

**RESOLUTION SETTING NEW CONNECTION FEE FOR FISCAL YEAR ENDING
JANUARY 31ST, 2022**

WHEREAS, in accordance with N.J.S.A. 40:14B-22, the Western Monmouth Utilities Authority (the “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 (the “BRSA”); and

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

WHEREAS, pursuant to the Rules and Regulations of the Authority and N.J.S.A. 40:14B-23, the Authority conducted a public hearing on February 23, 2021 for the purpose of fixing the connection fees for the fiscal year ending January 31, 2022; and

WHEREAS, notice of the proposed public hearing was sent to the Clerk of each municipality serviced by the Authority and was published in the Home News Tribune and the Asbury Park Press, newspaper of general circulation in the area serviced by the Authority; and

WHEREAS, at the public hearing, the Authority Auditor testified and presented evidence prepared by the Authority’s Chief Financial Officer concerning the calculation of the connection fee 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 statute, the Authority has determined that the connection fee for the fiscal year ending January 31, 2022 should be fixed at \$4,361.00 for those customers treated by the Authority and \$2,115.00 for those customers treated by BRSA; and

WHEREAS, pursuant to the Rules and Regulations and statute, the Authority has determined that the connection fee for affordable housing projects and for non-profit organizations for the fiscal year ending January 31, 2022 should be fixed at \$2,180.50 for those customers treated by the Authority and \$1,057.50 for those customers treated by BRSA; and

WHEREAS, at the public hearing, an opportunity for cross examination was offered to the public and a transcript was generated 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 and N.J.S.A. 40:14B-22 shall be fixed as follows for the fiscal year ending January 31, 2022, or until such time as a new connection fee is calculated:

- \$4,361.00 for those customers treated by the Authority;
- \$2,115.00 for those customers treated by the BRSA;
- \$2,180.50 for affordable housing projects and for non-profit organizations treated by Authority; and
- \$1,057.50 for affordable housing projects and for non-profit organizations treated by BRSA.

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. Scott DiBenedetto, Chief Financial Officer

DATE: FEBRUARY 23, 2021

<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>
MUSICH		X	X			
ROSEN						X
PERNICE	X		X			
MENDEZ			X			

**AUTHORIZING FINAL PAYMENT FOR THE ROUTE 79 PUMP STATION
AND FORCEMAIN REPLACEMENT PROJECT**

WHEREAS, CME Associates, the Consultant Engineer has recommended to the Authority that the closeout Change Order and Final Payment be approved in the Contract for the Route 79 Pump Station and Forcemain Replacement Project, and

WHEREAS, this Final Payment is a result of the project being successfully completed by the contractor, Carbro Constructors Corp. as per CME Associates letter dated January 19, 2021. Please note that the Final Payment reduces the Contract amount from \$6,378,652.33 to \$5,815,358.10 for a net overall reduction of \$563,294.23.

WHEREAS, this has resulted in a decrease of the contract price computed as follows:

Original Contract Price	\$ 6,378,652.33
Previous Changes	\$
Change Order #1	\$
Net Change	\$ - 563,294.23
Revised Contract Price	\$ 5,815,358.10

WHEREAS, CME Associates recommends the release of the **Final Payment** be given to Carbro Constructors Corp.

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

1. The Chief Executive Officer, Brian J. Valentino is hereby authorized to execute and release the Final Payment Estimate in accordance with its terms. Dated January 19, 2021.
2. The Clerk is authorized to forward copies of this resolution, certified to be a true copy to:
 - a) CME Associates
 - b) Scott Di Benedetto, Chief Financial Officer
 - c) Coleen Weber, Officer Manager

DATE: FEBRUARY 23, 2021

<u>ROLL CALL</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>
MUSICH		X	X			
PERNICE	X		X			
ROSEN						X
MENDEZ			X			

