

# LONG BRANCH SEWERAGE AUTHORITY

## Minutes of the Regular Meeting

August 20, 2014

### **I. and II. Opening and Attendance at Meeting.**

A Regular Meeting of the Long Branch Sewerage Authority was called to order at 3:04 p.m., prevailing time, on Wednesday, August 20, 2014 by the Vice - Chairman, Mr. George, in the Meeting Room at the Authority Administration Building, 150 Joline Avenue, Long Branch, New Jersey, attended by Mr. Booth, Mr. Brown and Mr. Mazza. Mr. Blaisdell attended via telephonic communication.

In addition to the Members of the Authority hereinabove-stated, there were present at said Regular Meeting the following professional attaches: Executive Director, Joseph A. Martone; John Van Dorpe, of the firm Maser Consulting, Authority Engineer; David Kaplan, Authority Auditor; Laurie Hartnett, PCC Officer; and Elisabete Vieira, Secretary.

### **III. Announcement Pursuant to New Jersey Open Public Meeting Act.**

Adequate Notice of this Regular Meeting and of all Regular Meetings for the Year 2014, has been provided by publication thereof in the *Link* on February, 27, 2014, as a "legal" advertisement and in the *Asbury Park Press* on February 22, 2014, as a "legal" advertisement and by forwarding duplicates thereof on February 20, 2014, to the Clerks of the City of Long Branch, Borough of West Long Branch and Borough of Monmouth Beach for filing in their respective offices and for posting in a public place in each such Municipality.

### **IV. Public Participation.**

There were no members of the public present.

On Motion by Mr. Brown, seconded by Mr. George, and passed by the affirmative vote of all members present, no nays, one absent, no abstain; the Public Participation portion of the Meeting was closed.

**V. As to the Minutes of the Regular Meeting of July 2014**

On Motion by Mr. George, seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, one absent, no abstain, the reading of the Minutes of the Regular Meeting of the Long Branch Sewerage Authority held on July 16, 2014 to be dispensed with and that such Minutes be, and they are hereby, approved as recorded and circulated.

**VI. As to the Minutes of the Executive Session held on July 16, 2014, if any**

On Motion by Mr. Brown, seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, one absent, no abstain, the reading of the Minutes of the Executive Session of the Long Branch Sewerage Authority held on July 16, 2014 to be dispensed with and that such Minutes be, and they are hereby approved as recorded and circulated.

**VII. Correspondence**

The attached list of correspondence was reviewed by the Authority. Mr. Martone stated that none of the correspondence was marked for action.

**LIST OF CORRESPONDENCE FOR REGULAR MEETING  
LONG BRANCH SEWERAGE AUTHORITY**

**August 20, 2014**

- 1) Transmittal dated 07/13/14 received 07/17/14 from Allied Construction Group, re: Primary Tank Influent System Reconstruction / Project # 133-LBSA
- 2) Letter dated 07/17/14 received 07/18/14 from Kraft & Capizzi, re: The SEC MCDC Initiative –September 10, 2014 Participation Deadline
- 3) Agenda and reports received 07/18/14 from Toms River MUA, re: July 23<sup>rd</sup> meeting at 10:30 AM
- 4) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to All Surface Asphalt Paving, Inc. re: Parking Lot Construction award contract
- 5) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Diamond Construction, re: Parking Lot Construction award results
- 6) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to L & L Paving Company Inc., re: Parking Lot Construction award results

