

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of February 12th, 2013 and February 21st, 2013 be and the same are hereby accepted for filing by the Authority.

DATE: MARCH 21ST, 2013

<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 GENERAL MANAGER TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR THE RECEIPT OF BIDS FOR A MAGNESIUM HYDROXIDE TRIAL FOR USE IN THE PINEBROOK TREATMENT PLAN

WHEREAS, the General Manager has requested that plans and specifications be prepared, and advertise and bids received for a Magnesium Hydroxide Trial for use in the Pinebrook Treatment Plant;

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 for a Magnesium Hydroxide trail for use in the Pinebrook Treatment Plant.

2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy
 - a) Coleen Weber, Office Manager

DATE: MARCH 21ST, 2013

<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			

**MEMORIALIZING AUTHORIZATION FOR THE GENERAL
MANAGER TO SIGN NJEIT APPLICATIONS**

WHEREAS, the *WESTERN MONMOUTH UTILITIES AUTHORITY* has filed an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the *PUMP STATIONS REHABILITATION* project.

WHEREAS, The project generally includes replacement of existing pumps, controls, flow meters, generators and other equipment and structures at five of the pump stations operated by the Authority.

NOW, THEREFORE BE IT RESOLVED, that *KATHERINE LEATHERMAN*, *General Manager*, be authorized to act as the Authorized Representative to represent the *WESTERN MONMOUTH UTILITIES AUTHORITY* in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at:

*WMUA
103 Pension Road
Manalapan, NJ 07726
(732)-446-9300*

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

1. CME Associates
2. Katherine Leatherman, General Manager

DATE: MARCH 21ST, 2013

<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 THE TAKEOVER OF THE WOODWARD ROAD PUMP STATION
#2 #385PS2**

WHEREAS, the developer, K. Hovnanian Homes has requested that the Western Monmouth Utilities Authority (Authority) takeover the ownership and operation cost of the Woodward Road Pump Station #385PS2; and

WHEREAS, the consulting engineer, T&M Associates as per the attached engineers letter dated March 6th, 2013, has recommended the takeover of the pump station by the Authority effective April 1st, 2013, subject to certain conditions; and

WHEREAS, the Authority rules and regulations state as follows:

The following procedures shall be followed for the release of performance guarantees pertaining to pump stations and/or force mains. Upon certification by Authority Engineer that pump station is substantially complete, the performance guarantee provided by the Developer associated with a proposed pump station and force main shall be reduced up to a maximum of eighty (80) percent. The Authority shall operate at its expense, the pump station for a period of ninety (90) calendar days thereafter. All deficiencies identified by the Authority's operating personnel and Authority Engineer during this ninety (90) day period shall be corrected by the Developer prior to releasing the remaining twenty (20) percent of the performance guarantee and the Authority's taking over ownership of the pump station.

WHEREAS, T&M Associates, in accordance with the rules and regulations has certified to the Authority that the pump station is substantially complete; and

NOW THEREFORE BE AND IS HEREBY RESOLVED by the Commissioners of the Western Monmouth Utilities Authority as follows:

1. The Authority shall take over the operation and ownership of the Woodward Road pump station #385PS2 and be solely responsible for its operation effective April 1st, 2013.
2. The ninety (90) day time period has been completed.
3. K Hovnanian shall post a title policy in an amount to be determined by the Authority Engineer and or General Manager if it has not already done so.
4. All deficiencies identified by the Authority's operation personnel and Authority Engineer during the ninety (90) day time period shall be corrected by the developer, including a valve exerciser must be replaced, prior to releasing the remaining 20% of the performance guarantee
5. The Authority attorneys be and they are hereby authorized to take all steps necessary to effectuate this takeover of the pump station.
6. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 1. Rob Noel, Collection Superintendent
 2. K. Hovnanian, Woodward Road Pump Station #385PS2

DATE: MARCH 21ST, 2013

<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 GENERAL MANAGER TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR THE RECEIPT OF BIDS FOR THE PURCHASE OF A COMPACT DIESEL TRACTOR

WHEREAS, the General Manager has requested that plans and specifications be prepared, and advertise and bids received for the purchase of a compact diesel tractor;

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 for the purchase of a compact diesel tractor.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy
 - a) Coleen Weber, Office Manager

DATE: MARCH 21ST, 2013

<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						

13-48(TABLED)

RESOLUTION AUTHORIZING CONTRACT WITH FLEMINGTON FORD STATE CONTRACT #A83557 FOR THE PURCHASE OF A 2013 FORD F350 4WD PICK-UP PURSUANT TO N.J.S.A.40A:11-12a

WHEREAS, the Western Monmouth Utilities Authority, pursuant to N.J.S.A.40A:11-12a and N.J.A.C.5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Western Monmouth Utilities Authority has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Western Monmouth Utilities Authority intends to enter into a contract with Flemington Ford through this resolution and properly executed contracts, which shall be subject to all conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Western Monmouth Utilities Authority authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Western Monmouth Utilities Authority pursuant to N.J.A.C.5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer, and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Western Monmouth Utilities Authority and Flemington Ford State Contract #A83557 from March 21st, 2013 thru January 31st, 2014.

