

LAKWOOD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

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THE LAKEWOOD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

Regular Meeting Minutes

August 7, 2012

- I. Senator Singer opened the meeting at 10:00 A.M. in the Conference Room of the Lakewood Township Municipal Utilities Authority, 390 New Hampshire Avenue, Lakewood, New Jersey.
- 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 10, 2012 and the Tri Town News on February 16, 2012.
- III. **Salute to the Flag**
- IV. **Roll Call of Commissioners**

On the roll call the following Commissioners were present: Mr. Theibault, Mr. S. Flancbaum, Mr. Coles, Mr. Waxman and Senator Singer. Mr. S. Flancbaum and Mr. Theibault were seated as alternates. The following professionals were present: Mr. Norman Smith, Esq. and Mr. Gerwin Bauer, Jr., Auditor. Mr. Justin Flancbaum, Executive Director, Mr. Paul Morrill, Engineer, Mrs. Nancy Lapa, Secretary and Mr. Robert Farina, Instrumentation/IT Department Supervisor were in attendance.
- V. **Minutes**

A motion to approve the minutes of the Regular Meeting on July 18, 2012, was made by Mr. Coles and seconded by Mr. Waxman. On a **voice vote**, all members present voted, "**Aye**". **Motion carried.**
- VI. **Accountant's Report**

Mr. Bauer reviewed the study done by Aon for post-employment health benefits. The contribution amount is about double from before. It went from approximately \$83,000 to approximately \$160,000. Mr. Bauer said he will use this amount for the next year's budget. Senator Singer thanked Mr. Bauer for taking care of this. Mr. Bauer said that the Authority is one of the few agencies in the State that had the study done. The State Legislature has to set up some kind of cash

mechanism to have these monies set aside. Right now it is not recognized. It has to be in a non-revocable trust. At this time it is not legal in the State of New Jersey. The State will be working on it.

Mrs. Fish arrived at 10:03 A.M. Mr. Theibault is no longer seated as an alternate.

VII. Engineer's Report

1. Meter Replacement Phase 2

- Resolution Ratifying Reduction in Cost to Change Order #1

Mrs. Lapa read **Resolution # 12-77 Ratifying Reduction To Change Order No.**

2. Meter Replacement Phase II. Motion was made by Mr. Coles, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

VIII. New Hampshire Avenue & Healthcare Way Apartments (EZ Storage Site)

- Resolution Accepting Terms of Developer's Agreement

In the packet on page five is Schedule B, dated July 25, 2012. It details the terms of the agreement which includes that the developer is willing to pay \$60,000 to the Authority towards the construction of the sanitary sewer that will go around their property. This \$60,000 is in conjunction with the \$100,000 received from Knipper that will start a sewer line that will eventually replace the sewer line on Healthcare Way, formerly known as Salem Street. That sewer line was installed in the 1960's and is below State standards and has been known as a problem for a while. Eventually, the new sewer line will be used to service the area. The developer has agreed to do this in lieu of building an eighteen inch line across the front of their property, which the Authority originally intended to service the area. Mr. Smith said that there is a clause in the Developer's Agreement that states that if the next property down gets developed, the Authority is required to levy that property developer their fair share of the construction of this line because they will be benefitting from it. Mr. Smith also stated that because of a couple of conflicting appellate division cases that came down in the last two years, the law on whether the Authority actually has the power to do it is unclear. Therefore, Mr. Smith said he provided in the Developer's Agreement that if the Authority is drawn into a law suit on this, this developer will pay the legal fees. Mrs. Lapa read **Resolution # 12-78 Authorizing Of The Developer's Agreement New Hampshire Avenue And Healthcare Way Apartments.** Motion was made by Mr. Waxman, seconded by Mrs. Fish. On **roll call**, all members present voted, "**Yes**". **Adopted.**

IX. County Line Manor Synagogue

- Resolution Accepting Terms of Developer's Agreement

In the packet on page seven is a Schedule B. It is undated and unsigned. It gives the terms of this project. It is detailed due to the fact that the pump station is on their property, which means they own the pump station. The terms indicate that the Authority will operate it until the Authority can eliminate it. Mr. Waxman asked if they acknowledge that they own it. Mr. Smith said that one of the provisions of this agreement is that they acknowledge that they own it. Mr. Waxman asked who will dismantle it. Mr. Smith said that it is in the agreement that at the time that it is replaced, it is the developer's property and is obligated to

dispose of it. Mr. Coles asked if there is a time frame that the pump station has to be dismantled. Mr. Smith said there is no time frame in the agreement but if needed, the Authority can force them to do it. Mrs. Lapa read **Resolution # 12-79 Authorizing The Execution Of The Developer's Agreement County Line Manor Synagogue**. Motion was made by Mr. Waxman, seconded by Mrs. Fish. On roll call, all members present voted, "Yes". **Adopted**.

