

LONG BRANCH SEWERAGE AUTHORITY

Minutes of the Regular Meeting

May 15, 2013

I. and II. Opening and Attendance at Meeting.

A Regular Meeting of the Long Branch Sewerage Authority was called to order at 3:10 p.m., prevailing time, on Wednesday, May 15, 2013 by the Chairman, Mr. Blaisdell in the Meeting Room at the Authority Administration Building, 150 Joline Avenue, Long Branch, New Jersey, attended by all members of the Authority.

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 L. Bonello, Esq., Authority Counsel; John Van Dorpe, of the firm Maser Consulting, Authority Engineer; Laurie Hartnett, PCC Officer; and Nicole Woods, Secretary. Mr. Kaplan, Authority Auditor; arrived at 3:45.

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

Adequate Notice of this Regular Meeting and of all Regular Meetings for the Year 2013, has been provided by publication thereof in the *Link* on February, 28, 2013, as a "legal" advertisement and in the *Asbury Park Press* on March 16, 2013, as a "legal" advertisement and by forwarding duplicates thereof on February 21, 2013, 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. Blaisdell, seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, no absent, no abstain; the Public Participation portion of the Meeting was closed.

V. As to the Minutes of the Regular Meeting of April 17, 2013

On Motion by Mr. Booth, seconded by Mr. George, and passed by the affirmative vote of all members present, no nays, no absent, no abstain, the reading of the Minutes of the Regular Meeting of the Long Branch Sewerage Authority held on April 17, 2013 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 April 17, 2013, if any

None.

VII. Correspondence

The attached list of correspondence was reviewed by the Authority. Individual items were dealt with as follows:

Items #9 & 10 Mr. Martone explained that we have complied with the Fire Code Inspection with the installation of new equipment and certifications have been received.

Item # 13 Mr. Martone explained that all Authority Members were mailed the Local Government Ethic Law requirements with instructions. Mr. Martone also explained that these forms must be done on-line and if any member needs assistance filling out these forms Mrs. Woods will assist them.

Item # 19 Mr. Martone discussed the letter received from Mr. Kaplan outlining the new connection fees and recommended the following resolution.

RESOLUTION

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

WHEREAS, David A. Kaplan, Long Branch Sewerage Authority Auditor, has made a written report to the Authority dated May 2, 2013, attached hereto and made a part hereof, regarding the recalculation of the Authority's connection fee Pursuant to N.J.S.A. 40:14A-8; and

WHEREAS, said report recalculates the connection fee at \$4,297.00 per unit and a per gallon per day connection fee of \$22.30 per gallon for all non-residential connectors, and

WHEREAS, this new connection fee will take effect upon ratification by the Authority after a public hearing scheduled for June 19, 2013, and

WHEREAS, N.J.S.A. 40:14A-8 requires that notice of the proposed change in the connection fee and the time and place of the public hearing be published in at least two newspapers and mailed to the clerk of each municipality serviced by the Authority at least twenty days before the date the hearing is held and the new connection fee may take effect, and

NOW, THEREFORE, BE IT RESOLVED by the Long Branch Sewerage Authority that:

1. The Authority connection fee shall be increased from \$4,144.00 to \$4,297.00 per unit, and a per gallon per day connection fee of \$22.30 per gallon for all non-residential connectors, subject to ratification by the Authority after a public hearing scheduled for June 19, 2013, at 2:45 p.m., and that the Authority's Rules and Regulations are amended accordingly.

2. All other terms of the existing Rules and Regulations remain in full force and effect.

3. Pursuant to law, notice of the proposed connection fee and time and place of the connection fee public hearing shall be published in the Link and the Asbury Park Press and sent to clerks of the municipalities serviced by the Authority.

ROLL CALL:

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

Date: May 15, 2013
R1.5-13
Exhibit:A

Item #22 Mr. Martone explained that Mrs. Hartnett has made application for the NJPDES Discharge Permit renewal.

