

LONG BRANCH SEWERAGE AUTHORITY

Minutes of the Regular Meeting

October 15, 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, October 15, 2014 by the Secretary Mr. Brown, in the Meeting Room at the Authority Administration Building, 150 Joline Avenue, Long Branch, New Jersey, attended by Mr. Booth 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, of the firm Maser Consulting, Authority Engineer; David Kaplan, Authority Auditor; Laurie Hartnett, PCC Officer; and Nicole Woods, 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.

Mr. & Mrs. Seward addressed the board regarding their property at 101 Long Branch Ave. The property is uninhabitable and has been since October of 2012 as result of Hurricane Sandy. They have requested a sewer disconnection and all 2014 sewer charges to be waived.

Mr. Martone suggested the following resolution.

RESOLUTION

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

WHEREAS, Mr. & Mrs. Seward have requested a termination of sewer service in an Application for Disconnection to the Executive Director dated October 6, 2014, attached hereto to this Resolution and made a part hereof, for said property at 101 Long Branch Ave. being serviced by the Long Branch Sewerage Authority under account #308-031-000, and

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

WHEREAS, the Authority has verified that the property has been declared uninhabitable by the engineers reports, attached hereto to this Resolution and made a part hereof, as result of damages sustained during hurricane Sandy in October of 2012 and has been uninhabitable since then, and

NOW, THEREFORE, BE IT RESOLVED by the Long Branch Sewerage Authority that it terminates service on said property as of December 31, 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 | - AYE |
| Mr. George | - ABSENT |
| Mr. Brown | - AYE |
| Mr. Booth | - AYE |
| Mr. Mazza | - AYE |

Date: October 15, 2014
R1.10-14
Exhibits A, B & C

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 Public Participation portion of the Meeting was closed.

V. As to the Minutes of the Regular Meeting of September 2014

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 reading of the Minutes of the Regular Meeting of the Long Branch Sewerage Authority held on September 17, 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 September 17, 2014, if any

None.

VII. Correspondence

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

Mr. Martone discussed item #8 a notification of the Association of Environmental Authorities Conference to be held at the Golden Nugget hotel and casino in Atlantic City on November 18-19, 2014. Mr.

Mr. Martone suggested to following resolution.

RESOLUTION

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

WHEREAS, Joseph Martone and several LBSA employees desire to attend the AEA Annual Conference to be held November

18, 2014 to November 19, 2014 at the Golden Nugget in Atlantic City, and

NOW, THEREFORE, BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY THAT:

1. Joseph Martone and any of the aforementioned employees who have the approval of Mr. Martone and the Board, are authorized to attend the AEA Annual Conference to be held November 18, 2014 to November 19, 2014 at the Golden Nugget in Atlantic City

2. The Authority will pay all registration fees for this purpose including accommodations.

3. The Authority will allow a maximum amount of \$50.00 per day per person for reimbursable expenses.

4. The Authority will provide all transportation costs for attending the meeting.

5. Any Authority Commissioners are also authorized to attend if they so desire under the same terms and conditions.

ROLL CALL:

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

Date: October 15, 2014
R2.10-14

Mr. Martone stated that item #14 is a payment request from Allied Construction Group.

Mr. Van Dorpe explained that the payment is for the Primary Tank Influent System Reconstruction project and recommended the following resolution.

RESOLUTION

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

WHEREAS, the Long Branch Sewerage Authority has received a Partial Payment Request # 1, from Allied Construction Group for the Primary Tank Influent System Reconstruction, and

WHEREAS, this request for payment is in the amount of \$26,460.00, and

WHEREAS, the Authority Engineer, John Van Dorpe, has recommended payment of this request, per his letter dated October 7, 2014, attached hereto and made a part hereof, and

NOW, THEREFORE, BE IT RESOLVED by the Long Branch Sewerage Authority that it approves payment of request #1 to Allied Construction Group in the amount of \$26,460.00.

ROLL CALL:

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

Date: October 15, 2014
R3.10-14
Exhibit D

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

October 15, 2014

- 1) Copy of a letter dated 9/30/14 received 9/17/14 from Leon S. Avakian, Inc. Consulting Engineers to Mr. Paul Fernandes, re: Improvements to Sairs Ave.
- 2) Agenda and reports received 09/19/14 from NJUA JIF, re: Meeting on 9/24/14
- 3) Fax dated 9/22/14 received 9/23/14 from In-Site Engineering, re: Utility availability request for 213-215 Third Ave. / B 228 L 42 & 43.01.

- 4) Letter dated 9/21/14 received 9/25/14 from Qual-Lynx, re: Wilynn Turner claim.
- 5) Fax dated 9/26/14 received 9/26/14 from NJUA JIF, re: 01/01/14 to 01/01/15 Insurance Program.
- 6) Copy of a letter dated 9/24/14 received 9/26/14 from Manna & Bonello to Louis Garippo Jr., re: Sanitary Sewer Easement, 147 West End Ave.
- 7) Letter dated 9/25/14 received 09/30/14 from Hydro-Marine, re: Outfall Anchor Replacement and Repair Project.

