

LONG BRANCH SEWERAGE AUTHORITY

Minutes of the Regular Meeting

October 16, 2013

I. and II. Opening and Attendance at Meeting.

A Regular Meeting of the Long Branch Sewerage Authority was called to order at 3:12 p.m., prevailing time, on Wednesday, October 16, 2013, by the Treasurer, Mr. Booth, in the Meeting Room at the Authority Administration Building, 150 Joline Avenue, Long Branch, New Jersey, attended by Mr. Brown and Mr. Mazza. Mr. Blaisdell attended via telephonic communication. Mr. George was absent.

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 and Susan Brasfield of the firm Maser Consulting, Authority Engineer; David Kaplan, Authority Auditor; John Kraft, Authority Bond Counseling, Laurie Hartnett, PCC Officer; and Liz 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 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. Brown seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, two absent, no abstain; the Public Participation portion of the Meeting was closed.

V. As to the Minutes of the Regular Meeting of September 18, 2013

On Motion by Mr. Brown, seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, two absent, no abstain, the reading of the Minutes of the Regular Meeting of the Long Branch Sewerage Authority held on September 18, 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 September 18, 2013 if any

None

VII. Correspondence

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

Item# 22 Mr. Martone explained that this is an application for a CVS Pharmacy. He asked Authority's Engineer, Mr. Van Dorpe to explain the project. Mr. Van Dorpe stated that it appears that a traffic / curb peninsula is proposed to be constructed over top of the Authority's 21" and 24" sewer lines in the southeast corner of the intersection of North Broadway and Long Branch Avenue. He recommended a meeting between the Authority and applicant to discuss proposed modifications.

The following resolution was presented:

RESOLUTION

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

WHEREAS, Dynamic Engineering, has applied for sewer connection for the CVS Pharmacy, Block 289, Lots 1, 2, 3, 4, & 5, South Broadway & Ocean Boulevard, and

WHEREAS, a submission in the amount of \$20,223.87, based on a total 1,482.20 GPD new commercial flow, less a credit of 575.3 GPD based upon 3 existing equivalent units at 70,000 gallons per year per equivalent unit, at the current rate of \$22.30/GPD.

WHEREAS, the application was accompanied by the necessary plans and specification, and

WHEREAS, the Long Branch Sewerage Authority Engineer, John Van Dorpe, has reviewed the plans and specifications and has recommended that the application be conditionally approved in his letter dated October 11, 2013, attached hereto and made a part hereof, and

WHEREAS, there is adequate capacity to service the request, and

NOW, THEREFORE, BE IT RESOLVED by the Long Branch Sewerage Authority that the application of Dynamic Engineering for connection to the sewerage system be and the same is hereby approved conditionally as per the letter of the Authority Engineer dated October 11, 2013 and upon the payment of all requisite fees, including but not limited to 50% of the total connection fee due prior to issuance of the City of Long Branch Building Permit and the remaining 50% due prior to issuance of any Certificate of Occupancy.

ROLL CALL:

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

Date: October 16, 2013
R1.10-13
Exhibit A

Item# 23 Mr. Martone reported that this is an application for a disconnection. The following resolution was presented:

RESOLUTION

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

WHEREAS, Mr. Julius L. Brett has requested a termination of sewer service in an Application for Disconnection to the Executive Director dated October 11, 2013, attached hereto to this Resolution and made a part hereof, for said property at 16 Catherine Street being serviced by the Long Branch Sewerage Authority under account #463-019-000, and

WHEREAS, the Authority has verified that there are no buildings or structures currently on the property that are occupied, and

WHEREAS, this disconnection is conditional upon all service charges being paid to date, and

NOW, THEREFORE, BE IT RESOLVED by the Long Branch Sewerage Authority that it terminates service on said property as of the fourth quarter 2013 and that an application for resumption of sewer service for said property shall be considered an application for sewer service, de novo, and subject to the procedures and costs set forth in the Rules and Regulations of the Long Branch Sewerage Authority, and

BE IT FURTHER RESOLVED that the Executive Director be authorized to execute any further documents or instruments necessary to affect this Resolution.