AMENDING 2021-2022 ADOPTED BUDGET RESOLUTION

Western Monmouth Utilities Authority

FISCAL YEAR: FROM: February 1, 2021 TO: January 31, 2022

WHEREAS, the Annual Budget and Capital Budget/Program for the Western Monmouth Utilities Authority for the fiscal year beginning February 1, 2021, and ending, January 31, 2022 has been presented for adoption before the governing body of the Western Monmouth Utilities Authority at its open public meeting of January 26, 2021 and

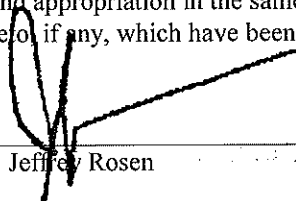
WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$15,155,886, Total Appropriations, including any Accumulated Deficit, if any, of \$14,486,286 and Total Unrestricted Net Position utilized of \$0.00; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$15,228,888 and Total Unrestricted Net Position planned to be utilized of \$3,168,650; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of Western Monmouth Utilities Authority, at an open public meeting held on January 26, 2021 that the Annual Budget and Capital Budget/Program of the Western Monmouth Utilities Authority for the fiscal year beginning, February 1, 2021 and, ending, January 31, 2022 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.



 Jeffrey Rosen

February 23, 2021

DATE: FEBRUARY 23, 2021

<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>
MUSICH		X	X			
PERNICE	X		X			
ROSEN						X
MENDEZ			X			

**RESOLUTION CERTIFYING THAT EACH AUTHORITY COMMISSIONER HAS
REVIEWED THE AUDIT REPORT OF THE YEAR ENDING
JANUARY 31ST, 2020**

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 31, 2020 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

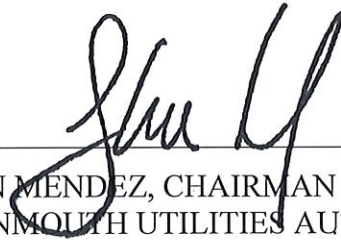
WHEREAS, N.J.S.A. 40A:5A-15 requires that the Commissioners of the Western Monmouth Utilities Authority within 45 days receipt of the annual audit report, certify by Resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report specifically the section 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 31, 2020, and have evidenced same in a Group Affidavit executed in the form prescribed by the Local Finance Board.

2. The Chief Financial Officer 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. Scott Di Benedetto, Chief Financial Officer
 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



GLEN MENDEZ, CHAIRMAN
WESTERN MONMOUTH UTILITIES AUTHORITY

February 24th 2021
DATED

DATE: FEBRUARY 23, 2021

<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>
MUSICH		X	X			
ROSEN						X
PERNICE	X		X			
MENDEZ			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 31, 2020.



GLEN MENDEZ, CHAIRMAN



JEFFREY ROSEN, VICE CHAIRMAN



JOSEPH PERNICE, SECRETARY



MARYANN MUSICH, TREASURER

Sworn and subscribed to
Before me this 24th day of
February 2021



ANN ZAGORSKI-FINNERTY
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JULY 19, 2022

21-42

RESOLUTION AUTHORIZING AMENDMENT OF WMUA PERSONNEL MANUAL

WHEREAS, the Western Monmouth Utilities Authority (the “WMUA”) currently has a Personnel Manual which contains internal policies to be followed by WMUA Management and employees; and

WHEREAS, the WMUA Commissioners have determined that it is in the best interest of the WMUA to update and revise the current Personnel Manual; and

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

1. The WMUA Personnel Manual which is adopted by the WMUA Commissioners as the new Personnel Manual to govern the internal policies of the WMUA, effective February 1, 2021.