- 7) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Yannuzzi Group, Inc. re: Parking Lot Construction award results
- 8) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Fiore Paving Co., Inc. re: Parking Lot Construction award results
- 9) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Precise Construction, Inc., re: Parking Lot Construction award results
- 10) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Hydro-Marine Construction Co. Inc., re: Outfall Anchor Replacement and Repair award contract
- 11) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Nupump Corporation, re: Outfall Anchor Replacement and Repair award results
- 12) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Reicon Group, LLC re: Outfall Anchor Replacement and Repair award results
- 13) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to TNJ Marine, Inc., re: Outfall Anchor Replacement and Repair award results
- 14) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Atlantic Subsea, Inc. re: Outfall Anchor Replacement and Repair award results
- 15) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Bird Construction, re: Outfall Anchor Replacement and Repair award results
- 16) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Absolute Fence Services, Inc. re: Access Gates and Fence Replacement award contract
- 17) Copy of letter dated 07/21/14 received 07/22/14 from Maser Consulting to Precise Construction, Inc., re: Access Gates and Fence Replacement award results
- 18) Letter dated 07/15/14 received 07/22/14 from APP, re: rate increase for legal advertising
- 19) Letter dated 07/18/14 received 07/23/14 from Campbell, Lipski & Dochney, re: Louis Chiafullo / File #40 / Claim # 26401-001
- 20) Copy of letter dated 07/18/14 received 07/23/14 from Campbell, Lipski & Dochney, re: Louis Chiafullo/ File# 406942
- 21) Letter dated 07/25/14 received 07/28/14 from James Berube, Esq., re: Renovation and expansion plans for the Synagogue and site / 4 Ocean Ave Deal, NJ / B 2 L 8.03 & 9.02
- 22) Copy of letter dated 07/28/14 received 07/29/14 from Maser Consulting to Brian Fields, re: 147 West End Ave LLC, / B 132 L 1 & 2

- 23) Copy of letter dated 07/28/14 received 07/29/14 from Maser Consulting to Coppola Services, Inc., re: Primary Tank Influent System Reconstruction Award results
- 24) Copy of letter dated 07/28/14 received 07/29/14 from Maser Consulting to Spectraserv, Inc., re: Primary Tank Influent System Reconstruction Award results
- 25) Copy of letter dated 07/28/14 received 07/29/14 from Maser Consulting to A & J Construction Company re: Primary Tank Influent System Reconstruction Award results
- 26) Copy of letter dated 07/28/14 received 07/29/14 from Maser Consulting to JEV Construction, LLC re: Primary Tank Influent System Reconstruction Award results
- 27) Copy of letter dated 07/28/14 received 07/29/14 from Maser Consulting to Clyde N. Lattimer & Son Construction, LLC re: Primary Tank Influent System Reconstruction Award results
- 28) Letter dated 07/28/14 received 07/29/14 from Maser Consulting, re: Receipt of the Primary Tank Influent System Reconstruction contract
- 29) Letter received 07/30/14 from Comcast Business, re: Account pin change
- 30) Memorandum dated 07/28/14 received 07/29/14 from the City of Long Branch Office of Planning and Zoning, re: 397 Bath Ave / B 182 L5 / New apartment above garage
- 31) Letter dated 07/31/14 received 07/31/14 from Maser Consulting, re: George Catrambone School / B 22.01 L 1
- 32) Public Notice received 08/1/14 from the City of Long Branch, re: BG Zone, B 287 L3 / 15-17 Second Ave / Applicant is seeking a minor subdivision approval
- 33) Save the date notice received 08/04/14 from NJUAJIF, re: Safety Expo 2014
- 34) Certified public hearing notice received 08/04/14 from Township of Ocean, re: 231 Park Ave / B9 L 10
- 35) Contract Bond Status Query received 08/04/14 from Liberty Mutual, re: Project LBS-238 WWTP Blower Building Modifications
- 36) Copy of letter dated 08/05/14 received 08/06/14 from Maser Consulting to Allied Construction, re: Primary Tank Influent System Reconstruction project completion
- 37) Letter dated 08/06/14 received 08/07/14 from Maser Consulting, re: Parking Lot Construction contract
- 38) Letter dated 08/07/14 received 08/07/14 from Maser Consulting, re: Access Gate and Fence Replacement contract

