

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of October 2nd, 2014 be and the same are hereby accepted for filing by the Authority.

DATE: NOVEMBER 17TH, 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						

14-130 TABLED

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the minutes of the meeting of October 16th, 2014 be and the same are hereby accepted for filing by the Authority.

DATE: NOVEMBER 17TH, 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					X	
PERNICE						
ROSEN						

14-131 TABLED

RESOLUTION AUTHORIZING THE ISSUANCE OF NOTICES AND CRITERIA FOR CONTRACT AWARDS FOR VARIOUS PROFESSIONAL AND OTHER CONTRACTS FOR FISCAL YEAR 2015

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 2015 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 17TH, 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			

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 five (5) copies of 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 Jeffrey Rosen, 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 7th, 2015 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 AUTHORIZING THE RELEASE OF THE PERFORMANCE
GUARANTEE AND ALL INSPECTION ESCROW FEES FOR TRIANGLE BUSINESS
PARK, PROJECT #415**

WHEREAS, the developer of Triangle Business Park, Project #415 has requested a release of the Performance Guarantee and return of all Inspection Escrow fees, and;

WHEREAS, CME Associates recommends release of the Performance Guarantee in the amount of \$372,762.00 subject to all fees as may be due the Authority being current as per the attached letter dated October 21st, 2014, and

WHEREAS, CME Associates notes that due to the time period since the completion of the project the Performance Bond has covered the Maintenance Guarantee period, and

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

1. The Performance Guarantee in the amount of \$372,762.00 shall be released and all remaining Inspection fees shall be released.
2. All professional fees must be current.
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) CME Associates
 - c) Triangle Business Park, Project #415

DATE: NOVEMBER 17TH, 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 THE DIGESTER
CONDUIT RELOCATION**

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

WHEREAS, this Change Order results from an adjustment described in the Consulting Engineer's letter dated October 29th, 2014 which is hereby attached, and

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

Original Contract Price	\$ 47,000.00
Previous Changes	\$ 0.00
Change Order #1	\$ 6,800.00
Revised Contract Price	\$ 53,800.00

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 Digester Conduit Relocation dated October 29th, 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: NOVEMBER 17TH, 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			

2015 AUTHORITY BUDGET RESOLUTION

Western Monmouth Utilities Authority

FISCAL YEAR: FROM: February 1, 2015 TO: January 31, 2016

WHEREAS, the Annual Budget and Capital Budget for the Western Monmouth Utilities Authority for the fiscal year beginning, February 1, 2015 and ending, January 31, 2016 has been presented before the governing body of the Western Monmouth Utilities Authority at its open public meeting of November 17, 2014; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$13,441,994.00, Total Appropriations, including any Accumulated Deficit if any, of \$12,215,752.00 and Total Unrestricted Net Position utilized of \$0.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$7,335,265.00 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$1,770,023.00; and

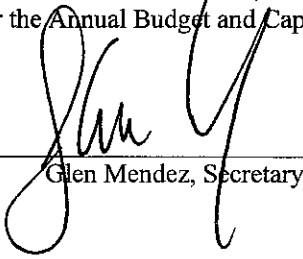
WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for 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 17th, 2014 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Western Monmouth Utilities Authority for the fiscal year beginning, February 1, 2015 and ending, January 31, 2016 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 22, 2015.



 Glen Mendez, Secretary

November 17, 2014

DATE: NOVEMBER 17TH, 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			

14-135

**RESOLUTION MEMORIALIZING AUTHORIZATION GIVEN TO T&M ASSOCIATES TO
BEGIN PROFESSIONAL SERVICES FOR REGULATORY COMPLIANCE SERVICES;
NJDEP AIR PERMITTING**

WHEREAS, the Western Monmouth Utilities Authority has recently been made aware that the NJDEP has changed the air permitting requirements for emergency generators, and

WHEREAS, the Authority needs to begin work to permit all its emergency generators in order to be in compliance in a timely manner, and

WHEREAS, T&M Associates is our Consultant Engineer and has provided a proposal to file the appropriate applications as to permit all twenty-six (26) WMUA diesel and natural gas fired emergency generators in the treatment plant and at the remote pump stations, as required by the NJDEP, and

