



Board of Commissioners
Senator Robert Singer, Chairman
Mayor Raymond Coles, Vice Chairman
Craig Theibault, Treasurer
Anne Fish, Assistant Secretary
P. G. Waxman, Commissioner
Samuel Flancbaum, Alt. Commissioner
Meir Lichtenstein, Alt. Commissioner

THE LAKEWOOD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

Regular Meeting Minutes

February 4, 2020

- I. Senator Singer opened the meeting at 2:17 P.M. in the Conference Room of the Lakewood Township Municipal Utilities Authority, 390 New Hampshire Avenue, Lakewood, New Jersey immediately following the Annual Reorganization Meeting.
- II. It was announced that in accordance with Chapter 231, Public Law, adequate notice of this meeting was given and that a notice of this scheduled meeting was filed with the Township Clerk and posted in the Municipal Building in a place accessible to the public and by means of public notices in the Asbury Park Press on February 19, 2019 and The Tri Town News on February 20, 2019.
- III. **Salute to the Flag**
- IV. **Roll Call of Commissioners**
On roll call the following Commissioners were present: Mr. Lichtenstein, Mr. S. Flancbaum, Mr. Theibault, Mayor Coles, Mr. Waxman, Mrs. Fish and Senator Singer. The following professionals and key personnel were present: Mr. Adam Pfeffer, Esq., Mr. Gerwin Bauer, Auditor, Mr. Justin Flancbaum, Executive Director, Mr. Daniel Rappoccio, CFO, Mr. Colin Farrell, CEng MIEI, Director of Engineering, Mr. Adam Ponsi, P. E., Mr. Robert Farina, Director of Operations and Mrs. Nechama Lapa, Secretary.
- V. **Minutes**
A **motion** to approve the minutes of the Regular Meeting held on January 7, 2020, was made by Mr. Theibault and seconded by Mrs. Fish. On a **voice vote**, all members present voted "**Aye**". **Motion carried.**

A **motion** to approve the minutes of the Connection Fee Hearing held on January 7, 2020, was made by Mr. Waxman and seconded by Mayor Coles. On **roll call**, all members present voted "**Yes**". **Motion carried.**
- VI. **Chief Financial Officer Report**
 1. **Financial Results Review For Period Ending January 31, 2020**
The Authorities net position for the period ending January 31, 2020 is approximately \$1.4 Million. This is approximately \$20,000.00 ahead of the budget year to date. The Authority's operating revenue is approximately \$2.8 Million. This is approximately \$66,000.00 ahead of the budget. This continues to be driven by the residential and

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industrial service charges. The Authority's expenses are slightly behind the budget. This is primarily driven by laboratory testing in the month of January. Senator Singer asked why is there additional testing. Mr. Rappoccio answered that the PFOA's are more expensive. Mr. Farina added the PFOA testing is probably double in charge than the regular testing.

2. **Motion to Approve Operating Vouchers**

Mr. Rappoccio provided the commissioners with a list of abstentions. The amount for the Operating Expense Vouchers is \$1,107,361.72. A **motion** to approve operating vouchers in the amount of \$1,107,361.72 was made by Mr. Waxman, seconded by Mayor Coles. On **roll call**, all members present voted, "Yes" with **noted abstentions**. **Motion Carried.**

VII. **Engineer's Report**

Mr. Ponsi's Report

1. **Airport Road and Energy Way Flex Space (Airport Road Investments, LLC – Jack Klugman)**

- Resolution Accepting Terms of Developer's Agreement

On January 9, 2020 a meeting was held to discuss the terms of the Developer's Agreement. The only special condition is that instead of Connection Fees being paid at final approval they will be paid prior to installation of the meter. Senator Singer asked if there is any reason for this. Mr. Ponsi said that the Rules and Regulations require the Connection Fees to be paid at time of final approval but the Authority regularly allows developers to pay right before the installation of the meter. Mrs. Lapa read **Resolution No. 20-27 Accepting Terms Of Developers Agreement Airport Road and Energy Way Flex Space**. Motion was made by Mayor Coles, seconded by Mr. Waxman. On **roll call**, all members present voted "Yes". **Adopted.**

2. **Lanes Mill Road School No. 2 (Noam Hatalmud Corp – Uri Kanarek & Abe Auerbach)**

