

**AUTHORIZING THE PARTIAL REFUND OF THE SINGLE
CONNECTION FEE PAYMENT TO CUSTOMER**

WHEREAS, a single connection fee payment was made to the Authority in the amount of \$4,351.00 by the owner, John Mullen, for the property located on 67 Roosevelt Avenue, Morganville, New Jersey; and

WHEREAS, the fee charged should have been the Bayshore rate of \$2,110.00 and we collected the WMUA rate of \$4,351.00, and

WHEREAS, the Authority now wishes to return the amount of \$2,241.00, which is the difference between the WMUA payment and the Bayshore fee, and;

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

1. A check in the amount of \$2,241.00 shall be drawn, payable to John Mullen in order to effectuate the return of a partial connection payment, and
2. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 - a. Leslie Warshauer, Chief Financial Officer
 - b. Katherine Leatherman, Chief Administrative Office

DATE: MARCH 24, 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			

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the regular minutes of the meeting and the closed session minutes of February 11, 2020 be and the same are hereby accepted for filing by the Authority.

DATE: MARCH 24, 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			

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the regular minutes of the meeting and the closed session minutes of February 25, 2020 be and the same are hereby accepted for filing by the Authority.

DATE: MARCH 24, 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			

RESOLUTION APPROVING MINUTES

BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority that the regular minutes of the meeting and the closed session minutes of March 2, 2020 be and the same are hereby accepted for filing by the Authority.

DATE: MARCH 24, 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	
PERNICE	X		X			

GRANTING APPROVAL TO TKF HOMES, LLC #705

WHEREAS, TKF Homes, LLC (formerly Inlom, LLC) has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #705 located in Block #3.01, Lot 2 in the Township of Manalapan; and

WHEREAS, the applicant proposes to construct approximately 650 liner feet of 8" PVC SDR-35 gravity sanitary sewer to service a proposed development. The proposed development consists of four (4) single family homes located on a proposed cul-de-sac extension of Templar Road and along Clayton Lane. The applicant will make connection to the WMUA Collection System via an existing manhole on Templar Road. The flow will then go to the Hawkins Road Pumping 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 sewer extensions
- e. Applicant is required to furnish sufficient performance guarantees per the attached, in the amount of \$83,431.09 and \$9,270.12 representing the 90% bond portion and 10% cash portion respectively. No construction may begin until the required performance bond is submitted and approved by the Authority. The performance guarantee must be in a form acceptable to the Authority Attorney.
- f. The applicant shall furnish the required escrow for construction observation as per the attached in the amount of \$9,903.98 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 costs in the amount of \$3,301.33. If applicable the applicant may be required to post additional fees to cover extra work or overtime cost as documented by the Authority and/or its consulting engineer.
- g. Submittal of an acceptable insurance certificate naming the WMUA and its consulting engineer additionally insured and
- h. Applicant's attendance at a preconstruction meeting.
- i. 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 Developer's Agreement between the Authority and the Applicant

Upon the Authority granting approval of the Application, construction on the project shall start within two (2) years of the date of the resolution by the Authority granting approval. If construction does 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 Inlom, LLC, Project #656 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 June 25, 2018.

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

- 1) Inlom, LLC, Project #656
- 2) CME Associates. Consultant Engineer

DATE: MARCH 24, 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			

**RESOLUTION CONSENTING TO A PROPOSED WATER
QUALITY MANAGEMENT (WQM) PLAN AMENDMENT FOR THE
INCLUSION OF VARIOUS PROPERTIES IN MANALAPAN
TOWNSHIP
BLOCK 72, LOT 11.07**

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

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and 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, the Township of Manalapan has requested in a letter which is hereby attached, dated October 28th, 2019 proposing a WQM plan amendment by to address the inclusion of various areas of the Township into the Sewer Service Area; and

WHEREAS Block 72 Lot 11.07 is located in Manalapan in the portion of the diocese of Trenton/Iron Ore Road property that is currently not in the sewer service area of the Western Monmouth Utilities Authority, and

WHEREAS the Township of Manalapan has requested an amendment to the Monmouth County Water Quality Management Plan, to specifically include the developed portion of Block 72, Lot 11.07 into the Western Monmouth Utilities Authority’s sewer service area.

NOW THEREFORE, BE IT RESOLVED on this 24th, day of March, 2020, by the governing body, the Commissioners of the Western Monmouth Utilities Authority that:

1. The Commissioners of the Western Monmouth Utilities Authority hereby consent to the amendment as proposed by Manalapan Township, for the purpose of its incorporation into the applicable WQM plan.
2. This consent shall be submitted to: Manalapan Township, Monmouth County and the NJDEP in accordance with N.J.A.C. 7:15-3.4.

DATE: MARCH 24, 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			

**RESOLUTION CONSENTING TO A PROPOSED WATER QUALITY
MANAGEMENT (WQM) PLAN AMENDMENT FOR THE INCLUSION OF
VARIOUS PROPERTIES IN MARLBORO TOWNSHIP
BLOCK 119, LOT 16 AND BLOCK 146, LOTS 25 AND 26**

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

WHEREAS, the Township of Marlboro entered into a settlement agreement dated April 10, 2019 with various builders' remedy plaintiffs, including Ashbel Associates, LLC and Pallu Associates, LLC, which settlement agreements were approved by court order entered on May 14, 2019 and April 30, 2019; and

WHEREAS, said settlement agreement discusses, among other things, providing sanitary sewer service for various properties with the Township of Marlboro; and

WHEREAS, the Township of Marlboro approved via resolution #2019-348, their support of including various properties into a sewer service area; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and 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 there is an area designated as the Bayshore Regional Sewerage Authority Sewer Service Area located within the Township of Marlboro, and

WHEREAS, the Western Monmouth Utilities Authority owns and operates the sanitary sewer collection system located within said area of the Bayshore Regional Sewerage Authority Sewer Service Area located within the Township of Marlboro

WHEREAS Block 146, Lots 25 and 26 and Block 119, Lot 16 is located adjacent to the Bayshore Regional Sewerage Authority Sewer Service Area and currently not in the sewer service area of the Bayshore Regional Sewerage , and

WHEREAS the Township of Marlboro supports this amendment to the Monmouth County Water Quality Management Plan, to specifically include Block 146, Lots 25 and 26 and Block 119, Lot 16 into the sewer service area.

