

**AUTHORIZING A 36 MONTH PAYMENT PLAN FOR CONNECTION FEE FOR JOSEPH
BUCCELLATO, PROJECT #566**

WHEREAS, the Western Monmouth Utilities Authority (“WMUA”), from time to time, and on case-by-case basis, reviews hardship requests for payment plans of its connection fees; and

WHEREAS, Joseph and Susan Buccellato are the owners of Block 1, Lot 5 on the tax map of the Township of Manalapan (“Property”); and

WHEREAS, the WMUA has been advised of a hardship by the Owner in paying outstanding connection fees. The Customer has paid \$200.00 toward the connection fee of \$3,965.00; and

WHEREAS, the balance which is \$3,765.00 will be paid in 35 monthly installments of \$105.00; and

WHEREAS, the Commissioners of the WMUA have reviewed the request and approve of it subject to the Owner making timely payments to the WMUA, and

WHEREAS, the Owner is advised that in the event a monthly payment is missed, the entire unpaid balance will be due and payable to the Authority and the quarterly charges must be current during the payment plan period; and

WHEREAS, the Owner is advised that if it closes title and sells the Property, the entire unpaid balance, will be due and payable to the Authority.

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

1. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 - a) Marilyn Seidenberg, Director of Finance
 - b) Joseph Buccellato Signed _____ date 06/05/14

DATE: JUNE 5TH, 2014

<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			
MENDEZ	X		X			
PERNICE			X			
ROSEN			X			

**AWARDING BID FOR TRUCK MOUNTED COMBINATION JET-VAC SEWER
CLEANER TO VACUUM SALES INCORPORATED**

WHEREAS, a notice to bidders was published in the Asbury Park Press on May 5th, 2014 and

WHEREAS, on May 22, 2014 at 10:00AM, bids were received by the Authority for a Truck Mounted Combination Jet-Vac Sewer Cleaner, delivery date, as specified in the specifications is “MUST BE DELIVERED BY 12/31/14”, and

WHEREAS, the General Manager and the Collections Superintendent reviewed both of the bids set forth on the bid tally sheet of May 22, 2014, and

WHEREAS, Jack Doheny Companies, submitted the low bid in the amount of \$338,210.00, specifying seven (7) exceptions to the technical specifications, which significantly altered the specified vehicle and,

WHEREAS, Vacuum Sales Incorporated did not submit a “Business Registration Certificate” with their bid as required by the WMUA checklist included in the bid document; NJSA 40A:11-23.2 does not list a Business Registration Certificate (BRC) as a required mandatory item and therefore this is not deemed a fatal defect. Vacuum Sales Incorporated took no exceptions to the technical specifications and will provide exactly the truck that was specified, the ‘BRC’ was submitted immediately upon request and

WHEREAS, the General Manager has recommended that the contract for Truck Mounted Combination Jet-Vac Sewer Cleaner be awarded to Vacuum Sales Incorporated with a bid amount of \$354,800.00 and no delivery will be accepted after December 31, 2014, 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 Vacuum Sales Incorporated in the amount of \$354,800.00 is complete as called for in the specifications with a delivery date no later than December 31, 2014

2. The General Manager is authorized to enter into a contract between the Western Monmouth Utilities Authority and Vacuum Sales Incorporated
3. Vacuum Sales Incorporated is required to comply with requirements of P.L. 1975 C.127 (N.J.A.C. 17:27)
4. The Secretary is hereby authorized to forward copies of this resolution, certified to be a true copy to;
 - a) Vacuum Sales Incorporated
 - b) John Sawicki, Collections Superintendent
 - c) Coleen Weber, Office Manager/Asst Purchasing Agent
 - d) Marilyn Seidenberg, Director of Finance

DATE: JUNE 5TH, 2014

<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			
MENDEZ	X		X			
PERNICE		X	X			
ROSEN			X			

**RESOLUTION AUTHORIZING THE TAKEOVER OF THE GRANDE AT BATTLEGROUND
PUMP STATION NO. 2 (201PS2)**

WHEREAS, the developer, Atlantic Realty Development Corp. has requested that the Western Monmouth Utilities Authority (WMUA) takeover the ownership and operation cost of the Grande at Battleground Pump Station #2 (201PS2); and

