

**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 return to open session.

DATE: NOVEMBER 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 EXECUTION OF CONTRACT WITH HUDSON GAIN CORPORATION

WHEREAS, there exists a need for Organizational Assessment Services on behalf of the Western Monmouth Utilities Authority; and

WHEREAS, under the provisions of N.J.S.A. 40:14B-18, the Western Monmouth Utilities Authority may appoint Professionals; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:F:11-5(1)(a)(i) permits the Western Monmouth Utilities Authority to award a contract for Government Consultants without public advertising for bids and bidding; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Western Monmouth Utilities Authority that Hudson Gain Corporation be and is hereby appointed as the Organizational Assessment Consultant to the Western Monmouth Utilities Authority for the year ending May 31st, 2014, under a non-fair and open contract, in accordance with N.J.S.A. 19:44A-20.5. The contract is not to exceed \$100,000.00. Roger Thorne is a member of a firm who are Organizational Assessment Consultants, and of a recognized profession, and may be appointed without competitive bids;

BE IT FURTHER RESOLVED that the Chairman be and the same is hereby authorized to execute a contract with Roger Thorne, upon approval of same by the Commissioners; and

BE IT FURTHER RESOLVED that the firm of Hudson Gain Corporation is required to comply with the requirements of P.L. 1975 c.127. (*N.J.A.C. 17:27*); and

BE IT FURTHER RESOLVED that the firm of Hudson Gain Corporation shall certify that they have made no contribution that would bar the award of this contract pursuant to P.L. 2004, c.19 and shall not make a contribution reportable under P.L. 1973, c.83 to any municipal or county candidate or political party committee during the term of the contract and shall file a Business Entity Disclosure Certification with the Western Monmouth Utilities Authority; and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in an official newspaper designated by the Authority as required by law within ten (10) days from the date of adoption:

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

1. Roger Thorne, Hudson Gain Corporation
2. John S. Wisniewski, Attorney

DATE: NOVEMBER 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 | | | |
| ROSEN | X | | X | | | |

**RESOLUTION AMENDING INTERNAL REVENUE CODE SECTION 125
FLEXIBLE SPENDING ACCOUNT (FSA) PLAN TO PROVIDE FOR A
CARRYOVER OF \$500**

WHEREAS, the Western Monmouth Utilities Authority (WMUA) has adopted a Medical Care Expense Reimbursement Plan and a Dependent Care Expense Reimbursement Plan for its employees 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, the Plan is currently administered by WageWorks; and

WHEREAS, changes to the Internal Revenue Code Section 125, as amended by the Internal Revenue Service Notice 2013-71, allows a carryover of up to \$500 of any amount remaining unused in a health FSA as of the end of the Plan year, to be used to reimburse medical expenses under the health FSA incurred during the entire Plan year to which it is carried over; and

WHEREAS, the Commissioners of the WMUA desire to amend the Plan to allow a carryover of up to \$500 of any amount remaining unused in a health FSA as of the end of the Plan year; and

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the WMUA, that the Director of Finance is authorized to sign a Plan amendment to modify the health FSA to include the \$500 carryover, effective for the 2014 Plan year and beyond; and

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

1. WageWorks
2. Marilyn Seidenberg, Director of Finance

DATE: NOVEMBER 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 OF THE WESTERN MONMOUTH UTILITIES AUTHORITY MAKING
APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-6
AND N.J.S.A. 58:11B-9(a)

WHEREAS, the Western Monmouth Utilities Authority desires to make application to the Local Finance Board for its review and/or approval of a proposed project financing pursuant to N.J.S.A. 40A:5A-6 and N.J.S.A. 58:11B-9(a); and

WHEREAS, the Western Monmouth Utilities Authority believes:

- (a) It is in the public interest to accomplish such purpose;
- (b) Said purpose or improvements are for the health, welfare and convenience or betterment of the inhabitants of the local unit or units;
- (c) The amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

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

Section 1. The application to the Local Finance Board is hereby approved, and Rogut McCarthy LLC, Bond Counsel, and Samuel Klein and Company, Authority Auditor, along with other representatives of the Western Monmouth Utilities Authority, are hereby authorized to prepare such application and to represent the Western Monmouth Utilities Authority in matters pertaining thereto.

