

LAKWOOD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

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THE LAKEWOOD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

Regular Meeting Minutes

September 4, 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. S. Flancbaum, Mr. Sernotti, Mr. Waxman, Mrs. Fish and Senator Singer. Mr. S. Flancbaum was seated as alternate. The following professionals were present: Mr. Norman Smith, Esq. and Mr. Gerwin Bauer, Jr., Auditor. Mr. Justin Flancbaum, Executive Director, Mr. Paul Morrill, Engineer, Ms. Robyn Gaynor, Office Administrator and Mr. Robert Farina, Instrumentation/IT Department Supervisor were in attendance.
- V. **Minutes**
A motion to approve the minutes of the Regular Meeting on August 7, 2012, was made by Mr. Waxman and seconded by Mrs. Fish. On a **voice vote**, Mr. S. Flancbaum, Mr. Waxman, Mrs. Fish and Senator Singer voted, "**Aye**". Mr. Sernotti abstained. **Motion carried.**
- VI. **Accountant's Report**
Mr. Bauer reported that the Authority is doing financially very well. Mr. Bauer is near finishing on the operating side of the budget and will work on the capital side. Mr. Bauer said he has to discuss with Mr. Flancbaum the new hires. Senator Singer explained that two new hires are being put into the budget for next year. One hire will be a field person and the second will be an IT person, if needed. More of the running of the Authority is coming under the IT Department and we want to make sure that they are not overwhelmed. Mr. Bauer said that extensions are needed to finish the work on the Water and Sewer Budgets. Ms. Gaynor read **Resolution # 12-85 2012-2013 Water Budget Extension**. Motion was made by Mr. Sernotti, seconded by Mr. S. Flancbaum. On a **voice vote**, all members present voted, "**Aye**". **Adopted.** Ms. Gaynor read **Resolution**

12-86 2012-2013 Sewer Budget Extension. Motion was made by Mr. Sernotti, seconded by Mr. S. Flancbaum. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

Mr. Theibault arrived at 10:05 A.M.

VII. Engineer's Report

1. Repair and Replacement of Sanitary Sewer on Redondo Lane

- Motion Granting Authorization to Bid

On August 29, 2012 Mr. Morrill received plans and specifications which are now being reviewed. At this time Mr. Morrill is requesting a motion authorizing to put this out to bid. A **motion** was made by Mr. Waxman and seconded by Mrs. Fish to grant authorization to bid. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

2. Garden State Parkway Widening and Interchange Improvements

- Resolution Authorizing the Authority to Sign Utility Order with the Turnpike Authority
- Resolution Awarding Professional Services Contract

In the packet is a letter from GTS recommending the execution of a Utility Order. The Utility Order authorizes the reimbursement of the Authority for costs expended up to \$50,000 for professional services and/or some construction. Ms. Gaynor read **Resolution # 12-87 Authorizing Execution Of New Jersey Turnpike Authority Utility Order No. 1413-P Providing For Relocation Of Certain Facilities and Reimbursement For the Cost Thereof.** Motion was made by Mr. S. Flancbaum, seconded by Mr. Waxman. On a **voice vote**, all members present voted, "**Aye**". **Adopted.** In the packet on pages four and five is a letter from GTS detailing consulting expenses including inspection services and some construction services. The construction services will be inspection and grouting of a sewer line that is being abandoned. The Authority convinced the Turnpike Authority that it will be in their best interest to help grout and abandon the asbestos cement line that runs underneath Route 70. The Turnpike Authority agreed to it. The total amount they authorized is \$50,000. In the handout, there is a proposal from GTS for consulting services in the amount of \$46,272.00. This covers the inspection services and the construction services. Ms. Gaynor read **Resolution # 12-88 Awarding Professional Services Contract Without Public Bidding Pursuant to N.J.S.A. 40A:11-4.1, et seq.** Motion was made by Mr. S. Flancbaum, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

3. Cellular Antennas

- Resolution Awarding Professional Services Contract

In the packet is a letter from the Authority dated August 14, 2012 detailing the review of the cell equipment plan. In that letter the Authority indicates that inspection services will be required to make sure the tank is not damaged. There is a proposal from Remington Vernick dated August 8, 2012 detailing the services needed for inspection. These costs will be reimbursed by the cell antenna carrier. Ms. Gaynor read **Resolution # 12-89 Awarding Professional Services Contract Without Public Bidding Pursuant to N.J.S.A. 40A:11-4.1, et seq.** Motion was made by Mr. Sernotti, seconded by Mr. S. Flancbaum. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

4. Brick Township Municipal Utilities Authority Interconnections

- Resolution Ratifying Award of Contract

In the packet on page ten is a letter from Avakian recommending award. On page eleven is a letter from the Authority's attorney recommending award conditioned on his letter. The Authority has issued a notice of award based on a phone poll, which is also

included. The resolution will ratify the phone poll. Ms. Gaynor read **Resolution # 12-90 Awarding Contract to D&D Trenchless Solutions for Shorrock Street Water Main Interconnection**. Motion was made by Mr. S. Flancbaum, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted**.

