

WESTERN MONMOUTH UTILITIES AUTHORITY

RE-ORGANIZATION MEETING

February 12th, 2013

Chairman Pernice called the Western Monmouth Utilities Authority's Public meeting to order at 7:31PM. 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:	J. Wisniewski, Attorney, Wisniewski & Associates K. Henderson, T&M, Engineer T. Gillen, CME, Engineer G. Stankiewicz, Accountant D. Martindell, Facilities Manager G. Kasternakis Maintenance Supervisor R. Noel, Collections Superintendent J. Sawicki, Assistant Collections Superintendent K. Leatherman, General Manager M. Seidenberg, Director of Finance L. Warshauer, Accountant A. Finnerty, Authority Clerk

All present cited the Pledge of Allegiance.

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

Chairman Pernice opened the meeting. At 7:34pm, Chairman Pernice asked for a motion to go into closed session to discuss Personnel.

13-37 Authorizing the Commissioners to go into Closed Session for the purpose of discussing Personnel and they will return to Public Session was moved by Commissioner Pernice and seconded by Commissioner Rosen. All voted aye.

The Commissioners returned to public Session at 8:05pm. Upon return to Public Session, Chairman Pernice proceeded to the Re-Organization Resolutions.

Commissioner Rosen offered Resolution #13-01 Appointing Joseph Pernice as Chairman, seconded by Commissioner Musich. All present voted as follows:

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

Commissioner Musich offered Resolution #13-02 Appointing Jeff Rosen as Vice Chairman, seconded by Chairman Pernice.

Commissioner McEnergy offered Resolution #13-03 Appointing Mary Ann Musich as Secretary, seconded by Jeff Rosen.

Commissioner McEnergy offered Resolution #13-04 Appointing Jeff Rosen as Assistant Secretary, seconded by Commissioner Musich.

Commissioner Rosen offered Resolution #13-05 Appointing Stephen McEnergy as Treasurer, seconded by Commissioner Musich.

Commissioner McEnergy offered Resolution #13-06 Appointing Mary Ann Musich as Assistant Treasurer, seconded by Commissioner Rosen.

All present voted as follows:

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

- 13-01 Appointing Chairman, Joseph Pernice
- 13-02 Appointing Vice-Chairman, Jeff Rosen
- 13-03 Appointing Secretary, Mary Ann Musich
- 13-04 Appointing Assistant Secretary, Jeff Rosen
- 13-05 Appointing Treasurer, Stephan McEnergy
- 13-06 Appointing Assistant Treasurer, Mary Ann Musich

John Wisniewski, Attorney for the Authority, swore the Commissioners in and each signed the Oath of Office.

Chairman Pernice proceeded with the meeting. The following Resolutions were voted on:

- 13-07 Authorizing General Manager and/or Facilities Manager to Adopt Emergency Procedures
- 13-08 Naming Official Newspapers – The Asbury Park Press or The Star Ledger
- 13-09 Amending Cash Management Plan for the Year Ending January 31st, 2014 as prepared by the Director of Finance
- 13-10 Authorizing Purchases under the bid threshold
- 13-11 Authorizing the General Manager to Remove Interest on Customer Accounts

- 13-12 Appointing Signatories for Authority Bank Accounts
- 13-13 Establishing Tax Sale Threshold
- 13-14 Authorizing Non-Refundable Fee for the Purchase of Bid Specifications
- 13-15 Appointing Katherine Leatherman as Purchasing Agent

Chairman Pernice asked for a motion on Resolution 13-07. Commissioner Musich moved, seconded by Commissioner Rosen.

Chairman Pernice asked for a motion on Resolution 13-08. Commissioner Rosen moved, seconded by Commissioner Musich.

Chairman Pernice asked for a motion on Resolution 13-09. Commissioner Musich moved, seconded by Commissioner McEnergy.

Chairman Pernice asked for a motion on Resolution 13-10. Commissioner Rosen moved, seconded by Commissioner Musich.

Chairman Pernice asked for a motion on Resolution 13-11. Commissioner McEnergy moved, seconded by Commissioner Musich.

