

AUTHORIZING A MEMORANDUM OF UNDERSTANDING

WHEREAS, Brian Valentino, Chief Executive Officer of the Western Monmouth Utilities Authority (WMUA) has prepared a “ Memorandum of Understanding” between the WMUA and Leslie Warshauer, which they have both fully executed by signature and with a witness, be adopted and

WHEREAS, the Commissioners of the Western Monmouth Utilities Authority and its employee Leslie Warshauer are in agreement with the understanding, and

WHEREAS, it is the intent of the Western Monmouth Utilities Authority to appoint Scott DiBenedetto as Chief Financial Officer effective September 1, 2020 for a probationary period ending February 1, 2021 and;

WHEREAS, the Chief Executive Officer has requested a resolution authorizing said appointment officially executing the Memorandum of Understanding, and

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

1. The Chief Executive Officer is authorized to execute the “Memorandum of Understanding as directed by the Commissioners; effective as of September 1, 2020.
2. Scott DiBenedetto shall be appointed Chief Financial Officer as of September 1, 2020, for a probationary period ending February 1, 2021.

DATE: SEPTEMBER 8, 2020

<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			
ROSEN		X	X			
PERNICE			X			

**GRANTING APPROVAL TO CRINE REALTY, INC. FOR THE PARKER CHASE
SUBDIVISION, PROJECT #589**

WHEREAS, the developer of the Parker Chase Subdivision; Crine Realty, Inc has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #589, located in Block #180 on Lot #83.14 in the Township of Marlboro; and

WHEREAS, the Applicant proposes to construct thirteen (13) single family homes each furnished with a private ejector pump station that discharges to approximately 3,500 linear feet of 2" low pressure common force main to be privately owned. In addition, approximately 310 linear feet of 8" gravity sewer main will be constructed and connected to the existing WMUA sanitary sewerage collection system. The applicant proposes to construct approximately 3,500 linear feet of 2" low pressure common force main to be privately owned. In addition, approximately 610 linear feet of 8" gravity sewer main will be constructed and connected to the existing WMUA sanitary sewerage collection system in Deerfield Road. The flow will then go to the Crine Road Pump Station and ultimately to the Pine Brook Wastewater Treatment Plant.

WHEREAS, CME Associates recommends that this application for connection to WMUA's sanitary sewer facilities be granted Approval subject to the following:

- a. Conformance with the Rules and Regulations of the NJDEP, WMUA and all other applicable regulatory agencies;
- b. Payment of all application, escrow and connection fees of the WMUA
- c. Payment of all other fees of other governmental and/or regulatory agencies having jurisdiction over same;
- d. Applicant obtaining all required permits including; NJDEP TWA for the proposed sewer extension;
- e. Submission of a signed Declaration of Covenants, Easements and Restrictions of Parker Chase Home Owners Association ("Declaration"), in a form consistent with that reviewed and approved by the WMUA attorney, and compliance with all requirements and conditions established by said declaration relative to the sewer improvements identified in WMUA project #589;
- f. Applicant is required to furnish sufficient performance guarantees per the attached, in the amounts of \$181,358.19 and \$20,150.91 representing the 90% bond portion and 10% cash portion, respectively, to guarantee construction of the improvements described in the application. No construction work may begin until the required performance bond is submitted and approved by the Authority. The posting of a performance guarantee must be in form acceptable to Authority Attorney;

- g. Applicant shall furnish the required escrow for construction observation as per the attached, in the amount of \$21,528.75 in accordance with the Authority's Rules and Regulations. The Applicant has the option of posting an initial deposit representing 5% of the total anticipated construction cost in the amount of \$7,176.25. If applicable, the Applicant may be required to post additional fees to cover extra work or overtime costs as documented by the Authority and/or its Consulting Engineer;
- h. Submittal of an acceptable insurance certificate naming the WMUA and its Consulting Engineer additionally insured;
- i. Applicant's attendance at a preconstruction meeting.
- j. Accordingly, we recommend approval of the Application subject to payment of all outstanding fees due to the Authority and the incorporation of the above noted comments and conditions of approval in a Developers Agreement between the Authority and the Application.

Upon the Authority granting approval of the Application, construction of the project shall start within two (2) years of the date of the resolution by the Authority granting approval. If construction does not start within two (2) years of the date of the Resolution by the Authority granting approval, the Approval will automatically expire unless the Authority acts, by Resolution, to extend the time period.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the application for approval in connection with the Parker Chase Subdivision, Project #589, is hereby granted, subject to any and all conditions set forth in this resolution, as well as any conditions set forth in the report of the Consultant Engineer, dated September 4, 2020, and

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

- 1) Crine Realty, Inc., Parker Chase Subdivision, Project #589
- 2) CME Associates. Consultant Engineer
- 3) Frances J. Borin, Esq.

