

LONG BRANCH SEWERAGE AUTHORITY

Minutes of the Regular Meeting

May 21, 2014

I. and II. Opening and Attendance at Meeting.

A Regular Meeting of the Long Branch Sewerage Authority was called to order at 3:00 p.m., prevailing time, on Wednesday, May 21, 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 four members of the Authority. Mr. Blaisdell was absent.

In addition to the Members of the Authority hereinabove-stated, there were present at said Regular Meeting the following professional attaches: David Kaplan, CPA of the Office of Authority Accountant; John Bonello, Esq., Authority Counsel; John Van Dorpe, Authority Engineer; Laurie Hartnett, PCC Officer; Elisabete Vieira, Secretary. Joseph A. Martone, Executive Director was on medical leave.

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. George, seconded by Mr. Booth, 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 April 2014

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 reading of the Minutes of the Regular Meeting of the Long Branch Sewerage Authority held on April 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 April 16, 2014, if any

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 reading of the Minutes of the Executive Session of the Long Branch Sewerage Authority held on April 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. Individual items were dealt with as follows:

Item# 18 Mr. Bonello explained that Mary Nassimian Lopez is requesting a sewer refund. Ms. Lopez wrote in a letter stating that her property at 12 Washington St was converted from two units to one unit with the City of Long Branch in 1998.

Unfortunately, the Authority has no record of a sewer reduction application ever being filed. The application form E-4 (Application for Change of Use of Existing Sewerage Facilities) is required as per our rules and regulations to be processed and approved by our board before any units are changed. The property was sold in July 2013, which the new owner made an application converting the sewer from two units to one unit.

Therefore, the Authority Board members made a unanimous decision to deny the sewer refund request.

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, to reject the sewer return requested by Ms. Lopez.

Item# 32 Mr. Bonello reported that this is an Amendment to the General Bond resolution. The following resolution was presented:

**RESOLUTION AMENDING THE GENERAL BOND
RESOLUTION OF THE LONG BRANCH SEWERAGE AUTHORITY
ADOPTED ON DECEMBER 4, 2002**

WHEREAS, the Long Branch Sewerage Authority (the “Authority”) previously adopted a resolution on December 4, 2002 entitled “Resolution Authorizing The Issuance Of Sewer Revenue Bonds Of The Long Branch Sewerage Authority”, as amended and supplemented (the “General Bond Resolution”);

WHEREAS, the General Bond Resolution requires that the Authority’s consulting engineer to inspect each facility comprising a part of the Authority’s system not more than sixty nor less than forty-five days prior to the end of the Authority’s fiscal year, and to submit to the Authority an annual report relating to said inspection (the “Report”); and,

WHEREAS, the Authority desires to clarify the date on which the Authority’s consulting engineer is to submit the Report to the Authority; now, therefore,

**BE IT RESOLVED BY THE LONG BRANCH SEWERAGE
AUTHORITY as follows:**

Section 1. Section 609 of the General Bond Resolution is hereby replaced in its entirety with the following language:

“Section 609. Consulting Engineer. The Authority shall continue to employ a Consulting Engineer, whose duties shall be, among such other duties as may be imposed by the Authority or by the terms of the Resolution, to make an inspection at least once in each Fiscal Year of each facility comprising a part of the System, not more than sixty (60) nor less than forty-five (45) days prior to the end of each Fiscal Year, and to submit to the Authority an annual report not later than forty-five (45) days following the end of each Fiscal Year setting forth, among other things, (a) its findings as to whether such facility has been maintained in good repair, working order and condition, (b) its advice and recommendations as to the proper operation, maintenance, repair and improvement of each such facility and an estimate of the amount of money necessary for such purposes, and (c) its advice and recommendations pursuant to Section 612 hereof.

Copies of such annual reports of the Consulting Engineer shall be mailed by the Authority to the (a) Trustee for inspection by Bondholders, (b) issuer of an Bond Reserve Credit Facility, Credit Facility or Liquidity Facility, and (c) and Bondholder upon request.”

Section 2. Capitalized terms used herein, unless otherwise defined, shall have the meanings ascribed thereto in the General Bond Resolution.

Section 3. The remaining sections of the General Bond Resolution shall remain unchanged and in full force and effect.

Section 4. A copy of this amending bond resolution shall be filed and published in accordance with the provisions of N.J.S.A. 40:14A-14.