Chairman Pernice asked for a motion on Resolution 13-12. Commissioner Rosen moved, seconded by Commissioner Musich.

Chairman Pernice asked for a motion on Resolution 13-13. Commissioner Musich moved, seconded by Commissioner McEnergy.

Chairman Pernice asked for a motion on Resolution 13-14. Commissioner Musich moved, seconded by Commissioner Rosen.

Chairman Pernice asked for a motion on Resolution 13-15. Commissioner Rosen moved, seconded by Commissioner Musich.

All present voted as follows:

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

Chairman Pernice asked for a motion on Resolution 13-16, Appointing John Wisniewski Authority Attorney. Commissioner Rosen moved, seconded by Chairman Pernice. The vote was as follows:

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

Commissioner Rosen offered Resolution 13-17, Appointing Gerard Stankiewicz as Auditor, seconded by Commissioner McEnergy.

Commissioner Rosen offered Resolution 13-18, Appointing Steve Rogut Bond Counsel, seconded by Commissioner McEnergy.

Commissioner Rosen offered Resolutions 13-19, Appointing Keith Henderson of T&M Associates as Authority Engineer, seconded by Commissioner McEnergy.

Commissioner Musich offered Resolution 13-20 Appointing Tim Gillen of CME Associates as Assistant Consultant Engineer, seconded by Commissioner McEnergy.

Chairman Pernice stated that Resolution 13-21, Appointing Special Projects Engineer will not be awarded.

Commissioner Musich offered Resolution 12-22, Appointing Gerard Stankiewicz as Financial Advisor, seconded by Commissioner Rosen.

Commissioner Musich offered Resolution 13-23, Appointing James Gorman as Conflict Counsel, seconded by Commissioner McEnergy. The Labor and Regulatory Counsel will be awarded at a later date.

Commissioner Rosen offered Resolution 13-24 Appointing Fairview Insurance Agency as Risk Management Consultant, seconded by Commissioner Musich.

Commissioner Rosen offered Resolution 13-25, seconded by Commissioner Musich.

Commissioner Musich offered Resolution 13-26, seconded by Commissioner Rosen.

Commissioner Musich offered Resolution 13-27, seconded by Commissioner Rosen.

- 13-16 Appointing Attorney, John Wisniewski
- 13-17 Appointing Auditor, Gerard Stankiewicz
- 13-18 Appointing Bond Counsel, Steve Rogut
- 13-19 Appointing Engineer, T&M Associates
- 13-20 Appointing Assistant Consulting Engineer, CME Associates
- 13-21 Appointing Special Projects Engineer, WILL NOT BE AWARDED
- 13-22 Appointing Financial Advisor, Gerard Stankiewicz
- 13-23 Appointing Conflict Counsel, James H. Gorman
- 13-24 Appointing Risk Management Consultant, Fairview Insurance Agency
- 13-25 Authorizing the Director of Finance and/or the General Manager to Grant Customer Payment Plans maximum 3 years/\$1000.00
- 13-26 Amending the Petty Cash Fund
- 13-27 Appointing the JIF Fund Commissioner

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

Chairman Pernice opened the Workshop Meeting.

Commissioner McEnergy inquired about Kaplan Companies. John Wisniewski stated that he received a phone message earlier today and was unable to phone him back prior to tonight's meeting.

Chairman Pernice proceeded with discussion.