- 39) Copy of letter dated 08/07/14 received 08/11/14 from Maser Consulting to All Surface Asphalt Paving Inc., re: Parking Lot Construction – Pre-Construction Meeting
- 40) Copy of letter dated 08/07/14 received 08/11/14 from Maser Consulting to Absolute Fence Services, Inc., re: Access Gates and Fence Replacement – Pre-Construction Meeting
- 41) Letter dated 08/11/14 received 08/12/14 from Maser Consulting, re: Wastewater Treatment Plant Modifications / CCS-006 Certificate of Performance
- 42) Copy of letter dated 08/13/14 received 08/14/14 from Maser Consulting to Hydro-Marine Construction Co., re: Outfall Anchor Replacement and Repair Project
- 43) Copy of letter dated 08/13/14 received 08/14/14 from Maser Consulting to Absolute Fence Services, Inc., re: Access Gates and Fence Replacement
- 44) Copy of letter dated 08/13/14 received 08/14/14 from Maser Consulting to All Surface Asphalt Paving, Inc., re: Parking Lot Construction
- 45) Certified Notice of Hearing received 08/15/14 from Borough of West Long Branch, re: 185 Monmouth Pkwy / B 69 L 5, 6, 7,8 and 17 variance application
- 46) Notification of Eligibility received 08/15/14 from State of NJ Dept. of Banking and Insurance, re: Gov. Unit Deposit with RSI Protection Act Notification of Eligibility
- 47) Fax dated 08/15/14 received 08/18/14 from Shovon at Cross Builders, re: Disconnection and cut off letter for 152 Kingsley St / B 453 L 13
- 48) Preliminary Notice of Furnishing –Public Work dated 08/11/14 received 08/18/14, re: Furnishing Miscellaneous Metals to Allied Construction Group

On Motion by Mr. Booth, seconded by Mr. Brown, and passed by the affirmative vote of all members present, no nays, one absent, no abstain, the attached List of Correspondence was ordered, received, and filed.

### **XIII. Report of Executive Director for July, 2014**

Mr. Martone reported that the Authority is in need of a new dump truck. The old truck was purchased in 1999 and it served the Authority well for approximately fifteen years. The following resolution was presented:

## RESOLUTION

Mr. George offered the following Resolution and moved its adoption; seconded by Mr. Booth.

**WHEREAS**, the Long Branch Sewerage Authority (hereinafter "the Authority") desires to purchase a 2015 Ford F350 4WD Dump Truck, through the State Purchasing Program, Contract #A83558 / T2101 attached hereto and made a part hereof, and

**WHEREAS**, the Authority Executive Director has certified that there are funds available for this purchase as per the certification attached hereto and made a part hereof, and

**NOW, THEREFORE BE IT RESOLVED**, by the Long Branch Sewerage Authority that the Authority is hereby authorized to purchase a 2015 Ford F350 4WD Dump Truck in the amount of \$43,655.00 through the state contract program.

ROLL CALL:

Mr. Blaisdell - ABSENT  
Mr. George - AYE  
Mr. Booth - AYE  
Mr. Brown - AYE  
Mr. Mazza - AYE

Date: August 20, 2014  
R1.8-14  
Exhibit A & B

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Mr. Martone next explained that a number of employees have requested permission to attend the Technology Transfer Seminar. The following resolution was presented:

## RESOLUTION

Mr. Booth offered the following resolution and moved its adoption; seconded by Mr. George.

**WHEREAS**, a number of employees have requested permission to attend a Technology Transfer Seminar sponsored by NJWEA at the Sheraton in Eatontown, and

**WHEREAS**, it is to the benefit of the Long Branch Sewerage Authority to have its employees continue their education and obtain licenses, and

**NOW, THEREFORE, BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY**, that this request to attend NJWEA Technology Transfer Seminars is hereby approved subject to the Executive Director's scheduling and approval of employees, and

**BE IT FURTHER RESOLVED** that the participants will follow the rules for "Schooling" covered in the appropriate Article in their Contract.

### ROLL CALL:

Mr. Blaisdell	- ABSENT
Mr. George	- AYE
Mr. Booth	- AYE
Mr. Brown	- AYE
Mr. Mazza	- AYE

Date: August 20, 2014  
R2.8-14

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Mr. Martone stated that a few employees requested permission to attend Monmouth County Vocational School. Mr. Nunez and Mr. Pelcher will attend the Advanced Wastewater Technology Course and Mr. Mincieli will attend the Boiler Operator Low Pressure Course. The following resolutions were presented:

## RESOLUTION

Mr. Brown offered the following Resolution and moved its adoption; seconded by Mr. Booth.

**WHEREAS**, Joseph Nunez and Joshua Pelcher have requested permission to attend Monmouth County Vocation School for the “Wastewater Advanced ” course, and

**WHEREAS**, it is to the benefit of the Long Branch Sewerage Authority to have its employees continue their education and obtain licenses, and

**NOW, THEREFORE, BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY**, that the request of Joseph Nunez and Joshua Pelcher, to attend Monmouth County Vocational School for a course in Wastewater Advanced in the amount of \$400.00 each has been approved.