5. Leisure Village East Lift Station Repairs

- Resolution Ratifying Award of Contract
- Resolution Awarding Change Order #2 to Professional Services Contract
This is for the Leisure Village East Lift Station upgrade. The Authority received a letter from GTS recommending award to B&H Contracting. The Authority's attorney's letter states that based on his review there are no conditions for the award. There was a phone poll. Ms. Gaynor read **Resolution # 12-91 Awarding Contract to B&H Contracting for Leisure Village East Lift Station Repairs**. Motion was made by Mr. S. Flancbaum, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". The Authority asked GTS to perform inspection services not only on their part of the contract but also to cover the inspection of the Brick Interconnection since they will be done at the same time. It will be good to have the same person coordinating it. In the packet on page twenty one is a proposal. Ms. Gaynor read **Resolution # 12-92 Authorizing Change Order No. 2 and Extend Contract Leisure Village East Lift Station Repairs**. Motion was made by Mr. Sernotti, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted**

6. Adjustments to Manhole Frames and Covers within Original Leisure Village

- Resolution Awarding Change Order #1 (Net Reduction to close out contract)
- Resolution Releasing Performance Guarantee and Accepting Maintenance Guarantee
The Change Order is for a credit in the amount of \$5,560.00. Ms. Gaynor read **Resolution # 12-93 Authorizing Change Order No. 1 Original Leisure Village Adjustment to Manhole Frames and Covers**. Motion was made by Mr. Waxman, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted**. There are two letters in the packet. One letter is from Ernst Ernst and Lissenden approving the Maintenance Bond as far as the dollars and the second letter is from the Authority's attorney approving the Maintenance Bond as far as form. Ms. Gaynor read **Resolution # 12-94 Release of Performance Guarantees Original Leisure Village Adjustments to Manhole Frames and Covers**. Motion was made by Mr. Sernotti, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted**.

7. Route 70 and Vermont Retail Development

- Resolution Awarding Professional Services Contract
- Resolution Reducing Performance Guarantees
This is the Wawa that is being constructed on Route 70. In the packet on page twenty nine is a letter from Remington Vernick detailing the services needed. In the Developer's Agreement it states that the documents need to be reviewed by an independent person to verify that the amounts that they spend are accurate. This is being done because they wanted a reimbursement agreement. The Authority has a Professional Services Agreement with Remington Vernick to review it. Ms. Gaynor read **Resolution # 12-95 Awarding Professional Services Contract Without Public Bidding Pursuant to N.J.S.A. 40A:11-4.1, et seq**. Motion was made by Mr. Sernotti, seconded by Mr. S. Flancbaum. On a **voice vote**, all members present voted, "**Aye**". **Adopted**. In the packet on page thirty one is a letter requesting Bond Reduction from Kaplan. On page thirty three is a letter from the Authority detailing the Bond Reduction which would be acceptable, which is the full seventy percent acceptable by law. Ms. Gaynor read **Resolution # 12-96 Reduction of Performance Guarantees Sanitary Water and Sewer Systems Route 70 and Vermont Retail Development**. Motion was made by Mr.

Sernotti, seconded by Mr. Waxman. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

8. Lakewood Toyota Dealership

- Resolution Granting Final Approval

In the packet on page forty is a letter from the Authority updating the review of the water and sewer plan status. Ms. Gaynor read **Resolution # 12-97 Off Site Water Main Grant of Final Approval Lakewood Toyota Expansion**. Motion was made by Mr. Sernotti, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

9. Lanes Mill Road 15 Lot Development

- Resolution Granting Conceptual Approval
- Resolution Granting Technical Approval for Onsite Water and Sanitary Sewer

In the packet on page forty three is a letter from the Authority dated July 20, 2012 detailing conceptual review of the water and sewer plans. Mr. Flancbaum said that this is Chaim Abadi's project. Ms. Gaynor read **Resolution # 12-98 Off Site Water Main Grant of Conceptual Approval Lanes Mill Road 15 Lot Subdivision**. Motion was made by Mr. Waxman, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted.** On page forty six in the packet is a letter dated August 21, 2012 detailing the technical review of the water and sewer plans. Ms. Gaynor read **Resolution # 12-99 Off Site Water Main Grant of Technical Approval Lanes Mill Road 15 Lot Subdivision**. Motion was made by Mr. Sernotti, seconded by Mr. S. Flancbaum. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

10. Meter Replacement Phase 2 – Project Status

At the present time 3,758 meters were installed as of August 23, 2012 out of 6,500. The installations are going very well. Senator Singer questioned if enough time passed to see if the newly installed meters are capturing monies that the Authority felt they would. Mr. Flancbaum said that more time is needed, another quarter of billing. Industrial Park was just finished with the new meter installation. This area would be a good indicator.