ROLL CALL:

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

Date: October 16, 2013
R2.10-13
Exhibit B

Mr. Martone had nothing further to report.

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

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

October 16, 2013

- 1) Certificate dated 09/16/13 received 09/18/13 from the City of Long Branch Office of the Fire Marshal, re: Uniform Fire Code Certificate of Inspection
- 2) Certified Public Notice received 09/19/13 from the City of Long Branch, re: Zoning Ordinance to obtain a variance for existing non-conformity due to pool patio /B25 L6 / 186 Bethel Ave
- 3) Certified notification letter dated 09/20/13 received 09/23/13 from Makofka Environmental Consulting, re: application for a flood hazard area for Sitting Duck Restaurant / B 238 L 1, 2.01, 2.02, 3, 4 &5
- 4) Copy of letter dated 09/23/13 received 09/24/13 from Maser Consulting to James Hannon, President, re: Outfall Anchor Replacement and Repair Project rejected bid
- 5) Notice received 09/25/13 from Toms Rives MUA, re: Agenda and Reports Meeting on 09/25/13
- 6) Memorandum dated 09/23/13 received 09/26/13 from Maser Consulting, re: VUEWorks 10.1 Upgrade End User Instructions
- 7) Letter dated 09/25/13 received 09/26/13 from Monmouth County Planning Board, re: Monmouth County Comprehensive Master Plan Kick-off/ Public Information Session
- 8) Certified Public Notice received 09/26/13 from Borough of West Long Branch, re: Monmouth University application for Preliminary and Final Major Site Plan approval and variance relief to construct a new 19,662 sq. ft. two story academic building
- 9) Letter dated 09/27/13 received 09/30/13 from Kearny Federal Savings, re: Kearny Federal Savings Bank's Certificate of Employee covering April 15, 2013 to April 15, 2016
- 10) Letter dated 10/01/13 received 10/02/13 from Kiczek & Rachinsky, LLC., re: Patricia Hurley / 33 Matilda Terrace / B 148 L 8.1/ request to expand the premises with a garage and an addition
- 11) Copy of letter dated 10/01/13 received 10/03/13 from Maser Consulting to NJDEP, re: Initiation of Operation & Conditional O & M Certification
- 12) Copy of letter dated 10/01/13 received 10/03/13 from Maser Consulting to NJDEP, re: Wastewater Treatment Plant Modifications
- 13) Certified letter dated 10/03/13 received 10/04/13 from Maser Consulting, re: Waterfront Development Permit Application for Patten Point Yacht Club / B 488 L6, 10, 11, 11.01, 11.02 & 12

- 14) Letter dated 09/27/13 received 10/04/13 from NJ Department of Community Affairs, re: Acceptance of the 2012 Audit
- 15) Email received 10/04/11 from Mr. Kaplan, re: 2014 Budget
- 16) Certified letter dated 10/03/13 received 10/07/13 from Borough of West Long Branch, re: Notice of Hearing for a proposed expansion on property at 312 Wall St / B 217 L 60
- 17) Letter received 10/07/13 from Office of Special Deputy Receiver, re: Lumbermens Mutual Casualty, in Liquidation/ American Manufactures Insurance / American Motorists Insurance
- 18) Letter dated 10/03/13 received 10/07/13 from Mine Safety Appliances Credit Dept., re: Past due balance for invoice 96984859/ dated 05/07/13 / amount \$1695.00
- 19) Letter dated 10/09/13 received 10/09/13 from Maser Consulting, re: WWTP Blower Building Modification Project request for payment/ partial payment request of \$86,637.39
- 20) Copy of Letter dates 10/07/13 received 10/09/13 from State of NJDEP to John Van Dorpe, re: NJ Environmental Infrastructure Financing Program/ NJEIFP / ARRA Project # S340336-03 / Final Plan of Operation and Initiation of Operation
- 21) Letter dated 10/04/13 received 10/09/13 from Jersey Central Power & Light, re: Lincoln Ave and Ocean Ave, Elberon / trouble reading and servicing the electric meter
- 22) Letter dated 10/11/13 received 10/11/13 from Maser Consulting, re: Approval of CVS Pharmacy /Block 289 Lots 1-5 / Ocean Blvd between North Broadway and South Broadway