**BE IT FURTHER RESOLVED** that the participant will follow the rules for "Schooling" covered in the appropriate Article in their contract.

### ROLL CALL:

Mr. Blaisdell	- ABSENT
Mr. George	- AYE
Mr. Booth	- AYE
Mr. Brown	- AYE
Mr. Mazza	- AYE

Date: August 20, 2014  
R3.8-14

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## RESOLUTION

Mr. Brown offered the following Resolution and moved its adoption; seconded by Mr. George.

**WHEREAS**, Robert Mincieli has requested permission to attend Monmouth County Vocation School for the “Boiler Operator Low Pressure ” course, and

**WHEREAS**, it is to the benefit of the Long Branch Sewerage Authority to have its employees continue their education and obtain licenses, and

**NOW, THEREFORE, BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY**, that the request of Robert Mincieli, to attend Monmouth County Vocational School for a course in Boiler Operator Low Pressure in the amount of \$250.00 has been approved.

**BE IT FURTHER RESOLVED** that the participant will follow the rules for "Schooling" covered in the appropriate Article in their contract.

### ROLL CALL:

Mr. Blaisdell	- ABSENT
Mr. George	- AYE
Mr. Booth	- AYE
Mr. Brown	- AYE
Mr. Mazza	- AYE

Date: August 20, 2014  
R4.8-14

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Mr. Martone had nothing further to report.

On Motion by Mr. George seconded by Mr. Brown, and passed by the affirmative vote of all members present, no nays, one absent, no abstain, the report of the Executive Director, as prepared and submitted, is hereby approved and ordered received and filed and made part of the Minutes of this Meeting.

**IX. As to Bills submitted for payment by Long Branch Sewerage Authority for the Month of July 2014**

The following Resolution was moved by Mr. George, seconded by Mr. Brown, and passed by the affirmative vote of all members present, no nays, one absent, no abstain.

**RESOLUTION**

BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY IN SESSION AT A REGULAR MEETING THEREOF ON THIS 20th DAY OF AUGUST 2014 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT, the List of Bills for the month of July 2014 are found regular and payment of each and all, thereof is authorized to be paid out of the Revolving Fund, General Funds, Revenue Fund or Collection Account as indicated on the said List of Bills attached to the Executive Director's Report.

**X. Report by Authority Counsel of the Activities of that Office and of Actions taken since July 16, 2014**

Mr. Bonello was absent. Mr. Martone reported that he and Mr. Bonello had a pre-meeting yesterday with regards to the Wastewater Treatment Plant Modifications Project Contract #LBS195A.

Mr. Martone requested the Board go into Executive Session at this time.

**RESOLUTION**

Mr. Booth offered the following Resolution and moved its adoption; seconded by Mr. Mazza.

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in various circumstances, and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist,

**NOW, THEREFORE BE IT RESOLVED** by the Long Branch Sewerage Authority as follows:

1. The Public shall be excluded from discussion and action upon the hereinafter subject matters.

2. The general nature of the subject matter to be discussed is as follows:

***LITIGATION & CONTRACT SETTLEMENT***

3. It is anticipated at this time that the above-stated subject matters will be made public when the matters are resolved.

4. This Resolution shall take effect immediately.

**ROLL CALL:**

Mr. Blaisdell	- ABSENT
Mr. George	- AYE
Mr. Booth	- AYE
Mr. Brown	- AYE
Mr. Mazza	- AYE

Date: August 20, 2014  
R6.8-14

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Mr. Martone resumed the regular session.

Mr. Martone presented the following resolution:

**RESOLUTION**

Mr. Mazza offered the following Resolution and moved its adoption; seconded by Mr. Brown.

