

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of June 5th, 2014 and June 19th, 2014 be and the same are hereby accepted for filing by the Authority.

DATE: JULY 21ST, 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			

MEMORIALIZING T&M ASSOCIATES AUTHORIZATION TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR "DIGESTER CONDUIT RELOCATION"

WHEREAS, at the Long Range Capital Budget meeting on July 8, 2014 T&M Associates held a discussion about receiving bids for the Digester Conduit Relocation, immediately; as a prelude and not part of the FMB renovation project as planned; as specifications are ready for this project now and there is no benefit in delaying this work, and

WHEREAS, no Resolution had yet been passed for this authorization before the notice to bidders was published in the Asbury Park Press on Monday, July 14, 2014 and,

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority must authorize the receipt of bids, and

WHEREAS, it was the intent of the General Manager and Purchasing Agent to request authorization for T&M Associates to prepare plans and specifications, advertise, and receive bids for the Digester Conduit Relocation at the July 21st, 2014 meeting, and

WHEREAS, the General Manager is now requesting that the Commissioners ratify and memorialize the authorization of T&M Associates to prepare plans and specifications, advertise and receive bids for the Digester Conduit Relocation by way of this Resolution.

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

1. This Resolution memorializes the authorization of T&M Associates to advertise for the receipt of bids for the Digester Conduit Relocation project.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy:
 - a) T&M Associates
 - b) Coleen Weber, Office Manager

DATE: JULY 21ST, 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 AUTHORIZING T&M ASSOCIATES TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR THE BOILER REPLACEMENT & HVAC IMPROVEMENTS & RENOVATIONS TO THE FACILITIES MANAGEMENT BUILDING

WHEREAS, the General Manager has requested that T&M Associates prepare plans and specifications, advertise, and receive bids for the Boiler Replacement & HVAC Improvements & Renovations to the Facilities Management Building (FMB), and

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority must authorize the General Manager to receive bids, and

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

1. T&M Associates is hereby authorized to prepare plans and specifications, advertise and receive bids for the Boiler Replacement & HVAC Improvements & Renovations to the Facilities Management Building (FMB),
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy:
 - a) T&M Associates
 - b) Coleen Weber, Office Manager

DATE: JULY 21ST, 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: JULY 21ST, 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 AUTHORIZING CHANGE ORDER #1 FOR PRIMARY
DIGESTER MIXING REHABILITATION PROJECT**

WHEREAS, T&M Associates, the Consultant Engineer has recommended to the Authority that a Change Order be approved in the Contract for the Primary Digester Mixing Rehabilitation Project, and

WHEREAS, this Change Order results from an adjustment described in the Consulting Engineer's letter dated July 21st, 2014 which is hereby attached, and

WHEREAS, this resulted in an increase of the contract price computed as follows:

Original Contract Price	\$ 770,000.00
Previous Changes	\$ 0.00
Change Order #1	\$ 126,000.00
Revised Contract Price	\$ 896,000.00

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

1. The General Manager is hereby authorized to execute the Change Order for the Primary Digester Mixing Rehabilitation Project dated July 21st, 2014 in accordance with its terms.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy to:
 - a) T&M Associates
 - b) Marilyn Seidenberg, Director of Finance

DATE: JULY 21ST, 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 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/or personnel, 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: JULY 21ST, 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			