Section 2. The Secretary of the Western Monmouth Utilities Authority is hereby directed to prepare and file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

ATTEST: Mary Ann Musich
 Mary Ann Musich, Secretary
 Western Monmouth Utilities Authority

The foregoing is a true copy of a resolution adopted by The Western Monmouth Utilities Authority on November 21, 2013.

Mary Ann Musich
 Mary Ann Musich, Secretary
 Western Monmouth Utilities Authority

DATE: NOVEMBER 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 | | | |

2014 Authority Budget Resolution

Western Monmouth Utilities Authority

FISCAL YEAR: FROM FEBRUARY 1, 2014 TO JANUARY 31, 2015

WHEREAS, the Annual Budget and Capital Budget for the Western Monmouth Utilities Authority for the fiscal year beginning, February 1, 2014 and ending, January 31, 2015 has been presented before the governing body of the Western Monmouth Utilities Authority at its open public meeting of November 21, 2013; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$13,344,631.40, Total Appropriations, including any Accumulated Deficit if any, of \$11,274,644.61, Total Unrestricted Net Assets utilized of \$0.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$8,161,265.00, and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$1,402,278.21; and

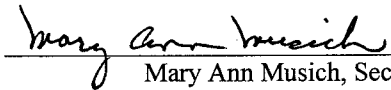
WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Western Monmouth Utilities Authority, at an open public meeting held on November 21, 2013 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Western Monmouth Utilities Authority for the fiscal year beginning, February 1, 2014 and ending, January 31, 2015 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Western Monmouth Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on January 16, 2014.



 Mary Ann Musich, Secretary

November 21, 2013

DATE: NOVEMBER 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 | | | |

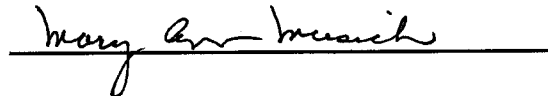
Western Monmouth Utilities Authority

AUTHORITY BUDGET

FISCAL YEAR: FROM FEBRUARY 1, 2014 TO JANUARY 31, 2015

It is hereby certified that the Authority Budget, including Supplemental Schedules appended hereto, are a true copy of the Annual Budget and Capital Budget/Program approved by resolution by the governing body of the Western Monmouth Utilities Authority, at an open public meeting held pursuant to N.J.A.C. 5:31-2.3, on the 21st day of November, 2013.

It is further certified that the recorded vote appearing in the resolution represents a not less than a majority of the full membership of the governing body thereof.



Mary Ann Musich, Secretary

Commissioner

Western Monmouth Utilities Authority

103 Pension Road

Manalapan, NJ 07726-8401

(732) 446-9300 (732) 446-1203
(Phone number) (Fax number)

mamster80@hotmail.com

2014 CERTIFICATION of AUTHORITY CAPITAL BUDGET/PROGRAM

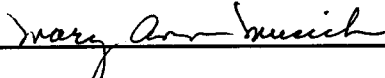
Western Monmouth Utilities Authority

FISCAL YEAR: FROM FEBRUARY 1, 2014 TO JANUARY 31, 2015

It is hereby certified that the Authority Capital Budget/Program annexed hereto is a true copy of the Capital Budget/Program approved, pursuant to N.J.A.C. 5:31-2.2, along with the Annual Budget, by the governing body of the Western Monmouth Utilities Authority, on the 21st day of November, 2013.

OR

It is further certified that the governing body of the Western Monmouth Utilities Authority have elected **NOT** to adopt a Capital Budget /Program for the aforesaid fiscal year, pursuant to N.J.A.C. 5:31-2.2 for the following reason(s):



Mary Ann Musich, Secretary

Commissioner

Western Monmouth Utilities Authority

103 Pension Road

Manalapan, NJ 07726-8401

(732) 446-9300 (732) 446-1203
(Phone number) (Fax number)

mamster80@hotmail.com

Internet Web Site Information and Certification

| | |
|-------------------------|----------------|
| Authority's Web Address | www.wmuanj.org |
|-------------------------|----------------|

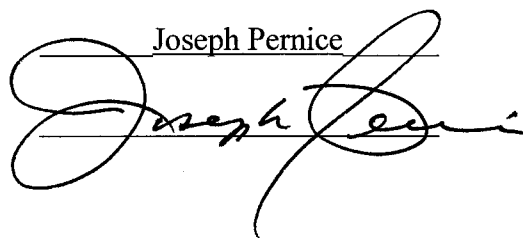
All authorities shall maintain either an Internet website or a webpage on the municipality's or county's Internet website. The purpose of the website or webpage shall be to provide increased public access to the authority's operations and activities. NJSA 40A:5A-17.1 requires the following items as the minimum requirement for public disclosure.