ADDITIONAL CORRESPONDENCE

ACTION

- 23) Application for Disconnection dated 10/11/13 received 10/11/13 from Julius Brett, re: 16 Catherine Street / B 463 L19
- 24) Letter dated 10/09/13 received 10/15/13 from NJ American Water, re: Acc# 18-0778637-9 at 150 Joline Ave / water use is considerably higher than normal
- 25) Letter dated 10/08/13 received 10/11/13 from Valley National Bank, re: Irrevocable Letter of credit / LBS215/ Sairs & West End/ Denise's Landing
- 26) Letter dated 10/15/13 received 10/16/13 from Maser Consulting, re: Wastewater Treatment Plant Modifications Project / Partial Payment approval in the amount of \$18,449.11

XIII. Report of Executive Director for September 2013

Mr. Martone reported that he received a call from Mr. Woolley, the Long Branch City Administrator, requesting that the Authority waive the sewer connection for 6 South Elberon. The Elberon area drainage improvement project is in direct conflict with their sanitary sewer line which presently discharges to Deal. The city will be responsible for all construction costs. The following resolution was presented:

RESOLUTION

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

WHEREAS, the property located at 6 Elberon Square is currently discharging sanitary sewerage to Deal, and

WHEREAS, the City of Long Branch is undertaking a new storm drainage on South Elberon Square that is in direct conflict with this sanitary discharge line, and

WHEREAS, the City of Long Branch has requested that 6 Elberon Square be allowed to connect to the Authority's system, and the connection fee be wavier, and

WHEREAS, it would be in the best interest of the City of Long Branch and the Long Branch Sewerage Authority to waive all sewer connection fees for said connection, and

NOW, THEREFORE, BE IT RESOLVED by the Long Branch Sewerage Authority hereby waives all connection fees involved with this sewer connection conditioned on the following:

- 1) The City of Long Branch or the property owner will be responsible for all other cost related to this connection.
- 2) The Authority Chairman and Executive Director are authorized to sign any documents needed to effectuate this resolution.

ROLL CALL:

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

Date: October 16, 2013
R3.10-13

Mr. Martone explained that there has been a delay with the demolition at 134 Joline Avenue. He stated, the gas company has not yet capped and sealed the gas line. The Authority was informed that a letter of termination from the gas company should be received by October 18, 2013.

Mr. Martone had nothing further to report.

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

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

RESOLUTION

BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY IN SESSION AT A REGULAR MEETING THEREOF ON THIS 16th DAY OF OCTOBER 2013 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT, the List of Bills for the month of September 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 September 18, 2013

Mr. Bonello reported that he had a meeting with Mr. Martone and APS with regards to the Wastewater Treatment Project. He will go into more detail during executive session.

Mr. Bonello 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, two 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 September 18, 2013

Mr. Kaplan reported that he asked Mr. Kraft to attend the meeting regarding a potential bond sale. He explained that \$1,800,000.00 in temporary notes will mature in March, 2014. These notes were issued to finance the preliminary costs from the damage caused by hurricane Sandy. Mr. Kaplan recommended a new fund that will combine the outstanding notes and the next phase of the treatment and plant improvements project. He asked Mr. Kraft to give his recommendation on how to proceed.

Mr. Kraft explained that the Authority's has two options. The Authority can either get a bond from New Jersey Environmental Infrastructure Trust (NJEIT) or proceed with independent financing. He stated that if the Authority decides to go with the NJEIT the benefits will be that a portion of the bond will be interest free, the remaining portion will be at the NJEIT interest rate which normally is lower than the market rates. Also there is a possibility of 18% debt forgiveness through the NJEIT. However the downside would be that NJEIT charges administrator fees with every transaction. If the Authority financed independently the rates would probably be higher but there would be no extra fees involved.

Mr. Kraft also stated that the application for NJEIT has to be completed and submitted by the third week of November in order to qualify. The Authority's engineer, Mr. Van Dorpe, Mr. Kaplan and Mr. Martone will have a meeting and decide what option is best for Authority.