WHEREAS, T&M Associates has recommended the takeover of the pump station by the Authority effective June 1st, 2014 subject to certain conditions attached in the consultant engineers letter dated May 29th, 2014; 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 90 day trial period for the pump station is complete. All deficiencies which were identified during the 90 day trial period have been corrected by the developer; and

WHEREAS, T&M Associates recommends that the remaining portion of the performance bond and the cash surety be released with \$1,000.00 being held to cover the maintenance bond inspection, and After the return of the Performance Bond and Cash Surety, any remaining Inspection Fees shall be returned when all Professional Fees have been paid, 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 Grande at Battleground Pump Station No. 2 (201PS2).
2. Atlantic Realty Development Corp. shall pay all outstanding engineering fees and other escrow fees.

3. Atlantic Realty Development Corp. has posted an acceptable Deed of Dedication and Title Policy in and amount to be determined by T&M Associates 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 have been corrected by the developer.
5. The Authority attorneys are hereby authorized to take all steps necessary to effectuate this takeover of the pump station.
6. T&M Associates recommends that the remaining portion of the performance bond and the cash surety be released with \$1,000.00 being held to cover the maintenance bond inspection.
7. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 - a. John Sawicki, Collection Superintendent
 - b. T&M Associates
 - c. John Wisniewski, Attorney
 - d. Coleen Weber, Office Manager
 - e. Atlantic Realty Development Corp.

DATE: JUNE 5TH, 2014

<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			
MENDEZ	X		X			
PERNICE			X			
ROSEN			X			

**AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT FOR K. HOVNIANIAN AT
MANALAPAN II, LLC, K. HOVNIANIAN AT SHORE ACQUISITIONS, LLC, AND K.
HOVNIANIAN AT MARLBORO V, LLC v. WMUA**

WHEREAS, a complaint in lieu of prerogative writs was filed on January 28, 2014, against the Western Monmouth Utilities Authority (“WMUA”) by K. Hovnianian at Manalapan II, LLC, K. Hovnianian at Shore Acquisitions, LLC, and K. Hovnianian at Marlboro V, LLC (together known as “K. Hovnianian”), in the Superior Court of New Jersey, Law Division, in Monmouth County, Docket No. MON-L-365-14; and

WHEREAS, K. Hovnianian has alleged the wrongful withholding by the WMUA of certain performance guarantees and/or maintenance bonds with respect to the Four Seasons at Manalapan and Georgetown Estates projects (“Projects”); and

WHEREAS, the WMUA has denied said allegations and has withheld said performance guarantees and/or maintenance bonds due to outstanding professional fees owed by K. Hovnianian on the aforementioned Projects; and

WHEREAS, the parties wish to amicably resolve this matter without the need for the WMUA to file an answer and pursue formal court proceedings; and

WHEREAS, the parties have agreed on the terms of a Settlement Agreement which would dismiss the lawsuit; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the WMUA as follows:

1. The Commissioners are authorized to execute the Settlement Agreement in this matter.
2. A certified copy of the Resolution shall be provided to each of the following:
 - a. Wisniewski & Associates, LLC, Counsel for the WMUA
 - b. Robert Smith, Esq., Counsel for K. Hovnianian

DATE: JUNE 5TH, 2014

<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						
MELENDEZ						
PERNICE						
ROSEN						

14-85 TABLED

**RESOLUTION CONCERNING ATTENDANCE OF COMMISSIONERS OF THE
WESTERN MONMOUTH UTILITIES AUTHORITY AT A PUBLIC MEETING
IN ORDER TO IMPLEMENT MAJOR POLICY DECISIONS OR CHANGES**

WHEREAS, the Board of the Western Monmouth Utilities Authority (WMUA) consists of a total of four members, two members representing the Township of Marlboro and two members representing the Township of Manalapan; and

WHEREAS, a valid meeting requires a quorum of three of the four members; and

WHEREAS, the absence of one member constitutes the absence of a substantial twenty-five percent of the representation; and

WHEREAS, the Commissioners of the WMUA are committed to ensuring the full and fair representation of their respective municipalities, particularly with regard to major policy decisions and changes affecting the WMUA;

NOW, THEREFORE BE IT RESOLVED by the Commissioners of the WMUA that all major policy decisions and changes affecting the operations, personnel and organization of the WMUA may only be effectuated during a public meeting at which all four Commissioners are in attendance.