- A description of the Authority's mission and responsibilities
- Commencing with 2013, the budgets of at least three consecutive fiscal years
- The most recent Comprehensive Annual Financial Report (Unaudited) or similar financial information
- Commencing with Calendar Year Ending 2012, the annual audits of at least three consecutive fiscal years
- The Authority's rules, regulations and official policy statements deemed relevant by the governing body of the authority to the interests of the residents within the authority's service area or jurisdiction
- Notice posted pursuant to the "Open Public Meetings Act" for each meeting of the Authority, setting forth the time, date, location and agenda of each meeting
- Beginning January 1, 2013, the approved minutes of each meeting of the Authority including all resolutions of the board and their committees; for at least three consecutive fiscal years
- The name, mailing address, electronic mail address and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the Authority
- A list of attorneys, advisors, consultants and any other person, firm, business, partnership, corporation or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered to the Authority

It is hereby certified by the Chairman of the Board, that the Authority's web site or web page as identified above complies with the minimum statutory requirements of NJSA 40A:5A-17.1 as listed above. A check in each of the above boxes signifies compliance.

Name of Chairperson Certifying compliance

Signature

Joseph Pernice


**AUTHORIZING THE RELEASE OF ALL REMAINING ESCROW FUNDS FOR
TENNENT ACRES, LLC, PROJECT #452**

WHEREAS, the developer of Tennent Acres, LLC, TBP Holdings, LLC, Project #452 has requested a release of all remaining Escrow, and;

WHEREAS, there are no remaining deficiencies with the above referenced project, CME recommends the release of the remaining Inspection Escrow account in the amount of \$4,385.49 plus any accrued interest, and

WHEREAS, the General Manager has reviewed the request by CME Associates and is authorized to release \$4,385.49 plus any accrued interest as per CME Associates letter dated October 29th, 2013 attached, and

BE IT THEREFORE RESOLVED, after the return of the Performance Bond and Cash Surety, any remaining inspection fees shall be returned when all professional fees have been paid.

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

1. All inspection escrow funds should be returned to Tennent Acres, LLC, THP Holdings, LLC, Project #452.
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to
 - a) Kathy Leatherman, General Manager
 - b) Vita Mazzola, Accountant
 - c) Tennent Acres, LLC, TBP Holdings, LLC Project #452

DATE: NOVEMBER 7TH, 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 | | | |
| MUSICH | | X | X | | | |
| PERNICE | | | X | | | |
| ROSEN | X | | X | | | |

Vi

JOHN H. ALLGAIR, 1983-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.



TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

Ms. Katherine Leatherman, General Manager
Western Monmouth Utilities Authority
103 Pension Road
Manalapan, NJ 07726

Re: Escrow Release Request
Tennent Acres, LLC
Account: #00868098987
WMUA File No.: 452
Our File No.: PWMS0267.03

Dear Ms. Leatherman:

Pursuant to a request from Tennent Acres, LLC, dated October 1, 2013 (copy enclosed), for the release of monies currently being held by the Authority in account #00868098987 for the above referenced project, please be advised that we have reviewed the subject project and we are reporting herein.

Per Authority account records, the Developer has remaining monies of approximately \$4,372.00 in the respective account.

