>
<b>ROSEN</b>			<b>X</b>			

**AUTHORIZING THE RETURN OF ALL ESCROW MONEY TO ROUTE 9  
REALTY LLC, PROJECT #482**

**WHEREAS**, Route 9 Realty LLC, Project #482 has abandoned the project and requested the release of its escrow money, and

**WHEREAS**, the Consulting Engineer 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 Route 9 Realty LLC, Project #482 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) Route 9 Realty, Project #482

**DATE: AUGUST 25, 2015**

<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>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>						<b>X</b>
<b>ROSEN</b>			<b>X</b>			

**RESOLUTION AWARDING CONTRACT FOR MOTOR CONTROL CENTER**

**WHEREAS**, a notice to bidders was published in the Asbury Park Press on July 31, 2015; and

**WHEREAS**, on August 19, 2015 at 10:00 am, bids were received at the Authority for one Motor Control Center (MCC), Allen-Bradley Centerline or Equal, and

**WHEREAS**, the General Manager reviewed the bids set forth on the bid tally sheet of August 19, 2015, and

**WHEREAS**, Turtle and Hughes Inc., was the lowest bidder in the amount of \$38,900.00 with a 4 – 6 week delivery, and

**WHEREAS**, the General Manager has recommended that the contract for be awarded to Turtle & Hughes Inc., and

**WHEREAS**, funds are or will be available for this purpose;

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

1. The bid from Turtle & Hughes Inc. in the amount of \$38,900.00 be accepted.
2. The General Manager is authorized to enter into a contract between the Western Monmouth Utilities Authority and Turtle & Hughes Inc.
3. Turtle & Hughes Inc. is required to comply with requirements of P.L. 1975 C.127 (N.J.A.C. 17:27)
4. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to;
  - a) Turtle & Hughes Inc.
  - b) Robert Smith, Plant Superintendent

**DATE: AUGUST 25, 2015**

<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>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>						<b>X</b>
<b>ROSEN</b>			<b>X</b>			

**RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE  
GUARANTEE, CASH SURETY AND ESCROW FOR OLD MILL ESTATES, PROJECT  
#438**

**WHEREAS**, the developer of Old Mill Estates, Project #438 has requested the release of the Performance Guarantee, Cash Surety and Escrow, the project is complete in accordance with the Authority Standards, and;

**WHEREAS**, CME Associates recommends release of the Performance Guarantees, Cash Surety and Escrow in the amount of \$2,813.62, subject to all fees as may be due the Authority being current. There is an inspection escrow deficiency for the Project, accordingly CME recommends that any deficiencies be deducted from the cash portion of the Performance Guarantee. Due to the time period since the completion of the project (April 2013) wherein the Performance Bond has covered the Maintenance Guarantee period, CME recommends that a Maintenance Guarantee should not be required as per the letter dated August 20, 2015 attached, and

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

1. Performance Guarantees, Cash Surety and Escrow in the amount of \$2,813.62 be released.
2. All professional fees must be current and the balance of the escrow shall be returned.
3. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
  - a) Kathy Leatherman, General Manager
  - b) CME Associates
  - c) Old Mill Estates, Project #438

**DATE: AUGUST 25, 2015**

<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>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>						<b>X</b>
<b>ROSEN</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 potential litigation, matters of attorney client privilege concerning damage to a forcemain by another utility, 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: AUGUST 25, 2015**

<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>MENDEZ</b>		<b>X</b>	<b>X</b>			
<b>PERNICE</b>						<b>X</b>
<b>ROSEN</b>			<b>X</b>			