

WESTERN MONMOUTH UTILITIES AUTHORITY

PUBLIC MEETING

February 21st, 2013

Chairman Pernice called the Western Monmouth Utilities Authority's Public meeting to order at 7:32PM. 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, Wisniewski & Associates T. Gillen, CME Associates K. Henderson, T&M, Engineer G. Stankiewicz, Auditor D. Martindell, Facilities Manager G. Kasternakis, Maintenance Supervisor K. Leatherman, General Manager A. Finnerty, Authority Clerk D. Holland, Manalapan Liaison

All present cited the Pledge of Allegiance.

Chairman Pernice asked if there was any public comment.

Katherine Leatherman asked to speak on behalf of Carmine Casola of Maple Tree Plaza. Ann Finnerty stated that she spoke with Mr. Casola. He was granted a connection fee payment plan by the Commissioners and stated that his office manager did not understand the terms of the payment plan. He sent a letter with a \$6000.00 check to catch up and asked to be reinstated in the payment plan. The commissioners all agreed to allow the payment plan to be reinstated.

Chairman Pernice closed the public portion of the meeting.

Chairman Pernice proceeded with discussion. Chairman Pernice stated that he was on the Marlboro Township committee when the Kaplan Companies addressed this Camelot @ Marlboro. He recused himself at 7:34. The meeting was turned over to Vice Chairman, Jeff Rosen.

Michael Kaplan, Bret Kaplan and Ronald Blumstein of Kaplan Companies in Highland Park addressed the meeting. Ronald Blumstein, the General Counsel for Kaplan Companies spoke. They are the developers of a future community in Marlboro at the intersection of

Route 79 & Beacon Hill Road on the former Entron Property. Kaplan Companies sent a letter to our attorney, John Wisniewski with several requests regarding connection fee reduction, and affordable housing reduced fees, etc. They are requesting to pay the one half of the connection fees prior to building and the other half upon completion of the building. Also, they are requesting to post a letter of credit as opposed to a performance bond. They reiterated that they were unaware of 2 connection fees, one from the WMUA and one from BRSA. Vice-Chairman Rosen asked if the commissioners wanted to discuss this in an open forum. John Wisniewski stated that it is the decision of the commissioners whether to make the decision now or in closed session. Commissioner's' McEnery, Musich and Rosen agreed to a payment schedule for the building. Mrs. Leatherman stated we have no way of monitoring and coordinating the issuing of the Building Permits and Certificate of Occupancy's within the townships. Mr. Kaplan stated that they will make sure that we will receive the full connection fee prior to the issuance of the Certificate of Occupancy. Mr. Wisniewski stated that unfortunately we cannot have quality control over the townships because we are not under the same roof. We are a private entity; therefore we cannot control the townships. Mr. Kaplan also stated that the connection fees should be different for one family home as opposed to a one bedroom apartment. Vice Chairman Rosen asked about the letter of credit. Mr. Wisniewski stated that a letter of credit is just a less liquid form of cash and requires more bureaucratic steps to get it. Commissioner Musich asked if this would set a precedent. Mr. Wisniewski stated that this may perhaps do that. One customer would see that we have accepted a letter of credit from one customer and would point that out asking us to do the same. Mr. Kaplan stated that several communities accept letters of credit. Commissioner Musich stated that this is irrelevant. Mr. Wisniewski agreed and stated that he represents the Authority and has to abide by their decisions. Bret Kaplan asked if they can have a decision tonight regarding the requests that have been presented by Ronald Blumstein. Mr. Wisniewski stated that the commissioners are in agreement to do a payment plan for the connection fees, they are not in agreement to reduce the connection fee, they are not in agreement to accept a letter of credit for the cash portion due the Authority and there is an agreement as to the formula sculpted by CME as to the cash portion required to improve the pump station to accommodate the flow. Ronald Blumstein questioned the reduction in rates for the not for profit portion of the project. Mr. Wisniewski stated that the law is very clear regarding the two exceptions regarding the rates for not for profit and public housing requirements. The Authority does not have the discretion to create the different classes of customers. The Kaplan Company representatives thanked the commissioners for their time.

Chairman Pernice returned to the dais at 8:10pm.

Chairman Pernice proceeded with the Public Meeting.

Chairman Pernice asked if there were any other questions and asked for a motion on Resolutions #13-39 thru 13-42. The vote was as follows:

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| 13-39 | Accepting Minutes of January 3 rd , 2013 and January 14 th , 2013 |
| 13-40 | Authorizing Performance Bond Release for Route 33 Sewer Connections #426 |
| 13-41 | Appointing Labor and Regulatory Counsel |
| 13-42 | Authorizing Execution of the Settlement Agreement and Mutual Release for Layne Christensen v. WMUA Litigation |

Chairman Pernice asked for any comment on Resolution 13-39, there were no comments. Commissioner McEnergy moved, 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

Chairman Pernice asked for any comment on Resolution 13-40. Keith Henderson stated that this is based on John Ploskonka letter dated January 3rd, 2013. Mr. Henderson that this was discussed on the Workshop meeting of February 12th, 2013. Mr. Wisniewski stated that there were issues with his request. Keith Henderson stated that the subsequent projects will have to file individual applications when they are ready. Commissioner Rosen moved, 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

Chairman Pernice asked for any comment on Resolution 13-41, there were no comments. Commissioner Rosen moved, 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

Chairman Pernice asked for any comment on Resolution 13-42. Chairman Pernice stated that he attended a meeting to resolve litigation regarding the UV project, which the Chairman has confirmed signing. Keith Henderson stated we will have to process payment before the next meeting. John Wisniewski stated the settlement will be \$50,000.00 and the agreement requires us to pay within seven days. Keith Henderson stated that we will have to do a final change order at the next meeting. MR. Henderson stated that this is a trust funded project and they will have to approve all changes in contracts whether they are plus or minus. Commissioner McEnergy moved, 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

Chairman Pernice asked if there were any comments on the bill list. There were none. Chairman Pernice asked for a motion to move the bill list. Commissioner Musich moved the bill list, seconded by Commissioner Rosen. All present voted aye.

Chairman Pernice asked if there was other Authority business.

Chairman Pernice asked for an update on the Wastewater Management Plan. John Wisniewski stated that an amendment was published in the NJ Register on January 7th, 2013. There is a thirty day comment period. They do the final ruling based on the comments. He stated that there should be a final ruling by the next meeting. Keith Henderson said by the next meeting they should know much more and the map should be printed on a larger scale. Chairman Pernice stated that the Authority has been very persistent in pursuing the Wastewater Management Plan.

The date of the next meeting was discussed and two commissioners were unable to attend the next meeting scheduled for March 7th, 2013. The commissioners agreed to cancel the next meeting and have one meeting on March 21st, 2013.

At 8:26 pm Chairman Pernice asked for a motion to close the meeting.

13-43 Authorizing the Commissioner to go into Closed Session for the purpose of Discussing Litigation, Personnel and Contract Negotiations and they will not return to public session. Commissioner Musich moved, seconded by Commissioner Rosen. All present voted aye. The meeting was adjourned.

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