Based upon recent site observations conducted by this office and subsequent review of the project files, all the work has been satisfactorily completed. Accordingly, since the work has been completed to date, we can recommend that the monies in account #00868098987 in the amount of \$4,372.00 be returned to the Developer in accordance with the requirements of the Municipal Land Use Law and Rules and Regulations of the Western Monmouth Utilities Authority and subject to payment of outstanding monies as may be due the Authority, if any. Please note, as funds are ready for release, please make the disbursements to the order of TBP Holdings, LLC.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Timothy W. Gillen, P.E., P.P., C.M.E.
Consulting Authority Engineer's Office

TWG/blr
Enclosure

cc: Ann Finnerty
Dane Martindell
John S. Wisniewski, Esq.
Bernard Meiterman, Managing Agent



**AUTHORIZING THE RELEASE OF ALL REMAINING ESCROW FUNDS FOR
TENNENT ACRES, LLC (F.K.A. SMITH PROPERTIES) PROJECT #432**

WHEREAS, the developer of Tennent Acres, LLC (f/k/a Smith Properties), TBP Holdings, LLC, Project #432 has requested a release of all remaining Escrow, and;

WHEREAS, there are no remaining deficiencies with the above referenced project, CME recommends the release of the remaining Cash Surety account in the amount of \$4,711.38 plus \$395.30 Inspection Fees plus any accrued interest, and

WHEREAS, the General Manager has reviewed the request by CME Associates and is authorized to release \$5,106.68 plus any accrued interest as per CME Associates letter dated October 29th, 2013 attached, and

BE IT THEREFORE RESOLVED, after the return of the Performance Bond and Cash Surety, any remaining inspection fees shall be returned when all professional fees have been paid.

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

1. All Cash Surety and Inspection funds should be returned to Tennent Acres, LLC (f/k/a Smith Properties), Project #432.
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 - a) Kathy Leatherman, General Manager
 - b) Vita Mazzola, Accountant
 - c) Tennent Acres, LLC (f/k/a Smith Properties), TBP Holdings, LLC
Project #432

DATE: NOVEMBER 7TH, 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 | | | |
| MUSICH | | X | X | | | |
| PERNICE | | | X | | | |
| ROSEN | X | | X | | | |

Vh

JOHN H. ALLGAIR, 1983-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.



ASSOCIATES
October 29, 2013

TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

Ms. Katherine Leatherman, General Manager
Western Monmouth Utilities Authority
103 Pension Road
Manalapan, NJ 07726

Re: Escrow Release Request
Tennent Acres, LLC
Accounts: #00868098730 & #00868098748
WMUA File No.: 432
Our File No.: PWMS0267.02

Dear Ms. Leatherman:

Pursuant to a request from Meiterman Properties, Inc., dated October 1, 2013 (copy enclosed), for the release of monies currently being held by the Authority in accounts #00868098730 & #00868098748 for the above referenced project, please be advised that we have reviewed the subject project and we are reporting herein.

Per Authority account records, the Developer has remaining monies of approximately \$4,700.00 in #00868098730 and \$395.00 in #00868098748 in the respective accounts.

Based upon recent site observations conducted by this office and subsequent review of the project files, all the work has been satisfactorily completed. Accordingly, since the work has been completed to date, we can recommend that the monies in account #00868098730 in the amount of \$4,700.00 and #00868098748 in the amount of \$395.00 be returned to the Developer in accordance with the requirements of the Municipal Land Use Law and Rules and Regulations of the Western Monmouth Utilities Authority and subject to payment of outstanding monies as may be due the Authority, if any.. Please note, as funds are ready for release, please make the disbursements to the order of TBP Holdings, LLC.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Timothy W. Gillen, P.E., P.P., C.M.E.
Consulting Authority Engineer's Office

TWG/blr
Enclosure

cc: Ann Finnerty
Dane Martindell
John S. Wisniewski, Esq.
Bernard Meiterman, Managing Agent



**AUTHORIZING THE RELEASE OF ALL REMAINING ESCROW FUNDS
TO TRIANGLE VALLEY A/K/A SARATOGA ESTATES, PROJECT #424**

WHEREAS, the developer of Triangle Valley a/k/a Saratoga Estates, Project #424 has requested a release of all remaining Escrow, and;

WHEREAS, there are no remaining deficiencies with the above referenced project, CME recommends the release of the remaining Inspection Escrow account in the amount of \$24.48 plus any accrued interest, and

WHEREAS, the General Manager has returned the Performance Bond and the Cash Surety authorized and there are no outstanding professional fees remaining, and

BE IT THEREFORE RESOLVED, after the return of the Performance Bond and Cash Surety, any remaining inspection fees shall be returned when all professional fees have been paid.