DATE: JUNE 5TH, 2014

<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			
MELENDEZ	X		X			
PERNICE		X	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: JUNE 5TH, 2014

<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			
MENDEZ	X		X			
PERNICE		X	X			
ROSEN			X			

**RESOLUTION SETTING NEW CONNECTION FEE FOR FISCAL YEAR ENDING
JANUARY 31ST, 2015**

WHEREAS, in accordance with N.J.S.A. 40:14B-22 the Western Monmouth Utilities Authority annually revises the schedule of connection fees; and

WHEREAS, pursuant to an Order of the Superior Court dated March 17th, 2000, the Authority is required to create a separate connection fee for those customers treated by Bayshore Regional Sewerage Authority; and

WHEREAS, pursuant to P.L.2005 Chapter 29, the Authority is required to set a separate connection fee at a 50% discount for Public Housing Authorities and non-profit organizations; and

WHEREAS, pursuant to the Rules and Regulations of the Authority and N.J.S.A. 40:14B-23 a Public Hearing was conducted on June 19th, 2014 for the purpose of fixing the connection fee for the year ending January 31st, 2015; and

WHEREAS, notice of the proposed hearing was sent to the Clerk of each municipality serviced by the Authority and published in the Star Ledger and the Asbury Park Press newspaper of general circulation in the area serviced by the Authority

WHEREAS, at that hearing the Authority Auditor testified and presented evidence concerning the calculation of the charges based on the Rules and Regulations of the Authority and N.J.S.A. 40:14B-22; and

WHEREAS, pursuant to these Rules and Regulations and statutes, it was determined that the connection fee for the year ending January 31st, 2015 should be fixed at \$4,092.00 for those customers treated by WMUA and \$1,985.00 for those customers treated by BRSA; and

WHEREAS, pursuant to the Rules and Regulations and Statutes, it was determined that the connection fee for Public Housing Authority and non-profit organizations for the year ending January 31st, 2015 should be fixed at \$2,046.00 for those customers treated by WMUA and \$992.50 for those customers treated by BRSA; and

WHEREAS, at that hearing an opportunity for cross examination was offered to the public and a transcript was made which shall be made available at a reasonable fee to any interested party;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the connection fees promulgated pursuant to the Rules and Regulations of the Western Monmouth Utilities Authority be fixed at \$4,092.00 for those

customers treated by the WMUA and \$1,985.00 for those customers treated by the BRSA and \$2,046.00 for Public Housing Authorities and non-profit organizations treated by WMUA and \$992.50 for Public Housing Authorities and non-profit organizations treated by BRSA for the year ending January 31st, 2015 to be in effect until such time as a new rate is calculated;

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

1. Bayshore Regional Sewerage Authority
2. T&M Associates
3. CME Associates
4. Gerard Stankiewicz, CPA
5. Marilyn Seidenberg, Director of Finance

DATE: JUNE 19TH, 2014

<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			
MENDEZ		X	X			
PERNICE	X		X			
ROSEN			X			

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of May 14th, 2014 be and the same are hereby accepted for filing by the Authority.

DATE: JUNE 19TH, 2014

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN			X			

**RESOLUTION CERTIFYING THAT EACH AUTHORITY COMMISSIONER HAS
REVIEWED THE AUDIT REPORT OF THE YEAR ENDING
JANUARY 31ST, 2014**

WHEREAS, N.J.S.A. 40A:5A-15 requires that the Western Monmouth Utilities Authority make an annual report of its accounts in accordance with the audit requirements promulgated by the Division of Local Government Services, Department of Community Affairs of the State of New Jersey; and

WHEREAS, the annual audit report of the Western Monmouth Utilities Authority for the fiscal year ended January 31st, 2014 has been completed by the Auditor Samuel Klein & Company and filed with the Western Monmouth Utilities Authority and the governing bodies of Manalapan Township and Marlboro Township pursuant to N.J.S.A. 40A:5A-15; and