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

1. Marilyn Seidenberg, Director of Finance
2. DFFLM, LLC. T/A DITSCHMAN/FLEMINGTON FORD #A83557

DATE: MARCH 21ST, 2013

<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						

13-49(TABLED)

**MEMORIALIZING AUTHORIZATION FOR THE GENERAL
MANAGER TO SIGN TWA APPLICATIONS**

WHEREAS, The General Manager is required from time to time to execute TWA applications on behalf of the WMUA at the direction of the Authority Engineers, and.

NOW, THEREFORE BE IT RESOLVED, that *KATHERINE LEATHERMAN*, *General Manager*, be authorized to act as the Authorized Representative to represent the *WESTERN MONMOUTH UTILITIES AUTHORITY* in all matters relating to the Execution of all TWA Applications, and

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

DATE: MARCH 21ST, 2013

<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 THE RETURN OR REMAINING ESCROW TO
TRIANGLE RIDGE #224 AND #240**

WHEREAS, the developer of Triangle Ridge #224 and #240 has requested the return of all remaining Escrow, and;

WHEREAS, on June 21st, 2007, in Resolution #07-56 the Performance Bond and Cash Surety for Triangle Ridge were released as per T&M Associates (June 1st, 2007) and Wisniewski & Associates (April 25th, 2007) the remaining escrow was held for additional professional fees and should now be released, and

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

1. All Bonds and Cash Surety associated with the Triangle Ridge have been released as per Resolution #07-56.
2. The WMUA authorizes return of any additional escrow
3. The Clerk is authorized to forward copies of this Resolution, certified to be a true copy to:
 - a) Kathy Leatherman, General Manager
 - b) Vita Mazzola, Accountant
 - c) Triangle Ridge #224 & #240

DATE: MARCH 21ST, 2013

<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		X			
ROSEN			X			

**RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER'S
AGREEMENT WITH CAMELOT @ MARLBORO #525**

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 Camelot @ Marlboro #525; 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. Camelot @ Marlboro #525
2. CME Associates, Consultant Engineer
3. John S. Wisniewski, Attorney

DATE: MARCH 21ST, 2013

<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 AGREEMENT WITH THE BAYSHORE REGIONAL
SEWERAGE AUTHORITY (BRSA)**

WHEREAS, the Western Monmouth Utilities Authority (WMUA) has executed a Service Agreement with the Bayshore Regional Sewerage Authority for the continued collection and discharge of wastewater into the Bayshore Treatment facility in Union Beach; and

WHEREAS, the BRSA and the Borough of Union Beach have been discussing the final outstanding aspects of the service agreements requiring clarification; and

WHEREAS, because the BRSA contracted with each of the eight (8) participants on different dates, the effective date of the agreements, the effective date for billing method and the term of the Service Agreements should be clarified; and

WHEREAS, Union Beach have suffered the loss of homes as a result of the super storm Sandy and the Borough is seeking clarification of the EDU language contained in the Service Agreement; and

WHEREAS, the Service Agreement provides for the “addition” of EDU’s but is not clear that the number of EDU’s can also be reduced; and

WHEREAS, the BRSA’s counsel has provided each of the Participates with a letter dated March 6th, 2013, attached hereto and made a part hereof, clarifying the intent and meaning of certain provisions and has asked that each Participant to acknowledge the modification to the Service Agreement by adopting this Resolution.

NOW THEREFORE be it RESOLVED by the Western Monmouth Utilities Authority that it accepts the Modifications to Service Agreement as outlined in the annexed letter dated March 6th, 2013.

DATE: MARCH 21ST, 2013

<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						

13-53 (TABLED)

**A RESOLUTION CONSENTING
TO THE PROPOSED WATER QUALITY MANAGEMENT (“WQM”) PLAN
AMENDMENT ENTITLED “MONMOUTH COUNTY FUTURE WASTEWATER
SERVICE AREA MAP”**

WHEREAS, the Western Monmouth Utilities Authority (the “WMUA”) desires to provide for the orderly development of wastewater facilities; and

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the WMUA strives to provide the most efficient and environmentally safe wastewater treatment available at a lower cost to its ratepayers; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on January 7, 2013, as the Monmouth County Future Wastewater Service Area Map has been submitted on behalf of the Monmouth County Board of Chosen Freeholders.

NOW, BE AND IT IS HEREBY RESOLVED, by the Commissioners of the Western Monmouth Utilities Authority that:

1. The WMUA hereby consents to the amendment entitled “Monmouth County Future Wastewater Service Area Map”, and publicly noticed on January 7, 2013, prepared by Monmouth County, for the purpose of its incorporation into the WQM plan(s).

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

1. Tim Gillen, CME Associates
2. Keith Henderson, T&M Associates

DATE: March 21, 2013

<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

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: MARCH 21ST, 2013

<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		X			
ROSEN			X			