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

1. All inspection escrow funds should be returned to Triangle Valley a/k/a Saratoga Estates, TBP Holdings, LLC Project #424
2. The Clerk is hereby 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 Valley a/k/a Saratoga Estates, TBP Holdings, LLC Project #424

DATE: NOVEMBER 7TH, 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 | | | |
| MUSICH | | X | X | | | |
| PERNICE | | | X | | | |
| ROSEN | X | | X | | | |

Tg

JOHN H. ALLGAIR, 1983-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.



October 29, 2013

TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

Ms. Katherine Leatherman, General Manager
Western Monmouth Utilities Authority
103 Pension Road
Manalapan, NJ 07726

**Re: Escrow Release Request
Meiterman Holdings, LLC
Account: #00868098623; #0868098078 & #00868098060
WMUA File No.: 424; 376; 375
Our File No.: PWMS0193.01**

Dear Ms. Leatherman:

Pursuant to a request from Meiterman Holdings, Inc., dated October 1, 2013 (copy enclosed), for the release of monies currently being held by the Authority in accounts #00868098623, #00868098078 and #00868098060 for the above referenced project, please be advised that we have reviewed the subject project and we are reporting herein.

Per Authority account records, the Developer has remaining monies of approximately \$25.00 in #00868098623 in the respective account for Project #424. Based upon recent site observations conducted by this office and subsequent review of the project files, all the work has been satisfactorily completed. Accordingly, since the work has been completed to date, we can recommend that the monies in account #00868098623 in the amount of \$25.00 be returned to the Developer in accordance with the requirements of the Municipal Land Use Law and Rules and Regulations of the Western Monmouth Utilities Authority. Please note, as funds are ready for release, please make the disbursements to the order of TBP Holdings, LLC.

We defer Application #376 and Application #375 to T&M Associates, and by copy of this letter, are requesting their disposition on said request from the Developer of release of #00868098078 and #00868098060.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Timothy W. Gillen, P.E., P.P., C.M.E.
Consulting Authority Engineer's Office

TWG/blr
Enclosure

cc: Ann Finnerty
Dane Martindell
John S. Wisniewski, Esq.
Keith Henderson, T&M Associates
Bernard Meiterman, Managing Agent



AUTHORIZING THE RELEASE OF ALL REMAINING ESCROW FUNDS FOR ROYAL PINES AT MARLBORO (F.K.A.MARLBORO GRANDE) PROJECT #418

WHEREAS, the developer of Royal Pines at Marlboro, Project #418 has requested a release of all remaining Escrow, and;

WHEREAS, there are no remaining deficiencies with the above referenced project, CME recommends the release of the remaining Cash Surety account in the amount of \$6,062.00 plus any accrued interest minus \$1,295.50 due to CME Associates for the balance of inspection fees, and

WHEREAS, the General Manager has reviewed the request by CME Associates and is authorized to release \$4,766.50 plus any accrued interest from Cash Surety as per CME Associates letter dated October 29th, 2013 attached, and

BE IT THEREFORE RESOLVED, after the return of the Performance Bond and Cash Surety, any remaining inspection fees shall be returned when all professional fees have been paid.

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

1. Inspection fees shall be returned to Royal Pines @ Marlboro (f/k/a/ Marlboro Grand), TBP Holdings, LLC #418 when all professional fees have been paid.
2. All cash surety funds shall be returned to Royal Pines at Marlboro (f/k/a Marlboro Grande), TBP Holdings, LLC #418.
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) Vita Mazzola, Accountant
 - c) Royal Pines at Marlboro (f/k/a Marlboro Grande), TBP Holdings, LLC #418

DATE: NOVEMBER 7TH, 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 | | | |
| MUSICH | X | | X | | | |
| PERNICE | | | X | | | |
| ROSEN | | X | X | | | |

VF



October 29, 2013

JOHN H. ALLGAIR, 1983-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

Ms. Katherine Leatherman, General Manager
Western Monmouth Utilities Authority
103 Pension Road
Manalapan, NJ 07726

**Re: Escrow Release Request
Royal Pines at Marlboro (F.K.A. Marlboro Grande)
Accounts: #868098857
WMUA File No.: 418
Our File No.: PWMS0299.01**

Dear Ms. Leatherman:

Pursuant to a request from Marlboro Grande, LLC, Royal Pines at Marlboro, LLC, dated October 1, 2013 (copy enclosed), for the release of monies currently being held by the Authority in account #868098857 for the above referenced project, please be advised that we have reviewed the subject project and we are reporting herein.