ACTION

- 8) Email dated 10/1/14 received 10/1/14 from Association of Environmental Authorities, re: AEA Conference Nov. 18-19 at the Golden Nugget in Atlantic City.
- 9) Email dated 10/2/14 received 10/2/14 from Jason Thorpe, PERMA, re: EJIF Alert – New Generator Permit
- 10) Copy of a letter dated 10/2/14 received 10/3/14 from Maser Consulting to InSite Engineering, LLC; re: Request for service availability for 213-215 Third Ave./B 228 L 42&43.01

ACTION

- 11) Application for Disconnection dated 10/6/14 received 10/6/14 from Charles & Bobbi Seward, re: 101 Long Branch Ave. / B 308 L 31
- 12) Letter dated 10/2/14 received 10/6/14 from Mercadien, PC, re: Certified Public Accountant Services
- 13) Letter dated 10/2/14 received 10/7/14 from Ruth Fitzgerald, re: 140 Joline Ave demolition

ACTION

- 14) Letter dated 10/7/14 received 10/7/14 from Maser Consulting, re: Primary Tank Influent System Reconstruction Partial Payment Request #1
- 15) Email dated 10/9/14 received 10/9/14 from Qual-Lynx, re: Wilynn Turner case, request for an affidavit of non-jurisdiction
- 16) Letter dated 10/6/14 received 10/9/14 from Dukes Root Control, Inc., re: Recent sewer root control treatments: log sheets and guarantee
- 17) Letter dated 10/1/14 received 10/9/14 from Selective Insurance, re: Policy # FLD1301000 partial insurance premium refund of \$363.00
- 18) Letter dated 10/1/14 received 10/10/14 from Selective Insurance, re: Policy # FLD1300997 partial insurance premium refund of \$377.00

- 19) Letter dated 10/1/14 received 10/10/14 from Selective Insurance, re: Policy # FLD1300994 partial insurance premium refund of \$384.00

ADDITIONAL CORRESPONDENCE

- 20) Notice of Hearing received 10/14/14 from Siciliano & Bransley, LLC, re: B 412 L3 / 103 Joline Ave
- 21) Notice of Hearing received 10/14/14 from Albert A. Zager, Esq., re: B67 L3.2/ 270 Hwy. 36 West Long Branch
- 22) Email dated 10/10/14 received 10/14/14 from Diversified Realty Advisors, LLC, re: Long Branch Partners/Broadway Arts Center wishes to address the board at the November meeting.
- 23) Letter dated 10/1/14 received 10/14/14 from Selective Insurance, re: Policy # FLD1301005 partial insurance premium refund of \$474.00
- 24) Letter dated 10/1/14 received 10/14/14 from Selective Insurance, re: Policy # FLD1301006 partial insurance premium refund of \$381.00
- 25) Letter dated 10/1/14 received 10/14/14 from Selective Insurance, re: Policy # FLD1301002 partial insurance premium refund of \$374.00

On Motion by Mr. Booth, seconded by Mr. Blaisdell, 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 September, 2014

Mr. Martone reported that the labor negotiations for the blue collar union have been completed and the changes have been accepted by the union. Mr. Martone explained that negotiations for the white collar union contract, which will expire December 31, 2014, will begin on Friday.

Mr. Martone explained that the Authority's insurance company (Joint Insurance Fund) requires a resolution approving the Authority's personnel policy's handbook every two years. Mrs. Hartnett explained several changes pertaining to the technology policy, family leave act regarding domestic violence and the newly added travel policy. Mr. Martone recommended the following resolution.

RESOLUTION

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

WHEREAS, it is the policy of The Long Branch Sewerage Authority to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Long Branch Sewerage Authority has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Long Branch Sewerage Authority that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Authority officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Authority employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Authority's Board of Directors and Executive Director.

BE IT FURTHER RESOLVED that to the maximum

extent permitted by law, employment practices for the Authority shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that Arthur Thibault is hereby appointed as Labor Counsel to advise the Long Branch Sewerage Authority in personnel matters.

BE IT FURTHER RESOLVED that the Executive Director and all managerial/supervisory personnel are responsible for these employment practices. The Process Control/Compliance Officer and the Authority Attorney shall assist the Executive Director in the implementation of the policies and procedures in this manual.

ROLL CALL:

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

Date: October 15, 2014
R4.10-14
Exhibit E

Mr. Martone explained that Mr. Tint with Diversified Realty Advisors, the company that purchased the Broadway Arts Center properties, will address the board at the November meeting.

Mr. Martone had nothing further to report.