DATE: SEPTEMBER 8, 2020

<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			
ROSEN			X			
MENDEZ	X		X			
PERNICE			X			

AUTHORIZING SCOTT DiBENEDETTO BE RECLASSIFIED AS CHIEF FINANCIAL OFFICER, EFFECTIVE SEPTEMBER 1, 2020

WHEREAS, the Chief Executive Officer has recommended that the Western Monmouth Utilities Authority reclassify Scott DiBenedetto as the Chief Financial Officer effective September 1, 2020, for a probationary period ending on February 1, 2021 at an annual salary of \$85,000.00, and

WHEREAS, the Western Monmouth Utilities Authority (Authority) wishes to authorize Scott DiBenedetto as a signatory for the purpose of facilitating the investment of the Authority: and

WHEREAS, the investment functions of the WMUA may include opening or closing accounts in the Authority's name, depositing funds to accounts in the Authority's name, transferring funds from accounts in the Authority's name to other accounts in the Authority's name; and

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

1. Scott DiBenedetto be and he is hereby reclassified as the Chief Financial Officer at an annual salary of \$85,000.00 effective September 1, 2020
2. Scott DiBenedetto is hereby authorized to perform investment functions necessary to implement the Authority's Cash Management Plan; and
3. Scott DiBenedetto is authorized as official signatory for Authority Bank Accounts and Investment functions.
4. The Clerk is hereby authorized and directed to forward copies of this Resolution to:
 - a) Brian J. Valentino, Chief Executive Officer
 - b) Scott DiBenedetto, Chief Financial Officer
 - c) Vita Mazzola, Accountant

DATE: SEPTEMBER 8, 2020

<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			
ROSEN		X	X			
MENDEZ	X		X			
PERNICE			X			

**AUTHORIZING CONTRACT WITH BEYER FORD ESC CO-OP #65MCESCCPS – ESCNJ
17/18-21 FOR THE PURCHASE OF ONE 2020 FORD EXPLORER (K8B) BASE 4WD TO
N.J.S.A.40A:11-12a**

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

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

WHEREAS, the Western Monmouth Utilities Authority will enter into a contract with Beyer Ford, for the purchase of one 2020 Ford Explorer (K8B) Base 4WD for the price of \$29,433.70 through this resolution and properly executed contracts.

NOW, THEREFORE, BE IT RESOLVED, that the Western Monmouth Utilities Authority authorizes the Purchasing Agent to purchase certain goods or services from the ESC Co-Op, pursuant to all conditions of the individual State Co-Ops; and

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

BE IT FURTHER RESOLVED, that the duration of the contracts between the Western Monmouth Utilities Authority and Beyer Ford through the Educational Services Commissioner of NJ (ESC Co-Op) #65MCESCCPS – ESCNJ17/18-21

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

1. Scott DiBenedetto, Chief Financial Officer
2. BEYER FORD, ESC Co-Op #65MCESCCPS – ESCNJ 17/18-21

DATE: SEPTEMBER 8, 2020

<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			
ROSEN		X	X			
PERNICE			X			

AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR PANTHEON HOMES, PROJECT #490

WHEREAS, the developer of Pantheon Homes, Project #490 has requested the Performance Bond and all remaining escrow be released, and;

WHEREAS, the developer of Pantheon Homes, has requested the release of the Performance Guarantee and all remaining escrow. Due to the times period since the completion of the project wherein the Performance Bond has covered the Maintenance Guarantee period, a Maintenance Guarantee should not be required, and

WHEREAS, CME Associates has reviewed the project and stated that the project is complete in accordance with Authority Standards. CME has recommended that the Performance Bond in the amount of \$6,981.00 and remaining escrow in the amount of \$740.00 be released subject to all fees as may be due to the Authority being current in accordance with his letter dated June 8, 2020, and

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

1. The Performance Bond in the amount of \$6,981.00 and all remaining escrow in the amount of \$740.00 be released.
2. A Maintenance Guarantee is not require.
3. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to
 - a) James Carr, Chief Operating Officer
 - b) Kathy Leatherman, Chief Administrative Officer
 - c) Pantheon Homes, Project #490

DATE: SEPTEMBER 8, 2020

<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			
ROSEN		X	X			
MENDEZ	X		X			
PERNICE			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, and

WHEREAS, the Commissioners went into Closed Session to discuss contracts, 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: SEPTEMBER 8, 2020

<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						
ROSEN						
PERNICE						

20-101 ADJOURNED