- Chairman Pernice asked if there were any comments on the minutes of January 3rd, 2013 and January 14th, 2013. There were none.
- Chairman Pernice asked for any comment on the Sludge Hauling Service. The Commissioners reviewed the bid tally sheet and agreed to award to Spectraserv.
- Keith Henderson addressed the Performance Bond and Cash Surety Reduction for Four Seasons, Phase V and Phase VII. He stated each project have been given the appropriate list of deficiencies therefore they are only reducing the cash surety and not returning until the deficiencies have been resolved.
- Chairman Pernice asked for comment on the Premier Magnesia renewal. Katherine Leatherman stated that the contract was awarded with an option to have a one year extension; this extension is for 2013 and 2014 and this is for the final test for the DEP. Dane Martindell stated that there is a draft of the settlement that he has seen from the consultant that was forwarded to the DEP and the Attorney General regarding the trial; but he has not heard back yet but feels that we will receive positive feedback. Mr. Martindell stated that he has written up draft specifications to begin the trial at the treatment plant.
- Katherine Leatherman stated the Resolution for the state contract to remove the underground storage tanks initially had A&J Construction. Keith Henderson called and stated that the removal will have 3 components. The Resolution has been revised and provided to each Commissioner, we just want to pass the Resolution to use the State Contract to move forward with this project. There is a guide on how to move forward with this contract from the RFP. Keith Henderson stated that it is a very unique contract.
- Chairman Pernice asked for comment on Edwards Drive. Mrs. Leatherman stated that the engineer from Freehold Township called prior to the closing of the office today to confirm that the Edwards Drive Sewer rehab was on the Agenda. He also impressed upon Kathy the urgency of completing this project. Mr. Gillen stated that the roads have been milled by our contractor and it has created a large inconvenience to the residents. The problem that occurred was the mark-outs were incorrect and CME revised the design of the project to match the mark-out. The water mains were 6 to 8 feet off the mark. This caused a delay in the project and additional expenditures. The water main will have to be replaced, so as CME begins to proceed with the rehab, Freehold Township will be able to change the water main in conjunction with the rehabilitation. Freehold Township has contacted CME and stated that they do not

have the funds to cover this repair. The cost of the Change Order will be in excess of \$30,000.00. Mr. Wisniewski stated that this could be litigated because the water main was marked out incorrectly by the Township. Chairman Pernice confirmed that we have exceeded 20% of the contract. Tim Gillen stated we have to complete the project because these are our customers. The Commissioners agreed that the project must be completed as soon as possible. Commissioner McEnery stated we should do our best to work this out with Freehold Township. Mr. Wisniewski asked Mr. Stankiewicz if he can inquire about finances with Freehold Township in order to ascertain whether or not they have the funds to help us with the repair.

- Chairman Pernice asked for comment on the Fireside Bar & Grill, our project #470. Tim Gillen stated they have completed all the project requirements and they recommend release. They have submitted a 2 year maintenance bond.
- Chairman Pernice asked for comment on Freehold Point #391. Tim Gillen stated that they have completed the project and recommend release of the Performance Bond. The Pump Station has completed the 90 day trial satisfactory. The bond was originally reduced on June 23rd, 2006.
- Chairman Pernice asked for comment on the Route 33 Sewer connections. Keith Henderson stated that they have responded to John Ploskonka request as per the last meeting he attended. 2 projects did not connect to the sewer, Allied Development and Traditional Developers. The other properties have requested the bond be released. These 2 developers will have to resubmit plans individually and pay connection fees individually. Mr. Henderson stated that this was entirely up to the Commissioners.
- Tim Gillen asked if the Commissioners will pass a Resolution to move forward with Edwards Drive Sewer Rehabilitation. Mrs. Leatherman stated that a Resolution can be added this evening, if everyone has agreed.
- Keith Henderson stated that the County will not provide large scale maps regarding the Wastewater Management Plan. T&M's recommendation is that the Authority not makes any changes to the plan until we receive a more legible map.
- Chairman Pernice inquired about a sewer line on McCue Road. Rob Noel stated that there was a line collapse from hydrogen sulfide damage. Mr. Noel stated that this is a troubled spot that had an issue three years ago. The pipe appears to be in decent shape. Chairman Pernice asked if this was in our capital budget. Rob Noel stated that there is money set aside for some repairs.

Chairman Pernice asked if there were any other questions and proceeded to ask for a motion on the Resolutions #13-28 thru 13-38. The vote was as follows:

- 13-28 Awarding Sludge Hauling Service to Spectraserv
- 13-29 Authorizing the Reduction of Performance Bond and Cash Surety for Four Seasons V 367E
- 13-30 Authorizing the Reduction of Performance Bond and Cash Surety for Four Seasons VII 367G
- 13-31 Authorizing Extension of Premier Magnesia, LLC Contract
- 13-32 Authorizing Use of State Contract #T0849
- 13-33 Authorizing the Release of Performance Bond for Fireside #470
- 13-34 Authorizing Release of Performance Bond and Cash Surety for Freehold Pointe #391