X. Leisure Village East Lift Station Repairs

- Resolution Awarding Professional Services Contract

This will be discussed together with next item on the agenda, Brick Township MUA Interconnection.

XI. Brick Township Municipal Utilities Authority Interconnections

- Resolution Awarding Professional Services Contract

The two projects are going on simultaneously and are out to bid at this time. Bids will be accepted for Lift Station first. Approximately, one week later bids will be accepted for the Interconnection. The pump station is a much larger project and more complicated. The Authority has a proposal from the engineer for the pump station for construction inspection. In the proposal on the Interconnection, their engineer will provide administrative services. They will process payments and so forth. Inspection that will overlap both is needed. Remington Vernick was asked for a proposal and it is in the handout. Mr. Morrill feels that it is probably best to have the inspection services from GTS. They are the engineers for the pump station which is the bigger project. They can also coordinate the Interconnection. A Change Order will be needed for the increased work on it. A meeting will be held this afternoon with GTS. There will not be any resolutions today because the Authority does not have the actual proposal.

The following items were added onto the agenda at the meeting:

XII. Repair and Replacement of Sanitary Sewer on Redondo Lane

On August 6, 2012 the Authority received two letters from Ernst Ernst and Lissenden. The attorney has not seen them yet. There are two resolutions that are needed. One is a Change Order in the amount of \$14,855.00, for the extra engineering work that was done for the original contract. The second one is a new contract for cost not to exceed \$20,096.00. This is the additional engineering services to prepare the new plans and specifications and construction observation for remainder of their work on Redondo Lane. Senator Singer said that these resolutions will be approved subject to the review and approval of the Authority's attorney. Mrs. Lapa read **Resolution # 12-80 Authorizing Change Order No. 3 Redondo Lane Sanitary Sewer Repair And Replacement**. Motion was made by Mr. Coles, seconded by Mr. Waxman. On roll call, all members present voted, "Yes". **Adopted**. Mrs. Lapa read **Resolution # 12-81 Awarding Professional Services Contract Without Public Bidding Pursuant to N.J.S.A. 40A:11-4.1, et seq**. Motion was made by Mr. Coles, seconded by Mr. Waxman. On roll call, all members present voted, "Yes". **Adopted**.

XIII. New Hampshire Avenue Treatment Plant

The contractor is finishing the Backwash Tank. This is the biggest mechanical item remaining. They are starting on the site work. The lights are being installed. Curbs are being put in. By the end of August, they are hoping to have the base course and blacktop down. Senator Singer was pleased. Mr. Waxman questioned what is going to be where the tractors are. Mr. Morrill said it will be parking for employees. There will be a gate that can be accessed only with the employees' cards. There are a few minor changes with details like making sure cars do not back up into light poles etc. Senator Singer said that based on the schedule it looks like everything will be done before the winter. Mr. Morrill said it should be. Senator Singer asked when the treatment plant will be on automatic. Mr. Morrill said he figures that all the programming will be done by the end of the year.

XIV. Attorney's Report

Brick Township MUA Interconnection - Mr. Smith said the Brick Township MUA Interconnection Agreement was executed by Mr. Flancbaum. Brick Township MUA executed their part. This is technically a shared services agreement. Mr. Smith spoke with Mr. Jerry D'Asti. He feels that Brick Township MUA needs to get the approval of the Brick Town Council and he asked if the Authority is getting the approval of the Lakewood Committee. Mr. Smith said he did not see a reason to get their approval. The Authority is authorized by the ordinance. Mr. D'Asti said that Brick Township MUA has a Service Agreement with the town. Mr. Smith said that the Authority also has a Service Agreement with the township. Mr. Smith said that the Service Agreement was made in 1975 and there are three supplements. They are accommodations to help the Authority's bonding capacity. Mr. Smith called Mr. Eichenbaum, the Authority's Bond Counsel, and he said he saw no reason to go to the township. Mrs. Lapa read **Resolution # 12-82 Authorizing the Execution of the BTMUA/LTMUA Interconnection Agreement**. Motion was made by Mr. Waxman, seconded by Mrs. Fish. On **roll call**, all members present voted, "**Yes**". **Adopted**.