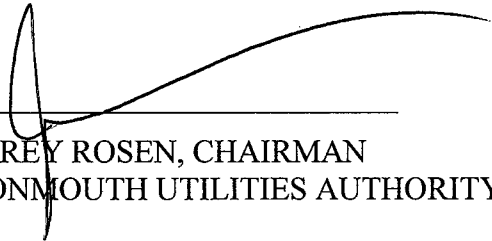
WHEREAS, N.J.S.A. 40A:5A-15 requires that the Commissioners of the Western Monmouth Utilities Authority within 45 days receipt of the annual audit report, certify by Resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report specifically the section entitled "General Comments" and "Recommendations", and provide evidence of same in a Group Affidavit to be executed in the form prescribed by the Local Finance Board; and

WHEREAS, the Commissioners of the Authority have received the annual audit report and have personally reviewed same in accordance with N.J.S.A 40A:5A-17;

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

1. The Commissioners do hereby certify to the Local Finance Board of the State of New Jersey that each Authority Commissioner has personally reviewed the annual audit report for the fiscal year ended January 31st, 2014, and have evidenced same in a Group Affidavit executed in the form prescribed by the Local Finance Board.

2. The Director of Finance is hereby directed to promptly submit to the Local Finance Board the aforesaid Group Affidavit accompanied by a certified true copy of the Resolution;
3. The Clerk is hereby authorized to forward copies of the Resolution, certified to be a true copy to:
 1. Gerard Stankiewicz, Samuel Klein & Company
 2. Marilyn Seidenberg, Director of Finance
 3. Clerk of Marlboro Township
 4. Clerk of Manalapan Township
 5. Clerk of Freehold Township
 6. Clerk of Borough of Englishtown
 7. Local Finance Board of the State of New Jersey



 JEFFREY ROSEN, CHAIRMAN
 WESTERN MONMOUTH UTILITIES AUTHORITY

June 19th 2014
 DATED

DATE: JUNE 19TH, 2014

<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			
MELENDEZ		X	X			
PERNICE			X			
ROSEN			X			

**LOCAL AUTHORITIES
GROUP AFFIDAVIT FORM**


**PRESCRIBED BY THE
NEW JERSEY LOCAL FINANCE BOARD**

AUDIT REVIEW CERTIFICATE

WE, the Commissioners of the Western Monmouth Utilities Authority, being of full age and being duly sworn according to the law upon our oath depose and say:

1. We are duly appointed member of the Western Monmouth Utilities Authority.
2. We certify, pursuant to N.J.S.A. 40:A5A-17, that which we have each reviewed the annual audit report for the fiscal year ended January 31st, 2014.

JEFFREY ROSEN, CHAIRMAN



JOSEPH PERNICE, VICE CHAIRMAN



GLEN MENDEZ, SECRETARY



STEPHEN McENERY, TREASURER

Sworn and subscribed to
Before me this 19th day of
June 2014


ANN ZAGORSKI-FINNERTY
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JULY 19, 2017

14-90

RESOLUTION ESTABLISHING MANDATORY DIRECT DEPOSIT POLICY

WHEREAS, on March 14, 2013, Governor Chris Christie signed P.L. 2013, c.28 (N.J.S.A. 52:14-15f), which allows local government entities, including authorities, to establish mandatory direct deposit policies for all employee compensation on or after July 1, 2014; and

WHEREAS, the law provides that the Western Monmouth Utilities Authority's ("Authority") governing body must adopt an ordinance or resolution, as appropriate, enacting such a policy; and

WHEREAS, adoption of such a policy would save the Authority money by not having to mail or print paychecks, paystubs and other tax forms to its employees; and

WHEREAS, while this policy was nevertheless collectively bargained for and agreed to by the Authority's bargaining units, it is not subject to the New Jersey Employer-Employee Relations Act; and

WHEREAS, this policy would apply to all full-time and part-time personnel, but for temporary seasonal employees, if ever utilized, at the discretion of the Chief Financial Officer.