WHEREAS, the Long Branch Sewerage Authority has negotiated a Settlement Agreement with APS Contracting, Inc. re: Wastewater Treatment Plant Modifications Project Contract #LBS195A, and

WHEREAS, the Authority Executive Director, Counsel, and Engineer has reviewed and recommended that the Authority enter into this Agreement, and

WHEREAS, within the Settlement Agreement, the Authority will pay APS Contracting \$460,000.00, which sum includes all contractual items due plus claims for other items which were in dispute, and of which \$100,000.00 will be retained to guarantee the completion of the outstanding punch list items as described in the agreement attached hereto and made a part thereof, and

WHEREAS, this Settlement Agreement will conclude and resolve all the outstanding issues with APS Contracting, Inc. re: Wastewater Treatment Plant Modifications Project Contract #LBS195A, and all claims whatsoever under said contract, and

NOW, THEREFORE, BE IT RESOLVED by the Long Branch Sewerage Authority that it approves settlement of the contract disputes with APS Contracting, Inc. in the amount of \$460,000.00 as set forth above and per the conditions outlined in the Settlement Agreement, attached hereto and made a part thereof.

IT FURTHER RESOLVED that the Executive Director and the Authority Chairman be authorized to execute any further documents including final change order or instruments necessary to affect this Resolution.

ROLL CALL:

Mr. Blaisdell	- ABSENT
Mr. George	- AYE
Mr. Booth	- AYE
Mr. Brown	- AYE
Mr. Mazza	- AYE

Date: August 20, 2014  
R5.8-14  
Exhibit C & D

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Mr. Martone had nothing further to report.

On Motion by Mr. George, seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, one absent, no abstain, all actions taken, and dispositions made by the Authority Counsel of and with regard to each and all of the foregoing items be, and they are in all respects approved, confirmed, and ratified.

**XI. Report by Authority Auditor of the Activities of that Office and of Actions taken since July 16, 2014**

Mr. Kaplan questioned Mr. Martone if a decision was made with regards to selecting a firm to review the Authority's compliance (MCDC Municipalities Continuing Disclosure Cooperation), and keeping up with its continuing Disclosure Requirements. Mr. Martone explained that the Authority decided to go with Phoenix Advisors for a cost of \$950.00.

Mr. Kaplan stated that this compliance is required. Phoenix Advisors will check if the Authority is in compliance or if there is a need to post any missing information.

Finally Mr. Kaplan reported that he is working on the budget which should be introduced in October.

Mr. Kaplan had nothing further to report.

On Motion by Mr. George, seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, one absent, no abstain, all actions taken, and dispositions made by Authority Auditor of and with regard to each and all of the foregoing items be, and they are in all respects, approved, confirmed and ratified.

**XII. As to Insurance Committee.**

None

**XIII. Report, if any, by Investment Committee.**

The investments are as listed.

On Motion by Mr. George, seconded by Mr. Booth, and passed by the affirmative vote of three members present, no nays, one absent, one abstain (Mr. Brown); the Authority Investments were approved and made.

**XIV. Transfers, if any.**

The following Resolution was moved by Mr. George, seconded by Mr. Booth, and passed by the affirmative vote of three members present, no nays, one absent, one abstain (Mr. Brown), approving the Authority Transfers for the month of July 2014 as listed.

## **RESOLUTION**

BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY IN SESSION AT A REGULAR MEETING THEREOF ON THIS 20th DAY OF AUGUST 2014 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT that the Authority hereby approves the Transfers made for the month of July 2014 as submitted by the Executive Director and orders said report received and filed.

### **XV. Old Business.**

A. Engineer's Report on Redevelopment Projects

Mr. Van Dorpe had nothing to report at this time.

B. Future Capital Improvement Program

Mr. Van Dorpe stated that a few projects have been awarded and are moving along in a timely matter. Also he reported that Mr. Roguski and Mr. Martone had a meeting with regards to the collection system project which should be ready for advertising in the few weeks.

C. F.E.M.A.

Mrs. Hartnett had nothing to report at this time.

### **XVI. New Business**

None

### **XVII. Miscellaneous Suggestions for the Good of the Authority**

None

### **XIII. Adjournment at 3:35 p.m.**

There being no further business, on Motion by Mr. George, seconded by Mr. Brown, and passed by the affirmative vote of all members present, no nays, one absent, no abstain, the meeting was adjourned at 3:35 p.m.

Respectfully submitted,

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David G. Brown, Secretary

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Joseph A. Martone, Executive Director