- Resolution Accepting Terms of Developer's Agreement

On January 3, 2020 a meeting was held at the Authority to discuss the terms of the Developer's Agreement. This Developer's Agreement has a few conditions. The Developer is required to install a water main extension in front of the property on Lanes Mill Road. The Developer is required to pay a fair share contribution towards the sanitary sewer main extension. However, as part of the agreement, this school is making an agreement on the side with another school. If the other school agrees to do the extension themselves, then the Lanes Mill Road School No. 2 does not have to do the extension. Mr. Waxman asked if Mr. Ponsi is okay with it. Mr. Ponsi said he is. Mrs. Lapa read **Resolution No. 20-28 Accepting Terms Of Developers Agreement Lanes Mill Road School No. 2**. Motion was made by Mayor Coles, seconded by Mrs. Fish. On **roll call**, Mayor Coles, Mr. Waxman, Mrs. Fish and Senator Singer voted "Yes". Mr. Theibault abstained. Senator Singer asked if the Developer thoroughly understands this agreement. Mr. Pfeffer said there were meetings with the engineers where it was fully explained. Senator Singer wants them to understand that if the other school does not do it, they are doing it. Mr. Pfeffer said that the Developer's Agreement states very clearly that the requirement for them not to do it only comes out when the other school signs their agreement. It was abundantly clear. **Adopted.**

3. Tuscany II (Adil Homes, LLC – Jack Klugman)

- Resolution Accepting Terms of Developer's Agreement
- Resolution Granting Amended Technical and Final Approval Phase 1
- Resolution Granting Final Approval Phase 2

On January 9, 2020 a meeting was held at the Authority to discuss amendments to Schedule 'B' of the Developer's Agreement. The location of the water main loop has changed. It will go from Ridge Avenue, parallel to the sewer main extension down the paper road and down to County Line. This will complete the loop needed for this development to connect more houses. The Authority agrees to reimburse the Developer the cost of the water main loop in the form of credits against connection fees up to the total amount of connection fees owed for the project. If connection fees were previously paid by the Developer, the Authority agrees to reimburse the Developer the fees already paid. Mrs. Lapa read **Resolution No. 20-29 Accepting Terms Of Developers Agreement Tuscany II**. Motion was made by Mayor Coles, seconded by Mrs. Fish. On **roll call**, all members present voted "Yes". **Adopted**.

On January 29, 2020 GTS Consultants issued technical application review no. 19 and final application review no. 17. At this time the Authority the Authority may grant amended technical and final approval for phase one of the Tuscany II project for the new water main loop design conditioned on the GTS letter dated January 29, 2020. Mrs. Lapa read **Resolution No. 20-30 Granting Amended Technical and Final Approval Phase One Tuscany II**. Motion was made by Mayor Coles, seconded by Mrs. Fish. On **roll call**, all members present voted "Yes". **Adopted**.

At this time the Authority may grant final approval for phase two of the Tuscany II project conditioned on the GTS letter dated January 29, 2020. Mrs. Lapa read **Resolution No. 20-31 Granting Final Approval Phase Two Tuscany II**. Motion was made by Mr. Waxman, seconded by Mrs. Fish. On **roll call**, all members present voted "Yes". **Adopted**.

4. Golders Green Road Subdivision (Congregation Maalos Hatorah – Aaron Perlow)

- Resolution Granting Amended Conceptual and Technical Approval

The applicants engineer contacted the Authority because of comments received from the NJDEP. The State is not going to approve their sanitary sewer design. A revised design was submitted based on the State's comments for a combination low pressure force main. All the houses will connect their force mains into a combined force main throughout the development. They are requiring the developer to have a Homeowner's Association to own the force main. Mr. Waxman asked if this is standard procedure. Mr. Ponsi said this is not a standard design, but this is what the State is asking for. The Authority does not want to own the force main. Mr. Pfeffer said the developer asked the Authority to own the force main and the response was absolutely not. Mr. Waxman asked if this can be put in the title work as a deed restriction or covenant for all the homeowners. Mr. Pfeffer replied that this has not been approved yet. This resolution is for the Authority to say that the Authority is okay with the application. When the developer comes back to the Authority for a Developer's Agreement, the Authority at that time, as part of the agreement, will require that notice has to be given to any of the homeowners that it applies to. It is okay if you want to condition your vote on saying that it needs to be done then. Right now we are looking to approve what the State has changed and saying that it is acceptable. The Authority can require in the Developer's Agreement that the developer has to give notice regarding the force main and put it into each deed. A conversation ensued regarding how to inform the potential homeowners regarding the force main sanitary sewer design in the road and the Homeowners

Association responsibility for it. Mr. Waxman asked if the Authority has to approve this. Mr. Pfeffer said no. Different ideas of putting this information into the contract and deed were discussed. A suggestion was made to send a letter to the homeowner before he signs up for an account explaining exact responsibilities with their sewer system. Mr. J. Flancbaum suggested it be put on the check list before the meter is installed and also before the Certificate of Compliance is issued to the Building Department. Mr. Ponsi said the developer needs this resolution passed today because he needs it to submit his TWA permit today, as today is the last day to submit. Mrs. Lapa read **Resolution No. 20-32 Granting Amended Conceptual and Technical Approval Golders Green Road Subdivision**. Motion was made by Mr. Theibault, seconded by Mayor Coles. On **roll call**, Mr. Theibault, Mayor Coles, Mrs. Fish and Senator Singer voted “**Yes**”. Mr. Waxman abstained. **Adopted**.