Mr. Kaplan finally reported that the 2014 Budget has been introduced. He stated that there is no rate increase for 2014. If no changes are required the Budget adoption will be presented at the December meeting. The following resolution was presented:

**2014 AUTHORITY BUDGET RESOLUTION
LONG BRANCH SEWERAGE AUTHORITY
FISCAL YEAR: FROM JANUARY 1, 2014 TO DECEMBER
31, 2014**

WHEREAS, the Annual Budget and Capital Budget for the Long Branch Sewerage Authority for the fiscal year beginning January 1, 2014 and ending December 31, 2014 has been presented before the governing body of the Long Branch Sewerage Authority at its open public meeting of October 16, 2013; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$7,038,260, Total Appropriations, including any Accumulated Deficit if any, of \$7,038,260 and Total Unreserved Net Assets utilized of \$None; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$8,327,320 and Total Unreserved Net Assets planned to be utilized as funding thereof, of \$None; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Long Branch Sewerage Authority, at an open public meeting held on October 16, 2013 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget of the Long Branch Sewerage Authority for the fiscal year beginning January 1, 2014 and ending December 31, 2014 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Long Branch Sewerage Authority will consider the Annual Budget and Capital Budget for adoption on December 18, 2013.

David G. Brown, Secretary

October 17, 2012

(date)

Governing Body Member:

Recorded Vote

AYE

NAY

Abstain

Absent

Mr. Brown
Mr. Booth
Mr. Mazza

Mr. Blaisdell
Mr. George

Mr. Kaplan had nothing further to report.

On Motion by Mr. Booth, seconded by Mr. Brown, and passed by the affirmative vote of all members present, no nays, two 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.

Status Quo.

XIII. Report, if any, by Investment Committee.

Mr. Martone explained that there is a CD maturing on October 25, 2012 for \$740,000.00. He explained that he shopped for rates and the highest rate he received was from Jersey Central Bank at 0.30% for six months. Mr. Martone asked for approval to renew the CD next week with the highest effective rate that day.

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

XIV. Transfers, if any.

The following Resolution was moved by Mr. Mazza, seconded by Mr. Booth, and passed by the affirmative vote of two members present, no nays, two absent, and one abstain (Mr. Brown), approving the Authority Transfers for the month of September 2013 as listed.

RESOLUTION

BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY IN SESSION AT A REGULAR MEETING THEREOF ON THIS 16th DAY OF OCTOBER 2013 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT that the Authority hereby approves the Transfers made for the month of September 2013 as submitted by the Executive Director and orders said report received and filed.

XV. Old Business.

A. Engineer's Report on Redevelopment Projects

1. Mr. Van Dorpe reported that the CVS pharmacy is the only new application at this time.

B. Future Capital Improvement Program

1. Mr. Van Dorpe stated this will be discussed under executive session.

C. Storm Damage and Claims

Mrs. Hartnett explained that the Authority has not received any additional money from FEMA. Mrs. Hartnett has spoken with other Authorities and was advised that they have hired their own consultants' to help navigate the reimbursement process. Two Rivers has recommended Mr. Jeff Westbrook from Witt / O'Brien's to possibly assist the Authority in its' reimbursement process of funds obligated from FEMA. We will meet with Mr. Westbrook to see if his services are available and are cost effective.

D. WWTP Blower Building Modifications

1. Mr. Van Dorpe explained that there have been some delays with the flow meters delivery. However, the job is progressing well and should be completed in a timely manner.

At this time Mr. Bonello recommended the board go into Executive Session. The following resolution was presented:

RESOLUTION

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

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

Date: October 16, 2013
ResExSess

At this time Mr. Bonello resumed the regular session.

XVI. New Business

None

XVII. Miscellaneous Suggestions for the Good of the Authority

None

XIII. Adjournment at 4:20 p.m.

There being no further business, on Motion by Mr. Mazza, seconded by Mr. Booth, and passed by the affirmative vote of all members present, no nays, two absent, no abstain, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

David G. Brown, Secretary

Joseph A. Martone, Executive Director