NOW THEREFORE, BE IT RESOLVED on this 24th, day of March, 2020, by the governing body, the Commissioners of the Western Monmouth Utilities Authority that:

1. The Commissioners of the Western Monmouth Utilities Authority hereby consent to the amendment as proposed by Marlboro Township, for the purpose of its incorporation into the Bayshore Regional Sewerage Authority Sewer Service Area of the Monmouth County WQM plan.
2. This consent shall be submitted to: Marlboro Township, Monmouth County and the NJDEP in accordance with N.J.A.C. 7:15-3.4.

DATE: MARCH 24, 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			

**RESOLUTION RATIFYING THE MARCH 21, 2020 DECLARATION OF
EMERGENCY AND AUTHORIZING CERTAIN ACTIONS BY THE
EXECUTIVE DIRECTOR/CHIEF EXECUTIVE OFFICER
IN FURTHERANCE THEREOF**

WHEREAS, the Western Monmouth Utilities Authority (“Authority”) is organized and exists pursuant to the provisions of the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq.; and

WHEREAS, the World Health Organization (WHO) characterized the novel COVID-19 virus as a global pandemic on March 11, 2020; and

WHEREAS, the President of the United States of America, the Governor of the State of New Jersey, the Board of Chosen Freeholders of the County of Monmouth, and the Townships of Marlboro and Manalapan have each proclaimed that a State of Emergency exists within their respective jurisdictions; and

WHEREAS, the United States of America and State of New Jersey have each implemented unprecedented social distancing measures, including, but not limited to, school and childcare closures, quarantines, business and restaurant closures, mandated government intervention and the like that will inevitably affect Authority staff both personally and professionally; and

WHEREAS, the Authority recognizes the impact of these measures on Authority staff and anticipates that the COVID-19 crisis, and the Authority’s response, will be sustained for the foreseeable future; and

WHEREAS, during the present national emergency, it is the intent of the Authority to:

- Protect the health, safety, and welfare of all areas of responsibility therein, specifically including (but in no way limited to) that of our sewer system, staff, families, partners, customers, vendors and the general population; and
- Meet all statutory, legal, regulatory, and ethical responsibilities and criteria; and
- Pursue the Authority’s enabling legislation, mission and vision without interruption; and
- Implement continuity of government and continuity of operations; and
- Ensure proper span-of-control is maintained while keeping our dedicated staff and professionals fully employed, insured and available for service; and

WHEREAS, the Authority recognizes that emergency measures shall be required to address the rapidly evolving situation and unprecedented social disruption in a manner that may require emergency action by the Executive Director/Chief Executive Officer (“ED/CEO”) that would otherwise require

formal action by the Board of Commissioners; and

WHEREAS, the Board of Commissioners intends for the ED/CEO to act affirmatively to protect the interests of the Authority; and

WHEREAS, the ED/CEO formally issued a “Declaration of Emergency” on Saturday, March 21, 2020, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the Authority desires to ratify the actions of the ED/CEO in declaring an emergency and to authorize such further actions as may be required to adequately protect the Authority, as well as the Authority’s staff and their families, its partners, customers, vendors and the general population, all in furtherance of the March 21, 2020, “Declaration of Emergency.”.

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

1. The actions of the ED/CEO in issuing a “Declaration of Emergency,” effective on Saturday, March 21, 2020, are hereby approved and ratified.
2. The ED/CEO is hereby authorized and directed to take such actions as are necessary to implement the “Declaration of Emergency,” in accordance with applicable laws and in consultation with the Authority’s General Counsel to the extent necessary.
3. The Clerk is hereby authorized and directed to forward certified copies of this Resolution to:
 - a) Brian J. Valentino, Executive Director/Chief Executive Officer
 - b) Leslie Warshauer, Chief Financial Officer
 - c) Francis J. Borin, Esq., General Counsel

DATE: MARCH 24, 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		X			
MENDEZ			X			
PERNICE			X			

AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH TEAMSTERS LOCAL 701

WHEREAS, Teamsters Local 701 is the duly authorized representative of the Western Monmouth Utilities Authority’s (“the Authority”) unionized employees; and

WHEREAS, through good faith negotiations by and between the Authority and Teamsters Local 701, the Memorandum of Understanding (MOU) terms and conditions have been reached. This MOU shall continue day to day and will continue during the State of Emergency until it is otherwise lifted; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Western Monmouth Utilities Authority in the County of Monmouth, State of New Jersey that the Memorandum of Understanding is hereby formally ratified by the Commissioners of the Authority pursuant to the terms and conditions of the Teamsters Local 701 MOA attached hereto and made part hereof.

BE IT FURTHER RESOLVED by the Commissioners that the Authority’s CEO/Executive Director and other necessary personnel are hereby authorized and directed to implement the terms of the MOU, effective on March 24, 2020, and will continue during the State of Emergency, and

BE IT FURTHER RESOLVED by the Commissioners that a certified copy of the Resolution shall be provided to Teamsters Local 701.

DATE: MARCH 24, 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 will discuss contract negotiations, personnel and 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/will not return to open session.

DATE: MARCH 24, 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						

20-56 ADJOURNED