13-35 Budget Amendment #1

13-36 Authorizing Refunds of Customer Overpayments

13-38 Change Order #2 Edwards Drive Rehabilitation as per detailed letter from CME

Chairman Pernice asked for any comment on Resolution 13-28, there were no comments. Commissioner Musich moved, seconded by Commissioner Rosen, the vote was as follows:

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

Chairman Pernice asked for any comment on Resolution 13-29, there were no comments. Commissioner Rosen moved, seconded by Commissioner Musich, the vote was as follows:

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

Chairman Pernice asked for any comment on Resolution 13-30, there were no comments. Commissioner Musich moved, seconded by Commissioner Rosen, the vote was as follows:

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

Chairman Pernice asked for any comment on Resolution 13-31, there were no comments. Commissioner McEnergy moved, seconded by Commissioner Musich, the vote was as follows:

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

Chairman Pernice asked for any comment on Resolutions 13-32 & 13-33, there were no comments. Commissioner Rosen moved, seconded by Commissioner McEnergy, the vote was as follows:

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

Chairman Pernice asked for any comment on Resolution 13-34, there were no comments. Commissioner McEnergy moved, seconded by Commissioner Musich, the vote was as follows:

AYES: Messrs. McEnergy, Musich, Pernice and Rosen

NAYS: None
ABSENT: None
ABSTENTIONS: None

Chairman Pernice asked for any comments on Resolution 13-35, Keith Henderson stated that this Budget Amendment is for the Trickling Filter parts that did not come to the Authority by 1/31/2013. Commissioner Musich moved, seconded by Commissioner McEnergy, the vote was as follows:

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

Chairman Pernice asked for any comments on Resolution 13-36, there were no comments. Commissioner Musich moved, seconded by Commissioner McEnergy, the vote was as follows:

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

Chairman Pernice asked for any comments on the added Resolution 13-38, there were no comments. Commissioner McEnergy moved, seconded by Commissioner Rosen, the vote was as follows:

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

Chairman Pernice asked if there were any questions on the bill list. Commissioner McEnergy inquired about the FEMA bill list. Rob Noel stated that the fuel is incorporated in the hours of vehicle use time and wear and tear on the vehicles. Mr. Noel stated that the fencing costs were submitted today. Commissioner McEnergy inquired about the emergency generator for the Prince William Pump Station. Rob Noel stated that that will be handled at the plant. Commissioner McEnergy inquired about the JCP&L bill. Mrs. Leatherman stated that they were not billing for the Administration building for months. Commissioner McEnergy inquired about the safety glasses. Dane Martindell stated that some of the men managed to purchase and submit eyeglass bills before the deadline. Mrs. Leatherman stated we also purchased a new plaque for Mike Stecky, a former employee who lost his plaque during Hurricane Sandy. Commissioner McEnergy asked about the emergency lighting purchase. Rob Noel stated they are used to light up the roadway if emergency work is needed at night. Commissioner McEnergy moved the bill list, seconded by Commissioner Rosen, all present voted aye.

Chairman Pernice asked if there was any other Authority Business. Chairman Pernice stated that there was a settlement agreement with Layne Christensen. John Wisniewski stated that John Miller had resolved the litigation. Chairman Pernice signed the settlement document. Chairman Penrice

stated that he and Dane Martindell attended the AEA seminar in Atlantic City. Chairman Pernice stated that there might be some grants to pay for the GIS system. Bob Fisher from Bayshore Regional Sewerage Authority spoke at the AEA seminar and did not mention the WMUA, Mr. Pernice wanted to acknowledge the Authority and all the help they gave Bayshore during the storm. Commissioner McEnery stated that he attended the OEM meeting. They have seen improvements during emergency situations that have occurred as a result of these meetings. Chairman Pernice asked if we could find out any dates of any OEM meetings in Marlboro. Robbie Smith stated that he has been trying to find out.

Chairman Pernice stated that our next meeting will be February 21st, 2013.

At 8:23 pm Chairman Pernice asked for a motion to adjourn the meeting.

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