Section 5. This amending bond resolution shall take effect immediately.

RECORDED VOTE

AYES: Mr. George, Mr. Booth, Mr. Brown, Mr. Mazza

NAYES:

ABSTAIN:

ABSENT: Mr. Blaisdell

Secretary's Certification

I hereby certify that this is a true copy of a resolution passed at the meeting held on May 21, 2014.

Mr. Bonello had nothing further to report.

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

May 21, 2014

- 1) Certified letter dated 4/14/14 received 4/16/14 from State of NJDEP, re: NJ Environmental Infrastructure Financing Program Final Loan Decrease/ REQ #17 for \$447,113.00
- 2) Certified letter dated 4/15/14 received 4/16/14 from Makofka Environmental Consulting LLC., re: Permit application or approval to the NJDEP under the Freshwater Wetlands Protection Act Rules / Property at 91 Monmouth Rd / B 136 L 51 / Oceanport
- 3) Letter dated 4/18/14 received 4/21/14 from NJ American Water, re: Meter change for 192 Overlook Ave 2 / No charge to the Authority
- 4) Letter dated 4/18/14 received 4/21/14 from James Berube, Counselor at Law, re: Renovation and expansion plans for the Synagogue and Site / 4 Ocean Ave Deal, NJ / B 2 Lots 8.03, 9.01 & 9.02
- 5) Legal Notice of Public Hearing from the City of Long Branch, re: Properties located at 272 Willow Ave and 266 Morris Ave/ B 189 L 4 & 11 and B179 L 47/ Application approval for the development of two multi-family residential buildings
- 6) Copy of Letter dated 4/16/14 received 4/17/14 from Maser Consulting to John Toic / First Hartford Realty Corporation, re: CVS Pharmacy / Ocean Blvd between North and South Broadway
- 7) Copy of letter dated 4/16/14 received 4/17/14 from Mann & Bonello to Office of the Clerk US Bankruptcy Court, re: Ronald Brousell / Case # 13-28531-KCF
- 8) Affidavit dated 4/19/14 received 4/22/14 from Asbury Park Press, re: Notice of Public Hearing for the new connection fee rate on May 21, 2014
- 9) Letter dated 4/17/14 received 4/23/14 from Maser Consulting, re: Parking Lot Design for the Administration Building
- 10) Agenda and reports dated 4/23/14 received 4/23/14, re: Toms River MUA, 10:30AM

- 11) Bulletin dated 4/23/14 received 4/23/14 from JIF Insurance, re: "FEMA" Deadline is April 28, 2014 to file a proof of Loss with respect to Flood Claims related to Super Storm Sandy
- 12) Email dated 4/23/14 received 4/25/14 from South Cross Cleaning, re: Janitorial Services contract ended
- 13) Letter dated 4/25/14 received 4/28/14 from NJM Insurance Group, re: Policy Holder: Longo Electrical
- 14) Certified letter dated 4/24/14 received 4/28/14 from Arcadis, re: Application for Coastal General Permit No. 15 submitted by the NJ Natural Gas for Block 396 Lots 10 & 11
- 15) Letter dated 4/25/14 received 4/28/14 from Dynamic Engineering, re: Receipt of 50% Connection fee charges for CVS Pharmacy Project / B 289 L 1-5
- 16) Affidavit dated 4/25/14 received 4/28/14 from the Link, re: Public Notice of the 2013 Audit Synopsis
- 17) Affidavit dated 4/25/14 received 4/28/14 from the Link re: Notice of Public Hearing for the new connection fee rate on May 21, 2014
- ACTION** 18) Letter dated 4/23/14 received 4/29/14 from Mary Nassimian Lopez, re: requesting a Sewer refund for paying for a two family when the house was converted to a one family at city zoning office in 1998 / B256 L14/ 12 Washington St
- 19) Copy of letter dated 4/29/14 received 5/1/14 from Maser Consulting to NJDEP, re: Collection System Rehabilitation Project Certificate of Performance
- 20) Copy of letter dated 4/30/14 received 5/1/14 from Maser Consulting to Jacob Fisher, re: Garfield Court Redevelopment/ B 314 L4
- 21) Acknowledgement Printed 4/29/14 received 5/2/14 from Dept of Treasury, re: Mr. Booth Oath and Resolution for the new term
- 22) Notice received 5/2/14 from the Department of Treasury, re: Tax- Exempt Bond Information
- 23) Purchase agreement received 5/2/14 from Harris Software Solutions, re: Professional Services / Hosting Fees for an online payment option
- 24) Letter dated 5/1/14 received 5/5/14 from NJM Insurance Group, re: Withdrawal Notice of Long Electrical Policy
- 25) Affidavit dated 4/30/14 received 5/5/14 from the Asbury Park Press re: Notice of bidders for the Splitter Box