New Jersey Turnpike Authority – Mr. Smith said the Authority was served with two separate lawsuits from the New Jersey Turnpike Authority seeking to condemn property on which the Authority has some interest. Mr. Smith is reviewing them to make sure that the Authority does not lose their easements and underground facilities. Mr. Smith does not think the Authority will. Mr. Flancbaum said that the Turnpike Authority is looking for property from the township at the intersection of Shorrock Street and Route 70. The Turnpike Authority runs the Garden State Parkway and the Parkway is looking to make more interchanges.

XV. Executive Director's Report

1. Municipal Tax Sale

Mr. Flancbaum went to the Tax Office and introduced himself to the new Municipal Tax Collector last week. They plan on conducting the Tax Sale in mid to late October, hopefully. We are in the midst of gathering all necessary data to send to her for her review. She has her own way of doing things, a little different

than the previous Tax Collector. We will work with her and expressed that he anticipates continued cooperation between the Tax Collector's office and the Authority. Before the Tax Sale list is generated, a preliminary list will be given to the Tax Collector to be looked over and to make modifications that she feels is necessary. The Authority will send out a complimentary notice to the delinquent accounts, even though the Authority is not obligated to. The Tax Collector will send out the statutory notice about four weeks before the tax sale.

2. Cell Antenna Lease Easement Purchase – Status

On July 24th, 2012 the closing on Phase 1 of the lease easement purchase took place. The closing was for the two active cell antenna leases, Verizon on Airport Road and T-Mobile on New Hampshire Avenue. \$468,313.00 was received at closing. The closing for Phase 2, which is Sprint's lease on Airport Road, will take place upon completion of the construction of their facilities. This is anticipated to take a couple of months. The closing for Phase 2 will be in the amount of \$256,687.00. The total amount is \$725,000.00. Mr. Smith said that the monies were wired to the Authority's bank account before the closing.

3. Calvary Lighthouse; Easement Acquisition – Status

On July 27th, 2012, Mr. Flancbaum and Mr. Morrill met with Pastor Wes and presented him with a copy of our appraisal which was for approximately \$96,000.00. This is an appraisal for the easements required for the elimination of the County Line Manor Pump Station. Also present at the meeting was a Board Member of Calvary Lighthouse. They said would most likely want to get their own appraisal. The Pastor met with his Board July 30th, 2012. Mr. Flancbaum spoke with the Pastor last week and the Pastor advised that Calvary would like to get its own appraisal and will get back to the Authority. Mr. Flancbaum said that it is fine. Hopefully they will get it back in four to six weeks, although, the Authority's appraisal took a few months. When they get their appraisal, we will work with them. Both appraisals will be compared and we will work to come up with a mutual understanding.

4. Resolution awarding Professional Services Contract to Van Cleef Engineering Associates for Land Surveying work associated with sanitary sewer improvements along Ocean Avenue (Elimination of Woodlake Lift Station)

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Van Cleef has come up with several different alternatives for routes for the new sanitary sewer line. A route was identified as the one to take. This resolution is for land surveying work which was not included in the original proposal. The total amount is \$49,500.00. Mrs. Lapa read **Resolution # 12-83 Awarding Professional Services Contract Without Public Bidding Pursuant to N.J.S.A. 40A:11-4.1, et seq.** Motion was made by Mr. Coles, seconded by Mrs. Fish. On roll call, all members present voted, "Yes". **Adopted.**

5. Resolution awarding Professional Service Contract to Trident Environmental Services

Mr. Flancbaum said that this item is in conjunction with the previous item. The work that Trident will be performing is a wetlands delineation and submittal of a

Letter of Interpretation to the DEP. There are some wetlands in the buffer areas in the proposed route. Total amount of the contract is \$10,400.00. Mrs. Lapa read **Resolution # 12-84 Awarding Contract Without Public Bidding For Environmental Services For The Elimination Of The Woodlake Pump Station**. Motion was made by Mr. Waxman, seconded by Mr. Coles. On roll call, all members present voted, "Yes". **Adopted**.