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

May 15, 2013

1. Letter dated 4/15/13 received 4/18/13 from United Steelworkers, re: Change in Union Dues for Members of USW Local Union 4-00149 Unit 10
2. Copy of a Letter dated 4/11/13 received 4/18/13 from John L. Kraft to Internal Revenue Service Center, re: LBSA \$1,850,000 Project Notes Issue Date March 19, 2013 Form 8038-G.
3. Letter dated 4/17/13 received 4/18/13 from Hedinger & Lawless L.L.C., re: Discharge of Municipal Mechanic's Lien Claim – Robinson Group LLC
4. Letter dated 4/15/13 received 4/18/13 from Maser Consulting, re: WWTP Blower Building Modification Recommendation of Award.
5. Letter dated 4/16/13 received 4/22/13 from State of New Jersey D.E.P., re: NJPDES Permit # NJ0024783 Expiration.
6. Copy of Letter dated 4/11/13 received 4/22/13 from State of New Jersey D.E.P. to Linda Brennen, Monmouth County Planning Board, re: Monmouth County FWSA Map, WWMP & WQMP Adopted Amendment.
7. Copy of Letter dated 4/23/13 received 4/24/13 from Maser Consulting to Longo Electrical –Mechanical, Inc., re: WWTP Blower Building Modifications Contract.
8. Notice received 4/24/13 from Toms River MUA, re: NJUAJIF Meeting 4/24/13 Agenda and Reports.
9. Letter dated 4/22/13 received 4/25/13 from City of Long Branch Office of Fire Marshal, re: Certificate of Inspection, 150 Joline Ave. Administration Building.
10. Letter dated 4/22/13 received 4/25/13 from City of Long Branch Office of Fire Marshal, re: Certificate of Inspection, 150 Joline Ave. Head Works Building.
11. Letter dated 4/23/13 received 4/29/13 from United Steelworkers, re: Donation Request for District 4 Educational Conference.

12. Letter dated 4/26/13 received 4/29/13 from Brown & Brown Insurance, re: Worker's Compensation Audit, Policy Term: 01/01/10 to 01/01/11.
13. Letter dated 4/26/13 received 4/29/13 from Kathy L. Schmelz, re: The Local Government Ethics Law requirements with instruction packets for each Board Member.
14. Certified Notice of Hearing received 4/30/13 from Martin A. McGann, Jr. Esq., re: 971 Elberon Ave./B 30 L5.01.
15. Certified Public Notice received 4/30/13 from Mark A. Steinberg, re: 199 Norwood Ave. / B 164 L 7.
16. Certified Notice of Hearing received 5/1/13 from Ansell Grimm & Aaron, P.C., re: 150 Norwood Ave. and 240 Maplewood Ave.
17. Certified Notice of Hearing received 5/1/13 from Giordano, Halleran & Ciesla, re: 10 Plaza Ct. / B59 L4.01.
18. Letter of transmittal dated 4/30/13 received 5/2/13 from Maser Consulting, re: WWTP Blower Building Modifications Contract.
- ACTION** 19. Email dated 5/2/13 received 5/2/13 from David A. Kaplan, re: Connection Fees.
20. Copy of Letter dated 5/7/13 received 5/8/13 from Kathy I. Schmelz, re: Vacation of Abbotsford Ave.
21. Copy of Letter dated 5/8/13 received 5/9/13 from Maser Consulting to Longo Electrical-Mechanical, Inc., re: WWTP Blower Building Modifications.
22. Letter dated 5/7/13 received 5/9/13 from State of New Jersey DEP, re: Surface Water Renewal Permit.

ADDITIONAL CORRESPONDENCE

23. Letter dated 5/8/13 received 5/10/13 from John L. Bonello, re: 142 Joline Ave. Title Insurance.
24. Copy of Letter dated 5/10/13 received 5/13/13 from Maser Consulting to Alex Arcadia, APS Contracting, re: WWTP Improvement Project request for Letter of Substantial Completion.
25. Affidavit of Publication received 5/15/13 from The Link News, re: Synopsis of 2012 Audit Report.
26. Letter received 5/13/13 from Dun & Bradstreet, re: Business Credit Notification.

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

XIII. Report of Executive Director for April 2013

Mr. Martone reported that the F.E.M.A. applications have been submitted and approved by F.E.M.A. These PW reports have been submitted to the State by F.E.M.A. and are pending approval for the discharge of funds.

Mr. Martone discussed the results of the bid for Electrical Power Generation. The lowest bidder was First Energy with the cost of .00873 per kwh for a two year period.

Mr. Martone reported that Mr. Carl Braggs contacted him regarding his mother's home located at 134 Joline Avenue / Block 401 Lot 5. Mr. Martone explained that to purchase the property at 134 Joline Avenue is in the best interest of the Authority for future expansion and recommends the following resolution.

RESOLUTION

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

WHEREAS, Long Branch Sewerage Authority is interested in purchasing the property located at 134 Joline Ave, Block 401 Lot 5, from Ms. Thelma Braggs and Ms. Rosemarie Williams, and

WHEREAS, the Authority has valued this property at \$115,000.00, which has been offered to Ms. Thelma Braggs and Ms. Rosemarie Williams by Mr. Bonello the Authority's attorney, and

WHEREAS, Ms. Thelma Braggs and Ms. Rosemarie Williams have accepted the Authority's offer of \$115,000.00 net, and

WHEREAS, the Board feels it would be in the best interest of the Authority to purchase this property and secure it for future expansions, and to provide additional access to the treatment facility, and

NOW, THEREFORE, BE IT RESOLVED by the Long Branch Sewerage Authority that:

1. The Authority Attorney is hereby authorized to enter into a contract to purchase Block 401 Lot 5, located at 134 Joline Ave for a total sale price of \$ 115,000.00, and subject to clear unencumbered title.
2. The Authority's Attorney Mr. Bonello is hereby authorized to execute a contract to purchase and attach it hereto a make it a part hereof.
3. The Chairman and/or Executive Director be authorized to execute any further documents or instruments necessary to effect this Resolution and Contract.