- 26) Letter dated 5/1/14 received 5/6/14 from the NJEFT, re: 2010A Financing LBSA Project NO. S340 336-07/ Authorizes and directs the transfer amount available from the project fund to the Revenue Fund
- 27) Letter dated 5/3/14 received 5/7/14 from NJ American Water, re: Second Request to change Meter for 192 Overlook Ave 2 / No charge to the Authority
- 28) Letter dated 5/1/14 received 5/7/14 from Liberty Mutual, re: Bond 015040347 / Project NO. LBS238 WWTP Blower Building Modifications on behalf of Longo Electrical-Mechanical Inc
- 29) Letter dated 5/7/14 received 5/8/14 from Leon S Avakian, Inc. Consulting Engineers, re: 2013-14 Roadway Improvement Program City of Long Branch meeting on May 16, 2014
- 30) Copy of letter dated 5/12/14 received 5/15/14 from Kraft & Capizzi, re: fully executed opinion letter regarding the proposed amendment to the Authority's General Bond Resolution
- 31) Letter dated 5/13/14 received 5/16/14 from NJDEP, re: NJEIFP Certificate of Performance and Collection System Improvements Project
- ACTION** 32) Letter dated 5/16/14 received 5/19/14 from Kraft & Capizzi, re: General Bond Resolution- Proposed Amendment
- 33) Seminar received 5/20/14 from JIF, re: 2014 EJIF Seminar

XIII. Report of Executive Director for April, 2014

Mrs. Hartnett reported that on May 13, 2014, both of the compressors that service the microturbines failed. The Authority hired a VFD technician from Electronic Drives and Controls to troubleshoot the problem. A short was found in one compressor's motor and the second motor is also not functioning properly. The VFD's themselves are operating correctly. APS Contracting, Inc. ordered two new compressors because they believe that the compressors are still under warranty. A delivery date is expected by the end of this week

Mrs. Hartnett stated that as authorized by the Board, our engineers have been designing a new piping layout to replace our old hydraulic splitter box. This project was also included in the Sewer Revenue Bonds, Series 2014 financing. The design is now complete and funding is available. This project has been advertised and the bid date is June 4, 2014.

Mrs. Hartnett had nothing further to report.

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 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 2014

The following Resolution was moved by Mr. George, seconded by Mr. Mazza, 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 21st DAY OF MAY 2014 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT, the List of Bills for the month of April 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 April 16, 2014

Mr. Bonello reported that he has been in touch with Mr. Martone with regards to APS Contracting, Inc., but has nothing to report at this time.

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, 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 April 16, 2014

Mr. Kaplan stated that he had been working on the new connection fee, which has already been covered under the connection hearing.

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 April 2014 as listed.

RESOLUTION

BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY IN SESSION AT A REGULAR MEETING THEREOF ON THIS 21st DAY OF MAY 2014 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT that the Authority hereby approves the Transfers made for the month of April 2014 as submitted by the Executive Director and orders said report received and filed.

XV. Old Business.

A. Engineer's Report on Redevelopment Projects

Statues Quo

B. Future Capital Improvement Program

Mr. Van Dorpe reported that the collection system survey has been done. He will schedule a meeting with Mr. Martone in the near future to go over details. He confirmed that Mr. Rogers met with the City with regards to the paving project and that there were no conflicts. All other projects are on the design stages and probably will be bid sometime during the summer.

Mr. Van Dorpe had nothing further to report.

C. F.E.M.A.

Ms. Hartnett had nothing to report.

XVI. New Business

None

XVII. Miscellaneous Suggestions for the Good of the Authority

None

XIII. Adjournment at 3:18 p.m.

There being no further business, on Motion by Mr. Booth, seconded by Mr. Mazza, and passed by the affirmative vote of all members present, no nays, one absent, no abstain, the meeting was adjourned at 3:18 p.m.

Respectfully submitted,

David G. Brown, Secretary

Joseph A. Martone, Executive Director