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

1. Brian J. Valentino, Chief Executive Officer
2. Katherine Leatherman, Chief Administrative Officer
3. Jim Carr, Chief Operating Officer
4. Scott Di Benedetto, Chief Financial Officer

DATE: FEBRUARY 23, 2021

<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>
MUSICH	X		X			
PERNICE		X	X			
ROSEN						X
MENDEZ			X			

**RESOLUTION AUTHORIZING AMENDED DEED OF EASEMENT
FROM TOWNSHIP OF MANALAPAN TO ALLOW THE WESTERN MONMOUTH
UTILITIES AUTHORITY AND GORDON'S CORNER WATER COMPANY TO CO-
OCCUPY UTILITY EASEMENT FOR OLDE SILVER TAVERN (PROJECT #520)**

WHEREAS, the Western Monmouth Utilities Authority (“Authority”) is a municipal utilities authority created by the governing bodies of the Townships of Manalapan and Marlboro in accordance with the authority granted by the Municipal and County Utilities Authorities Law (“MUA Law”) N.J.S.A. 40:14B-1 et seq., and

WHEREAS, the Authority is empowered to adopt the within Resolution pursuant to and under the MUA Law, N.J.S.A. 40:14B-1, et seq.; and

WHEREAS, pursuant to and in accordance with the MUA Law the Authority is authorized to provide sewerage services both within and outside the municipal boundaries of the Townships of Manalapan and Marlboro, within its defined sewer service area; and

WHEREAS, the Township of Manalapan (“Township”) is the owner of land that is designated as Block 21, Lots 1.02 and 1.03 on the official tax map of the Township of Manalapan, County of Monmouth, New Jersey (“Property”); and

WHEREAS, by Resolution #14-80, duly adopted on May 14, 2014, as amended by Resolution #19-39, duly adopted on February 12, 2019, the Authority approved a gravity sewer system for the Olde Silver Tavern (Project #520) running through a portion of the Property; and

WHEREAS, the Township previously granted the Authority an exclusive and perpetual Deed of Sanitary Sewer Easement (hereinafter the “Original Deed of Easement”) through a portion of the Property (defined therein as the “Easement”) to allow the Authority to perform and facilitate certain activities related to the construction and maintenance of the gravity sewer system for the Olde Silver Tavern Project; and

WHEREAS, the Original Deed of Easement was recorded in the Monmouth County Clerk’s Office on May 13, 2015 at Deed Book 9112 at Page 8138; and

WHEREAS, the Original Deed of Easement, under its terms, cannot be amended and/or terminated unless authorized by the Authority in writing and recorded in the Monmouth County Clerk’s Office; and

WHEREAS, the Township has since authorized Gordon’s Corner Water Company (“GCW”) to construct a potable water system for the Olde Silver Tavern Project running through a portion of the Property; and

WHEREAS, the Township has requested that the Authority amend the Original Deed of Easement to allow GCW to co-occupy the Easement with the Authority; and

WHEREAS, the Authority is willing to authorize an amendment to the Original Deed of Easement to allow GCW to co-occupy the Easement with the Authority, in accordance with the terms of an Amended Deed of Easement in a form substantially as attached hereto;

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

1. That Authority hereby authorizes amendment of the Original Deed of Easement.
2. The Authority further authorizes the Chairman to execute the Amended Deed of Easement, in a form substantially as attached hereto, evidencing its written consent for the Township to amend the Original Deed of Easement to allow GCW to co-occupy the Easement with the Authority.
3. The Chairman or his designee may execute any and all documents and take any and all actions necessary to realize the intent and purpose of this resolution.
4. That, upon full execution, the Amended Deed of Easement shall be recorded in the Monmouth County Clerk's Office and a copy shall be available in the Office of the CEO/Executive Director for review by the public.
5. That the Clerk is hereby authorized to forward copies of this Resolution to:
 - a. Township of Manalapan
 - b. Township of Marlboro
 - c. Gordon's Corner Water Company
 - d. James Lawson, Freehold Road, LLC
 - e. Brian J. Valentino, CEO/Executive Director
 - f. Francis J. Borin, Esq.