Per Authority account records, the Developer has remaining monies of approximately \$4,750.00 in the respective account.

Based upon recent site observations conducted by this office and subsequent review of the project files, all the work has been satisfactorily completed. However, as the attached letter states, the Authority is authorized to deduct \$1,295.50 from the cash due as part of the release of Marlboro Grande's Bond for the remaining balance of inspection fees due CME Associates. Accordingly, since the work has been completed to date, we can recommend that the monies in account #868098857 in the amount of \$4,750.00 minus the \$1,295.50 due CME Associates be returned to the Developer in accordance with the requirements of the Municipal Land Use Law and Rules and Regulations of the Western Monmouth Utilities Authority. Also as per the attached letter, please make the release of monies payable to TBP Holdings, LLC..

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Timothy W. Gillen, P.E., P.P., C.M.E.
Consulting Authority Engineer's Office

TWG/blr
Enclosure

cc: Ann Finnerty
Dane Martindell
John S. Wisniewski, Esq.
Bernard Meiterman, Managing Agent



RESOLUTION AUTHORIZING THE ISSUANCE OF NOTICES AND CRITERIA FOR CONTRACT AWARDS FOR VARIOUS PROFESSIONAL AND OTHER CONTRACTS FOR FISCAL YEAR 2014

WHEREAS, the Western Monmouth Utilities Authority is subject to certain requirements of the Local Public Contracts Law and the local Pay to Play Law (N.J.S.A. 19:44-20.4, 20.5 et seq.) ; and

WHEREAS, the General Manager of the Western Monmouth Utilities Authority has deemed it necessary and appropriate to award contracts over \$17,500.00 for services in 2014 for the various professionals (i.e., the various positions of Auditor, Attorney, Bond Counsel, Engineers, Financial Advisor) in accordance with the “Fair and Open” contract provisions of the Local Pay to Play Law.

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

1. The General Manager of the Western Monmouth Utilities Authority shall hereby advertise the enclosed legal notice in the *Asbury Park Press* and *The Star Ledger* and shall make available to interested vendors and professionals the enclosed Western Monmouth Utilities Authority Criteria for Submission of Qualifications for Professional and Other Contracts under the Fair and Open Process.
2. The Secretary is hereby authorized to forward copies of this Resolution, certified to be a true copy to:
 - a) Katherine Leatherman, General Manager

DATE: NOVEMBER 7TH, 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 | | | |

LEGAL NOTICE

**REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL CONTRACT POSITIONS IN
THE WESTERN MONMOUTH UTILITIES AUTHORITY**

NOTICE IS HEREBY GIVEN, that pursuant to N.J.S.A. 19:44A-20.4, 20.5 et seq. that the Western Monmouth Utilities Authority shall pursue a "Fair and Open Process" in awarding contracts for positions set forth more fully below, and hereby solicit qualifications in the form of resumes and letter applications for the below stated positions of the Western Monmouth Utilities Authority, which shall be submitted to Joseph Pernice, Chairman, Western Monmouth Utilities Authority, 103 Pension Road, Manalapan, New Jersey 07726 documentation showing qualifications and compliance with criteria set forth by the Western Monmouth Utilities Authority and State Statute. All qualifications shall be submitted in a sealed envelope to the Chairman to be received by no later than January 9th, 2014 at 12:00PM. Interested parties may view the criteria for these services on the Authority's website: www.wmuanj.org

Professional services for the following positions are hereby requested:

**Authority Attorneys
Authority Auditor
Authority Bond Counsel
Authority Engineers
Authority Financial Advisor
Authority Labor, Regulatory and Conflict Counsel
Authority Risk Management Consultant**

Western Monmouth Utilities Authority

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of October 24th, 2013 be and the same are hereby accepted for filing by the Authority.

DATE: NOVEMBER 7TH, 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 | | | |
| MUSICH | | X | 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 October 3rd, 2013 be and the same are hereby accepted for filing by the Authority.

DATE: NOVEMBER 7TH, 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 | |
| MUSICH | | X | X | | | |
| PERNICE | | | X | | | |
| ROSEN | X | | 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: NOVEMBER 7TH, 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 | | | |