6. Closed Session - Personnel

Senator Singer questioned what happened with Alan Florist and his problem with his bill. Mr. Flancbaum said that there was a mistake. It was corrected and he received credit.

XVI. Instrumentation/IT Department Report

Mr. Farina reported that the IT Department is continuing on with the SCADA programming for the New Hampshire Water Treatment Plant. The programming is experiencing delays for a number of reasons:

1. There was trouble with the new radio/antenna system at Shorrocks Street Water Treatment Plant to New Hampshire Avenue Link. The contractor is replacing it with a new radio/antenna at his expense.
2. On June 28th there was a lightning strike that resulted in new and existing equipment failures.
3. There are construction related issues. All are being addressed as they come about and are being resolved.
4. There are some vendor software issues, which are being addressed.
5. We are working on the design on controls for the Leisure Village East Lift Station upgrade and the Brick Township MUA Interconnection.

Mr. Farina had a meeting with the lightning protection vendor as well as our electrical contractor regarding the lightning issues. Together we devised a protection scheme that will employ lightning protection on the Well No. 17 building, New Hampshire Avenue Tank, the two backwash tanks and the Filter Building. This will form a loop around the structures and the Communications Shed, which houses majority of the Authority's sensitive equipment. This will protect it as best as we can within reason. The majority of the strikes involve the 100 foot tank. The tank will be included in the loop. The two contractors also suggested installing surge protection on all power panels to prevent line voltage strikes. Mr. Farina is in agreement with that recommendation and estimates are forthcoming. Mr. Farina said that the Administration Building is also included in the protection. When all is said and done, Mr. Farina believes that the Authority is doing all that can be monetarily reasonable and feasible to prevent the strikes. Mr. Waxman questioned if the isolated well houses have lightning protection. Mr. Farina said they do have lightning protection. But as the radio systems are being installed there, lightning protection is being updated as required for those radio systems. These radio systems themselves attract lightning.

Attention is also being given to maintaining an in house stock of electrical and electronic critical spare equipment that will ultimately reduce and/or eliminate downtime in the event of equipment failure.

Currently, a new Cloud-based backup system is being evaluated. This system would take system snapshots at thirty minute intervals and greatly increase our ability to perform disaster recovery measures. A meeting was held with the vendor and it was discussed in detail. The options are being evaluated. The system that they are offering seems to be a good system. The Authority's main concern was how quickly the system can get back up and running again after catastrophic failure. The questions were answered satisfactorily. Right now the Authority is not backed up with a generator, but we are pushing the contractor to step up his efforts in hooking up the generator.

The PC's have been integrated and securely connected on the internal network, allowing for the first time to remotely control the gates, doors and even HVAC at Shorrock Street Water Treatment Plant from a secure terminal in the New Hampshire Avenue Operations Building.

The Authority is in the process of updating and modernizing some of the sections of the website, as well as adding analytics to allow the Authority to monitor and interpret web traffic to our site.

XVII. Commissioners' Report

XVIII. MEETING OPEN TO THE PUBLIC

There was no response from the public.

XIX. MEETING CLOSED TO THE PUBLIC

XX. MOTION TO APPROVE THE OPERATING VOUCHERS

A **motion** was made by Mr. Coles and seconded by Mrs. Fish to approve the amended Operating Vouchers in the amended amount of \$1,418,690.05. On a **roll call**, all members present voted, "**Yes**". **Motion passed.**

XXI. CLOSED SESSION

A **motion** was made by Mr. Coles and seconded by Mr. Waxman to go into closed session at 10:30 A.M to discuss personnel and possible litigation. On a **voice vote**, all members present voted, "**Aye**".

XXII. OPEN SESSION

A **motion** was made by Mr. Waxman and seconded by Mr. Coles to go back into open session at 10:51 A.M. On a **voice vote**, all members present voted, "**Aye**". Contract negotiations and personnel were discussed in closed session.

XXIII. ADJOURNMENT

A **motion** was made by Mr. Coles, seconded by Mr. Waxman to adjourn meeting. On a **voice vote**, all members present voted, "**Aye**". The meeting was adjourned at 10:52 A.M.

Respectfully submitted,

Nancy Lapa,
Secretary, LTMUA