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

- a. Commencing effective July 1, 2014, all full-time and part-time employees of the Authority shall be paid only by direct deposit in conformance with N.J.S.A. 52:14-15f.
- b. If ever hired, any temporary seasonal employees may be exempted from this policy at the discretion of the Authority's Chief Financial Officer as administratively necessary taking cost and other factors into consideration.

c. Pursuant to N.J.S.A. 52:14-15f, all information concerning net pay, any accompanying information approved for distribution with net pay such as a pay stubs, and W2 forms in accordance with applicable federal laws, shall be made available to all employees only on the Internet via restricted access accounts provided by the Authority or an authorized third party payroll provider.

BE IT FURTHER RESOLVED that the Clerk is hereby authorized and directed to forward certified true copies of this Resolution to:

- 1) Marilyn Seidenberg, Director of Finance;
- 2) Vita Mazzola, Accountant; and
- 3) Teamsters Local 701

DATE: JUNE 19TH, 2014

<u>Commissioners</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			
MENDEZ		X	X			
PERNICE			X			
ROSEN			X			

WESTERN MONMOUTH UTILITIES AUTHORITY

AUTHORITY BUDGET AMENDMENT NO. 1 RESOLUTION

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 Commissioners of the Western Monmouth Utilities Authority at its open public meeting of November 21, 2013; and

WHEREAS, such budget was adopted on January 15, 2014; and

WHEREAS, it is the desire of the Authority to Amend said budget; and

WHEREAS, the Director of Finance has reviewed Authority financial records and recommends the amendment; and

WHEREAS, the Financial Accounting Advisor to the Authority on this matter has reviewed and concurs with the recommendation on the amendment; and

WHEREAS, the Authority requires additional funds; and

WHEREAS, N.J.A.C. 5:31-2.2 and 5:31-2.8 provides that all amendments to the adopted budget and capital budget shall be approved and adopted by resolution of the Authority, passed by not less than a majority of the full membership; and

WHEREAS, such amendment is beneficial to the environmental condition, financial condition and necessary for proper maintenance and operation of the Authority on behalf of the ratepayers; and

WHEREAS, the Capital Budget is amended as follows in accordance with attached detailed budget schedule (CB-3):

Capital Budget	<u>From</u> Adopted	<u>To</u> Amendment #1	Increase	Ref.
Appropriation:	\$ 3,472,265.00	\$ 3,851,265.00	\$ 379,000.00	*
Net Assets Utilitized:	\$ 1,402,278.21	\$ 1,781,278.21	\$ 379,000.00	*

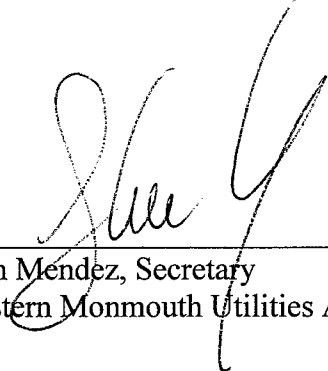
* *Explanatory statement budget appropriation amendment needs as follows – (1) The Amendment is required to legally appropriate funds for the completion of two (2) projects that were budgeted for 2013-2014 and partially completed. However, additional provision is required to complete the projects in 2014-2015. Budgeting and Accounting requirements prescribed that an Amendment of this type be done.*

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the Annual Budget and Capital Budget for the fiscal year ended January 31, 2015 is hereby amended in accordance with the attached schedules labeled Page 4, Page 5/6, SS-4 through SS-9 and CB-3.

BE IT FURTHER RESOLVED that the Clerk is authorized to forward copies of this Resolution, certified to be a true copy, to Katherine Leatherman, General Manager; Marilyn Seidenberg, Director of Finance; Gerard Stankiewicz, CPA; Keith Henderson, P.E., Authority Consulting Engineer; Tim Gillen, Assistant Authority Consulting Engineer; State of New Jersey Department of Community Affairs, Bureau of Authority Regulation (two copies within 3 days); Township Clerk of Marlboro and Manalapan (within 3 days) and copy to file.

CERTIFICATION

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Members on the 19th day of June, 2014.