Mr. Farrell’s Report

5. Bulk Purchase Agreement NJAW

- Resolution Awarding Change Order No. 1

On January 29, 2020 Maser Consultants submitted Change Order no. 1 for additional meetings and coordination with the Authority and New Jersey American Water Company in the cost not to exceed amount of \$2,000.00. At this time the Authority may award Change Order no. 1 to Maser Consultants in the amount of \$2,000.00. Mrs. Lapa read **Resolution No. 20-33 Awarding Change Order No. 1 Bulk Purchase Agreement New Jersey American Water**. Motion was made by Mayor Coles, seconded by Mrs. Fish. On a voice vote, all members present voted “Aye”. **Adopted**.

6. County Line Manor Pump Station Upgrades Gravity Sewer Main

- Resolution Awarding Change Order No. 1

On January 3, 2020 Pillari Brothers submitted Change Order request no. 1 for replacing the aluminum ladders in the manholes with steps. That is a credit in the amount of \$9,884.28. Also for providing electronic message boards as required by Lakewood Police and Ocean County for \$3,320.90. The total is a net credit amount of \$6,563.38. At this time the Authority may award Change Order no. 1 in the net credit amount of \$6,563.38 conditioned on the approval of Van Cleef Associates. Mrs. Lapa read **Resolution No. 20-34 Awarding Change Order No. 1 County Line Manor Pump Station Upgrades Gravity Sewer Main**. Motion was made by Mr. Waxman, seconded by Mrs. Fish. Senator Singer asked when this project will end. Mr. J. Flancbaum said it is almost done. This project, eliminating the pump station, started the beginning of December. Next week they will start the bore across from the Church to the Shul where the pump station is. Then the pump station will be decommissioned. Senator Singer questioned the expense for the message board. Mr. J. Flancbaum said the message board was separate from the contract. Mr. Farrell said the County requested it. Senator Singer asked how long they were needed for. Mr. Farrell said it was up for a couple of weeks. On **roll call**, all members present voted “**Yes**”. **Adopted**.

7. Administration Building Renovation and Expansion (Addition)

- Resolution Awarding Change Order No. 2
- Resolution Awarding Change Order No. 3

On January 28, 2020 the Authority received Change Order no. 2 from Nordfors Architecture for the design and construction documents necessary for the second floor addition in the lump sum amount of \$20,010.00. At this time the Authority may award Change Order no. 2 for the design and construction documents necessary for the second floor addition in the lump sum amount of \$20,010.00, contingent that this includes the first floor design and construction. Mrs. Lapa read **Resolution No. 20-35**

Awarding Change Order No. 2 Administration Building Renovation and Expansion. Motion was made by Mayor Coles, seconded by Mrs. Fish. On **roll call**, all members present voted **“Yes”**. **Adopted.**

On January 28, 2020 the Authority received Change Order no. 3 from Nordfors Architecture for the design and construction documents necessary for renovations and alterations of the current administration building space in the lump sum amount of \$13,980.00. At this time the Authority may award Change Order no. 3 to Nordfors Architecture for \$13,980.00. Mrs. Lapa read **Resolution No. 20-36 Awarding Change Order No. 3 Administration Building Renovation and Expansion.** Motion was made by Mayor Coles, seconded by Mrs. Fish. On **roll call**, all members present voted **“Yes”**. **Adopted.**

VIII. Attorney's Report

Mr. Pfeffer said he would like to go into Executive Session at the end of the meeting to discuss a possible litigation and an update on existing litigation.

IX. Executive Director's Report

1. Resolution awarding contract to MBA Associates, Inc. for inspections of tanks and clearwells

A Request For Proposal opening was held on January 23, 2020. Two proposals were received. One was from MBA Associates, Inc. for \$22,400.00 and one from B&M Inspection and Supply for \$27,260.00. Mr. J. Flancbaum recommends awarding the contract to MBA Associates, the cheaper proposal. They will inspect and go inside all the tanks and clearwells. They will give a full report afterwards and inform if there are any issues. Mrs. Lapa read **Resolution No. 20-37 Awarding A Contract For Inspections Of Tanks And Clearwells.** Motion was made by Mr. Waxman, seconded by Mrs. Fish. On **roll call**, all members present voted **“Yes”**. **Adopted.**