11. Airport Road Water Storage Tank – Project Status

On July 11, 2012 the Authority was notified by MBA Tank inspections crew that there was a minor leak in the drain plug. The Authority notified the tank contractor about the leak and several other items and has not heard back from them. At this time Mr. Morrill would recommend that the Executive Director to send them a letter and if they do not respond by next month, the Authority attorney should be authorized to take action on the Maintenance Bond. Mr. Flancbaum said he thinks that the attorney should write a letter and call the bond in.

12. New Hampshire Avenue Treatment Plant – Project Status

More of the site work is getting done. There are still a number of items that the Authority would like to get done quicker and the contractor was notified of them. Senator Singer said that he wants to mention again that the work should be done before the cold weather sets in so there should not be any damage or mess. The contractor should be on notice that the work needs to get done before the cold weather sets in.

13. County Line Manor Synagogue – Project Status

The terms of the Developer's Agreement was presented at last month's meeting. A meeting was held with them to finalize the Developer's Agreement. Some minor adjustments were made. The final version of Schedule B is included in the packet. The developer admitted that they are the owners. Mr. Flancbaum said that they will dismantle the pump station when the Authority tells them to and they will give their contribution.

VIII. **Attorney's Report**

The Attorney General on behalf of the State of New Jersey has filed a response to the Turnpike Authority's condemnation action opposing it.

IX. **Executive Director's Report**

1. **Resolution to award contract to Hatch Mott MacDonald** for Landscaping Support Work in relation to the New Hampshire Water Treatment Plan Expansion for cost not to exceed \$5,000 -

A proposal was received from Hatch Mott MacDonald to finish off the landscaping work in conjunction with the Water Treatment Plant Expansion. The proposal to prepare the landscaping plan is not to exceed \$5,000. The proposal also includes compiling as-built information to prepare a base map based on the current grading and to provide limited coordination and observation of the actual planting work. Senator Singer wanted to point out that the \$5000 is not for the design of landscaping plan. The drainage issue is the key issue for having an engineer. If not for the drainage issue we would just have had a landscaper come in to design the landscape. If the drainage is not taken care of properly, there would be water in the buildings and water on the roads. Ms. Gaynor read **Resolution # 12-100 Awarding Professional Services Contract Without Public Bidding Pursuant to N.J.S.A. 40A:11-4.1, et seq.** Motion was made by Mr. Waxman, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

2. **Resolution to reimburse premiums for Medicare Part B for active Employees**

Previously the Authority adopted a policy to reimburse premiums for eligible retirees. This resolution will allow us to reimburse Medicare B premiums for active employees. An employee will present to the Authority that they have paid their Medicare Part B premium and the Authority will reimburse the active employee. Senator Singer said he will not vote on this resolution since this affects him. This is done because it saves the insurance fund money. Ms. Gaynor read **Resolution # 12-101 Authorizing Reimbursement of Medicare Part B Premiums for Active Employees.** Motion was made by Mr. Waxman, seconded by Mrs. Fish. On a **voice vote**, Mr. S. Flancbaum, Mr. Sernotti Mr. Waxman and Mrs. Fish voted, "**Aye**". Senator Singer abstained. **Adopted.**

3. **Resolution Appointing Adam Ponsi Qualified Purchasing Agent** for the Authority and raising Authority's bid threshold from \$26,000 to \$36,000 -

Adam Ponsi was one of the only half of his class that passed the exam to become a Qualified Purchasing Agent. First part of the resolution is to appoint Adam Ponsi as Qualified Purchasing Agent for the Authority. The second part of the resolution is to raise the bid threshold from \$26,000 to \$36,000. Senator Singer congratulated Adam. Ms. Gaynor read **Resolution # 12-102 Appointing Adam Ponsi as Qualified Purchasing Agent Pursuant to N.J.A.C. 5:34-5.4.** Motion was made by Mr. Waxman, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted.**

4. **Resolution Authorizing the signing of lease agreement between Chaveirim and the Authority** for installation of a radio antenna on the Ridge Avenue Water Tank

Chaveirim will be installing a radio antenna on top of the Ridge Avenue Water Tank. The Authority will give them the space free of charge. However, as part of the agreement, they will maintain and operate the equipment at their own cost. The lease can be cancelled at any time by the Authority if need be. Senator Singer asked if this affect the deal made on the other antennas. Mr. Flancbaum and Mr. Smith said it does not. Ms. Gaynor read **Resolution # 12-103 Authorizing the Execution of a Lease Agreement with Chaveirim Volunteer Services, Inc. Ridge Avenue Water Storage Tank.** Motion

was made by Mr. Waxman, seconded by Mrs. Fish. On a **voice vote**, all members present voted, "**Aye**". **Adopted**.