DATE: FEBRUARY 23, 2021

<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>
MUSICH	X		X			
PERNICE		X	X			
ROSEN						X
MENDEZ			X			

**AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE WESTERN
MONMOUTH UTILITIES AUTHORITY AND THE TOWNSHIP OF MARLBORO
(WATER UTILITY DIVISION)**

WHEREAS, The WMUA hereby grants and reserves unto the Township an estimated allocation of sewer capacity in the amount of twenty-five (25) Equivalent Domestic Consumer Units (“EDCUs”) for Project No. 393, subject to the terms and conditions of this Agreement hereby made a part of this Resolution and;

WHEREAS, the WMUA owns and operates a sewage treatment, collection and disposal system within, among other places, the Township of Marlboro, County of Monmouth and State of New Jersey; and and

WHEREAS, the Township owns and operates a potable water system in the Township of Marlboro, County of Monmouth and State of New Jersey; and

WHEREAS, the Township intends to discharge un-recycled filter backwash generated by the Harbor Road Water Treatment Plant to the WMUA’s existing sewerage infrastructure through a proposed on-site wastewater conveyance system (hereinafter referred to as the “Harbor Road Wastewater Conveyance System”); and

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

1. The attached Agreement constitutes and expresses the entire agreement of the parties hereto. There are no other promises, undertakings, representation or agreements other than those contained herein.
2. Upon their review and approval, the WMUA Commissioners are authorized to execute said Agreement.
3. The Clerk is hereby authorized to forward copies of this resolution, certified to be a true copy to:
 - a. Township of Marlboro Business Administrator
 - b. James Carr, Chief Operations Officer
 - c. Stephen Bagadinski, Engineering Services Director

DATE: FEBRUARY 23, 2021

<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>
MUSICH	X		X			
PERNICE		X	X			
ROSEN						X
MENDEZ			X			

AUTHORIZING EXECUTION OF DEVELOPERS AGREEMENT WITH VANDERBURG DEVELOPMENT, LLC, PROJECT #738

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 Developers Agreement with Vanderburg Development, LLC, Project #738; 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. Vanderburg Development, LLC, Project #738
2. CME Associates, Michael Dziubeck, Consultant Engineer
3. Francis J. Borin, Esq, Authority Attorney

DATE: FEBRUARY 23, 2021

<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>
MUSICH	X		X			
PERNICE		X	X			
ROSEN						X
MENDEZ			X			

**GRANTING APPROVAL TO THE PLACE AT MARLBORO,
PROJECT #715**

WHEREAS, The Place at Marlboro, LLC has applied to the Western Monmouth Utilities Authority for approval in connection with its Application #715 located in Blocks #148 & 149, Lots 31 & 16 in the Township of Marlboro; and

WHEREAS, the applicant proposes to construct approximately 2,540 liner feet of 8” PVC SDR-35 gravity sanitary sewer to service a proposed development. The proposed development consists of 258 apartments and a clubhouse. The applicant will make connection to the WMUA Collection System via a proposed manhole located on the existing sewer main within Tennent Road. The flow will then go to the Greenwood Road Pump Station and ultimately to the Bayshore Regional Sewage Authority system.

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 connection fee of the Bayshore Regional Sewerage Authority;
- d. Payment of all other fees of other Governmental and/or regulatory agencies having jurisdiction over same
- e. Applicant is required to furnish sufficient performance guarantees in the amounts stated below:
Phase 1: Surety Bond - \$195,323.50, Cash Bond - \$ 21,702.61
Phase 2: Surety Bond - \$ 32,962.27, Cash Bond - \$ 3,662.47
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 Authority’s rules and regulations. The applicant has the option of posting an initial deposit representing 5% of the total anticipated construction cost. The estimated construction observation escrow shall be provided in the amounts stated below:
Phase 1: Total - \$23,186.55, Initial Deposit - \$7,728.85
Phase 2: Total - \$ 3,912.90, Initial Deposit - \$1,304.30
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.

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 The Place at Marlboro, Project #715 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 February 11, 2021.

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

- 1) The Place at Marlboro, Project #715
- 2) CME Associates. Consultant Engineer

DATE: FEBRUARY 23, 2021

<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>
MUSICH	X		X			
PERNICE		X	X			
ROSEN						X
MENDEZ			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 Protecting Public Security, 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: FEBRUARY 23, 2021

<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>
MUSICH	X		X			
PERNICE		X	X			
ROSEN						X
MENDEZ			X			