Glen Mendez, Secretary
Western Monmouth Utilities Authority

DATE: June 19, 2014

<u>Commissioners</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			
MELENZ		X	X			
PERNICE			X			
ROSEN			X			

14-92

06/19/2014

2014

AUTHORITY CAPITAL PROGRAM

Western Monmouth Utilities Authority

FISCAL YEAR: From February 1, 2014 TO January 31, 2015

PROPOSED YEAR'S CAPITAL IMPROVEMENT PLAN

**PROPOSED YEAR'S CAPITAL IMPROVEMENT PLAN
PAGE CB-3 (Amendment #1)**

<u>PROJECTS</u>	<u>FUNDING SOURCES</u>				
	<u>ESTIMATED TOTAL COST</u>	<u>UNRESTRICTED NET ASSETS</u>	<u>RENEWAL & REPLACEMENT RESERVE</u>	<u>DEBT * AUTHORIZATION</u>	<u>OTHER ** SOURCES</u>
W Removal of Underground Storage Tank	\$ 305,000.00	\$ 305,000.00			
X Retrofit Boom Truck	\$ 74,000.00	\$ 74,000.00			
TOTAL	\$ 8,540,265.00	\$ 1,781,278.21		\$4,689,000.00	\$2,069,986.79

Summary to Amendment #1):

	<u>From</u>	<u>To</u>	<u>Increase/ (Decrease)</u>
Capital Budget Appropriation:			
W Removal of Underground Storage Tank		\$ 305,000.00	\$ 305,000.00
X Retrofit Boom Truck	\$ -	\$ 74,000.00	\$ 74,000.00
Total Capital Budget	\$ 8,161,265.00	\$ 8,540,265.00	\$ 379,000.00

Amendment #1

**CB-3
14-92**

06/19/2014

**RESOLUTION AUTHORIZING THE REMOVAL OF INTEREST ON
ACCOUNT #19101**

WHEREAS, interest in the amount of \$125.95 was charged to Janet Golub, 4 Belaire Lane, Manalapan, New Jersey on her user account #19101; and

WHEREAS, the bill was forwarded to the previous owner after Ms. Golub took ownership; and

WHEREAS, the Authority now wishes to remove interest of \$125.95; and

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

1. Remove interest of \$125.95, Account #19101, 4 Belaire Lane, Manalapan, NJ.
2. The Secretary is hereby authorized to forward copies of this resolution, certified to be true copies to
 - a) Marilyn Seidenberg, Director of Finance
 - b) Bridget Fiorino, Accounts Receivable Clerk

DATE: JUNE 19TH, 2014

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN			X			

AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT FOR K. HOVNANIAN AT MANALAPAN II, LLC, K. HOVNANIAN AT SHORE ACQUISITIONS, LLC, AND K. HOVNANIAN AT MARLBORO V, LLC v. WMUA

WHEREAS, a complaint in lieu of prerogative writs was filed on January 28, 2014, against the Western Monmouth Utilities Authority (“WMUA”) by K. Hovnanian at Manalapan II, LLC, K. Hovnanian at Shore Acquisitions, LLC, and K. Hovnanian at Marlboro V, LLC (together known as “K. Hovnanian”), in the Superior Court of New Jersey, Law Division, in Monmouth County, Docket No. MON-L-365-14; and

WHEREAS, K. Hovnanian has alleged the wrongful withholding by the WMUA of certain performance guarantees and/or maintenance bonds with respect to the Four Seasons at Manalapan and Georgetown Estates projects (“Projects”); and

WHEREAS, the WMUA has denied said allegations and has withheld said performance guarantees and/or maintenance bonds due to outstanding professional fees owed by K. Hovnanian on the aforementioned Projects; and

WHEREAS, the parties wish to amicably resolve this matter without the need for the WMUA to file an answer and pursue formal court proceedings; and

WHEREAS, the parties have agreed on the terms of a Settlement Agreement which would dismiss the lawsuit; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the WMUA as follows:

1. The Commissioners are authorized to execute the Settlement Agreement in this matter.
2. A certified copy of the Resolution shall be provided to each of the following:
 - a. Wisniewski & Associates, LLC, Counsel for the WMUA
 - b. Robert Smith, Esq., Counsel for K. Hovnanian

DATE: JUNE 19TH, 2014

<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						
MENDEZ						
PERNICE						
ROSEN						

14-94 TABLED

**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: JUNE 19TH, 2014

<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			
MENDEZ		X	X			
PERNICE			X			
ROSEN			X			