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

1. T&M Associates proposal for air permitting services for all diesel and natural gas fired emergency generators are hereby accepted as per attached dated October 20th, 2014. It is expected that all work be completed no later than January 31, 2015.
2. The maximum contract value of \$46,974.00 shall not be exceeded without the Commissioners consent.
3. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 - a) Keith Henderson, T&M Associates
 - b) Marilyn Seidenberg, Director of Finance
 - c) Dane Martindell, Plant Superintendent
 - d) Coleen Weber, Office Manager

DATE: NOVEMBER 17TH, 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 CONSENTING TO THE PROPOSED WATER QUALITY
MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED MARLBORO
TOWNSHIP HARBOR ROAD WATER TREATMENT PLANT**

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority desires to provide for the orderly development of wastewater facilities within Marlboro Township; and

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

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on November 5th, 2014 for the Marlboro Township Harbor Road Water Treatment Plant has been prepared by CME Associates;

NOW THEREFORE, BE IT RESOLVED on this 17th, day of November, 2014, by the governing body, the Commissioners of the Western Monmouth Utilities Authority that:

1. The Commissioners of the Western Monmouth Utilities Authority hereby consents to the amendment entitled Marlboro Township Harbor Road Water Treatment Plant, and publicly noticed on November 5th, 2014 prepared by CME Associates, for the purpose of its incorporation into the applicable WQM plan.
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

DATE: NOVEMBER 17TH, 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 THE RELEASE OF PERFORMANCE GUARANTEE,
CASH SURETY AND ANY REMAINING ESCROW FEES FOR A+ PRODUCTS
WAREHOUSING LLC, PROJECT #441**

WHEREAS, the developer of A+ Products Warehousing LLC, Project #441 has requested a release of the Performance Guarantee, Cash Surety and any remaining Inspection Fees, and;

WHEREAS, CME Associates recommends release of the Performance Guarantee subject to all fees as may be due the Authority being current as per the attached letter dated October 21st, 2014, and

WHEREAS, in Resolution 0-7-132, dated January 23rd, 2008, \$4,760.00 cash maintenance bond was returned to A+ Products, and.

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

1. The Performance Guarantee – Letter of Credit in the amount of \$34,195.54 be released.
2. All professional fees must be current.
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) CME Associates
 - c) A+ Products Warehousing LLC, Project #441

DATE: NOVEMBER 17TH, 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 EXECUTION OF DEVELOPER'S AGREEMENT WITH 352 MONMOUTH ROAD, LLC, PROJECT #516

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 352 Monmouth Road, LLC, Project #516; 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. 352 Monmouth Road, LLC, Project #516
2. John S. Wisniewski, Attorney

DATE: NOVEMBER 17TH, 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 APPOINTING BRIAN J. VALENTINO, EXECUTIVE DIRECTOR
OF THE WESTERN MONMOUTH UTILITIES AUTHORITY**

WHEREAS, a vacancy exists in the office of Executive Director of the Western Monmouth Utilities Authority, and

WHEREAS, pursuant to statute the Commissioners of the Western Monmouth Utilities Authority may appoint an Executive Director, and

BE IT FURTHER RESOLVED, by the Commissioners of the Western Monmouth Utilities Authority that Brian J. Valentino be and the same is hereby appointed Executive Director of the Authority at a salary of \$75.00 per hour effective November 17th, 2014 under the terms and conditions as provided for in the employment agreement between the Authority and Brian J. Valentino, and

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

1. Brian J. Valentino be and he is hereby appointed to the position of Executive Director effective as of November 17th, 2014 at an hourly rate of \$75.00.
2. The Clerk is hereby authorized and directed to forward certified copies of this Resolution to:
 - a) Brian J. Valentino, Executive Director
 - b) Marilyn Seidenberg, Director of Finance
 - c) Vita Mazzola, Accountant

DATE: NOVEMBER 17th, 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

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 17TH, 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						

14-141 TABLED

Meeting Adjourned