2. New Boil Water Notice Law

Mr. J. Flancbaum wanted to make the Commissioners aware of a new law that was signed by Governor Murphy at the beginning of January. It requires all water purveyors to notify to the Mayor and Township Clerk, or another designee, when a boil water notice is issued. Mr. J. Flancbaum worked with the Township Manager to make sure the Authority will be in compliance with the new law. It requires a call to be made and an email sent. A dedicated email address, boilwaternotice@lakewoodnj.gov was set up. This email is only internal, from Authority's personnel to the Township's personnel. This will let the Mayor and the Clerk know what is going on. The Township set up a phone number with a dedicated extension that we will call in order to be in compliance with the new law. Mr. Waxman asked whose job is it to disseminate the boil water information to the customers. Mr. J. Flancbaum said it is the Authority's job. Unfortunately the new law did not make a distinction between public authorities and municipal water departments. Even if you are an authority, you have to let the Mayor and Township Clerk know about it.

Added item to agenda:

3. Resolution to Dispose of Personal Property

The Authority had some old meter equipment up for sale on govdeals.com and there were no takers. The Borough of Lakehurst's Mayor said that they use that old meter reading equipment that the Authority has absolutely no use for. The Authority would like dispose it and give it to the Borough of Lakehurst. Senator Singer said that when the

Authority had a problem with a jet truck, the Borough of Lakehurst let us use theirs at no charge. Mrs. Lapa read **Resolution No. 20-38 Authorizing Disposal Of Personal Property**. Motion was made by Mr. Waxman, seconded by Mrs. Fish. On **roll call**, all members present voted “**Yes**”. **Adopted**.

X. Technical Operations Report

Field Operations Report:

1. New Valve truck

We received the new valve actuator truck and had the first part of a two part training of its operation. The vehicle has been outfitted with safety lighting and Authority signage. The vehicle is out and deployed in the field.

Technical Operations:

2. SCADA System

All SCADA and communications systems are working well.

3. New and existing New Jersey American Water interconnect communications

We met with New Jersey American Water engineering with regards to the new interconnects. We discussed how we are going to obtain operational parameters and deliver them to our SCADA system for our monitoring purposes. I, together with our SCADA outside contractor came up with a low cost plan that will give our Operations personnel what they need to keep SCADA safe from cyber-attacks. We plan on implementing the same thing at our existing New Jersey American Water interconnects on Route 88 as well.

IT Department:

4. Well maintenance management

An active Excel sheet was set up in order for Operations Management to track the well maintenance schedules. This will ensure that the wells are rehabilitated on the set schedules and that none are ever missed or passed over. Well no. 17 is back in operation and currently in recharge mode.

5. Contractor access to Authority SCADA System

The setup of a VPN was completed for the SCADA contractor to safely access the system for round the clock troubleshooting.

GIS Department:

6. New Field Operation iPad status

The new iPads have been received and are now in the process of being setup for deployment.

7. Valve data manipulation

Our GIS specialist is working on the most effective way to integrate the valve data obtained from the new valve testing vehicle into the main GIS data base.

8. Electronic management of mark out work orders

Our GIS specialist started utilizing ESRI's new workforce application to digitally assign and track all mark out work orders.

XI. CLOSED SESSION

Senator Singer asked for a closed session for litigation and potential litigation. The meeting went into closed session at 3:05 P.M. Mrs. Lapa read **Resolution No. 20-39 To Go Into Closed Session**. Motion was made by Mr. Waxman, seconded by Mayor Coles. On a **voice vote** all members present voted "**Aye**". **Adopted**.

XII. OPEN SESSION

Open session started at 3:41 P.M. Senator Singer stated that the Commissioners are not happy with the approval of the vote regarding Golders Green Road Subdivision. The Commissioners have serious reservations on the project itself, what responsibility both the developer and the homeowner's association/the homeowners will have. But we have no alternative because if we do not approve one of two ways, either the force main or a pump station, the property will become unusable. Therefore we are taking the lesser of two evils and approving the force main. We are insisting that the developer, both before people purchase and sign a contract as well as once they do, inform that the homeowner's association/homeowners are responsible for the force main. The homeowners are responsible for the pumps on their property in their house. The association will be responsible if the road has to be torn up. It is a Township road. They will have to pay for the repairs. It is not the Authority's responsibility. We know that this is not the best way to do things but the only way we understand how to do it. Otherwise we would have to deny the project.

XIII. Commissioners' Report

XIV. MEETING OPEN TO THE PUBLIC

XV. ADJOURNMENT

A motion was made by Mayor Coles, seconded by Mr. Waxman to adjourn meeting. On a **voice vote**, all members present voted, "**Aye**". The meeting was adjourned at 3:42 P.M.

Respectfully submitted,

Nechama Lapa,
Secretary, LTMUA