On Motion by Mr. Mazza, 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 September 2014

The following Resolution was moved by Mr. Booth, 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 15th DAY OF OCTOBER 2014 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT, the List of Bills for the month of September 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 September 17, 2014

Mr. Bonello reported that he worked with Mr. Martone on the APS Contracting settlement and various personnel issues.

Mr. Bonello 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, 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 September 17, 2014

Mr. Kaplan introduced the 2015 budget for adoption. The budget as presented does not call for any rate increase for the year of 2015. Mr. Kaplan explained that the State of New Jersey changed the budget document form this year. All sections have been completed and the budget will be introduced sixty (60) days prior to year end for review and will be adopted in December.

Mr. Kaplan suggested the following resolution.

2015 AUTHORITY BUDGET RESOLUTION

LONG BRANCH SEWERAGE AUTHORITY

| | | |
|---------------|----------------|-----------------|
| FISCAL | FROM: | TO: |
| YEAR: | JANUARY | DECEMBER |
| | 1, 2015 | 31, 2015 |

WHEREAS, the Annual Budget and Capital Budget for the Long Branch Sewerage Authority for the fiscal year beginning, January 1, 2015 and ending, December 31, 2015 has been presented before the governing body of the Long Branch Sewerage Authority at its open public meeting of October 15, 2014; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$6,504,790, Total Appropriations, including any Accumulated Deficit if any, of \$6,763,331 and Total Unrestricted Net Position utilized of \$258,541; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$294,143 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$294,143; 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/Program, 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 15, 2014 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Long Branch Sewerage Authority for the fiscal year beginning, January 1, 2015 and ending, December 31, 2015 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/Program for adoption on December 17, 2014.

(Secretary's Signature)

October 15, 2014

| <u>Governing Body</u> | | | <u>Recorded Vote</u> | |
|-----------------------|---------------|-----|----------------------|------------|
| Member : | Aye | Nay | Abstain | Absent |
| | Mr. Blaisdell | | | Mr. George |
| | Mr. Booth | | | |
| | Mr. Brown | | | |
| | Mr. Mazza | | | |

Mr. Kaplan 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, 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.

The investments are as listed. Mr. Martone explained that there is a \$5,000,000.00 CD due next week, Mrs. Uyeyama has compared rates and the best rate found was from Kearney Federal Savings for .3 percent for a term of 6 months.

On Motion by Mr. Booth, seconded by Mr. Blaisdell, and passed by the affirmative vote of three 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. Booth, seconded by Mr. Mazza, 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 September 2014 as listed.

RESOLUTION

BE IT RESOLVED BY THE LONG BRANCH SEWERAGE AUTHORITY IN SESSION AT A REGULAR MEETING THEREOF ON THIS 15th DAY OF OCTOBER 2014 PURSUANT TO NOTICE AT WHICH AT LEAST A QUORUM IS PRESENT that the Authority hereby approves the Transfers made for the month of September 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 reported that the Woodrow Wilson project is approaching completion pending the payment of the final connection fees.

B. Primary Tank Influent Systems Reconstruction

Mr. Van Dorpe reiterated that the payment to Allied Construction Group was for the drainage phase.

C. Outfall Anchor Replacement and Repair Project

Mr. Van Dorpe explained that the start of this project has been pushed back as per the contractor's request due to a failure with the video feed while filming the outfall line. At that time only the audio was functioning. There was also a discrepancy found from earlier video outfall reports. Mr. Van Dorpe explained that more anchors were found along the length of the outfall pipe than previously recorded. This latest survey showed a total of 20 anchors and not eleven from the previous survey. The original contract allowed for the replacement of eleven anchors. Mr. Van Dorpe feels that eleven anchors being replace is sufficient. All the other anchors will remain.

D. Parking Lots and Automated Gates

Mr. Van Dorpe explained that part of the fence work has been completed to allow for the drainage of the parking lot. Mr. Martone stated that the contractor is waiting for the automated gates to be delivered which should be within the next few weeks.

E. Collection Systems Rehabilitation

Mr. Van Dorpe reported that this project will be sent out for bid within the next three weeks and will be awarded by the December meeting.

F. F.E.M.A.

Mr. Hartnett reported that FEMA has notified her that a payment of \$264,000.00 has been processed and batched for payment.

XVI. New Business

Mr. Brown reported that the intersection of Seaview Ave and Long Branch Ave. will be closed for nine months to a year for repairs to the bridge. Access will be restricted on Seaview Avenue which will restrict access for Authority vehicles from leaving the plant via the back gate.

XVII. Miscellaneous Suggestions for the Good of the Authority

None

XIII. Adjournment at 3:27 p.m.

There being no further business, on Motion by Mr. Booth, seconded by Mr. Blaisdell, and passed by the affirmative vote of all members present, no nays, one absent, no abstain, the meeting was adjourned at 3:27 p.m.

Respectfully submitted,

David G. Brown, Secretary

Joseph A. Martone, Executive Director