ROLL CALL:

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

Date: May 15, 2013
R2.5-13
Exhibit B

Mr. Martone had nothing further to report.

On Motion by Mr. Blaisdell, seconded by Mr. Brown, and passed by the affirmative vote of all members present, no nays, no 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 April, 2013

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

RESOLUTION

BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY IN SESSION AT A REGULAR MEETING THEREOF ON THIS 15th DAY OF MAY 2013 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT, the List of Bills for the month of April 2013 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 April 17, 2013

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

RESOLUTION

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

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:

Potential Litigation

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

Date: May 15, 2013
Res3.5-13

Mr. Bonello resumed the regular session.

Let the record show that Mr. Kaplan arrived.

Mr. Bonello discussed the “Liens” for APS. Mr. Bonello explained there are two types of liens. The first is a lien that is a result of a formal filing of a municipal lien claim, which under the statute requires us to withhold money. Mr. Bonello advised Mr. Martone to not release any money until he receives a partial or full written release of the lien from the third party. Mr. Bonello explained that Mr. Martone has also received numerous non-payment notices from contractors who have not filed a formal lien. Mr. Bonello explained that Mr. Martone has been withholding money for these notices as he would with a formal lien. Mr. Bonello advises Mr. Martone to continue to do so.

Mr. Bonello discussed the purchase of 134 Joline Avenue / Block 401 Lot 5. Mr. Kaplan confirmed that funds are available for the purchase.

On Motion by Mr. George, seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, no absent, no abstain, all actions taken, 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 April 17, 2013

Mr. Kaplan apologized for his tardiness.

Mr. Kaplan reported that he sent a letter on May 2, 2013 regarding the recalculation of connection fees as is required by state statute.

On Motion by Mr. George, seconded by Mr. Blaisdell, and passed by the affirmative vote of all members present, no nays, no 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.

Mr. Martone explained that a refund in the amount of \$3,800.00 from the Worker’s Compensation audit has been received.

Mr. Martone stated that a refund is expected from Selective Flood Insurance in the amount of \$56,962.00 for premiums paid from 2010 to 2012 for structures that were uninsurable.

Mr. Martone explained that he received a quote for flood insurance for the Head Works Building in the amount of \$46,570.00 per year. The coverage would be for \$500,000.00 with a \$50,000.00 deductible. Mr. Martone suggested that it would be in the best interest of the Authority to self insure the Head Works Building. Mr. Blaisdell suggested that the self insurance contribution be increased from \$25,000.00 to \$50,000.00 a year.

Mr. Kaplan suggested that we look into preventive mitigation that FEMA would pay for.

XIII. Report, if any, by Investment Committee.

The investments are as listed.

On Motion by Mr. Blaisdell, seconded by Mr. Booth, and passed by the affirmative vote of four members present, no nays, no 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 four members present, no nays, no absent, one abstain (Mr. Brown), approving the Authority Transfers for the month of April 2013 as listed.

RESOLUTION

BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY IN SESSION AT A REGULAR MEETING THEREOF ON THIS 15th DAY OF MAY 2013 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT that the Authority hereby approves the Transfers made for the month of April 2013 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.

B. Future Capital Improvement Program

Mr. Van Dorpe reported that the contractor has requested a letter of Substantial Completion. Mr. Van Dorpe stated that there are several items not yet completed, therefore he will not comply with their request. Mr. Van Dorpe stated that he will send a letter listing the items that must be finished. Once all the items on the list have been completed, Mr. Van Dorpe will send the letter of Substantial Completion. Mr. Van Dorpe stated that all the items are to be completed by June 30, 2013.

Mr. Van Dorpe reported that the contractor has submitted additional change order items.

C. Storm Damage and Claims

Mr. Martone explained that we would be eligible from FEMA, for either 50% or 75% of the cost, depending upon the category we are placed in.

D. Repair of Ocean Outfall Pipe

Mr. Van Dorpe reported that he has been authorized to prepare bid specifications for the repairs to the Ocean Outfall Pipe.

XVI. New Business

None

XVII. Miscellaneous Suggestions for the Good of the Authority

None

XIII. Adjournment at 4:13 p.m.

There being no further business, on Motion by Mr. George, seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, no absent, no abstain, the meeting was adjourned at 4:13 p.m.

Respectfully submitted,

David G. Brown, Secretary

Joseph A. Martone, Executive Director