5. **Resolution to award contract to Remington & Vernick** for the inspection of Well houses 1, 3, & 5 and recommendations for rehabilitations; cost not to exceed \$6,400 - This is a project the Authority wanted to do for a couple of years. Now that the Treatment Plant Expansion is on the wind down, the Authority would like to have Well Houses Nos. One, Three and Five inspected and get recommendations for rehabilitations of the well houses. One well house in particular is disrepair. The cost should not exceed \$6,400. Ms. Gaynor read **Resolution # 12-104 Awarding Professional Services Contract Without Public Bidding Pursuant to N.J.S.A. 40A:11-4.1, et seq.** Motion was made by Mr. Sernotti, seconded by Mr. Waxman. On a **voice vote**, all members present voted, "**Aye**". **Adopted**.

6. **Meticulous Landscaping**

This resolution is for landscaping work in conjunction with the Water Treatment Plant Expansion. The amount of the proposal is \$16,260. This does not include irrigation. Meticulous Landscaping is part of the County Cooperative. They won the bid for repairs and maintenance of irrigation systems, not installation. Mr. Flancbaum said that the Authority is taking a look to see if we can piggy back on County contract for installations. If we cannot, an ad will be put on the website advertising for service for irrigation. A bid opening will then be held in ten to eleven days and then a phone poll will be made to the commissioners. Ms. Gaynor read **Resolution # 12-105 Awarding Contract Without Public Bidding for Landscaping Services for the New Hampshire Avenue Water Treatment Plant Expansion.** Motion was made by Mr. S. Flancbaum, seconded by Mr. Waxman. On a **voice vote**, all members present voted, "**Aye**". **Adopted**.

Mr. Smith said he would like to bring an item to the attention of the commissioners. The Authority is now in a situation that has not come up previously. The Pay-To-Play law has a requirement that if you are over the Pay-To-Play threshold, which is \$17,500, a no bid contract has to be accompanied either by a Fair and Open Solicitation Process, which is easy to do, or by a certification that no improper contributions have been made. This was never a problem before for the Authority because the \$17,500 threshold was also the bidding threshold. Before when the Authority went out to bid, going out to bid is fair and open. Also, the RFQ procedure is automatically fair and open. Now that the Authority has a Qualified Purchasing Agent, the bidding threshold is much higher. Now the Authority will have cases where it will not have to go out to bid but will be over the \$17,500. Therefore, the Authority will have to have a Fair and Open Process not related to either of those two formal procedures. The Division of Local Government Services says in their regulations that an agency such as the Authority has to adopt a Fair and Open Standard, a list of criteria that the Authority has to comply with. This has to be formally adopted in advance. Mr. Smith said he used the recommended criteria from the Division of Local Government Services and put it in the form of the Authority's policy. Mr. Smith gave the title and will prepare the resolution. Ms. Gaynor read **Resolution # 12-106 Adopting Standardized "Fair and Open" Criteria in Accordance with N.J.S.A. 19:44A-20.1, et seq. (New Jersey Pay To Play Law).** Motion was made by Mr. Waxman, seconded by Mr. S. Flancbaum. On **roll call**, all members present voted, "**Yes**". **Adopted**.

Mr. Flancbaum wanted to bring one more item to the attention of the commissioners. The Ridge Avenue Tank was put out to bid around one and one half years ago and T-Mobile was the successful bidder. Mr. Flancbaum spoke with them last week. They have not done anything yet and they have no plans on actually putting up an antenna for at least a

year. Verizon has expressed interest in installing an antenna on the tank. The T-Mobile bid has to be formally cancelled. Mr. Smith said that it can be done. Then it has to be put out to bid again. Verizon has expressed interest and seems serious. Although there is always the chance that they will not submit a bid. It costs the Authority \$10,000 to put out the bid. Senator Singer wanted to know why it has to cost \$10,000. The Authority already has the specs. Mr. Flancbaum said some site conditions have changed, the work that Chaveirim is doing on site has to be included in the site plan. Senator Singer said that the Authority should speak to Verizon because if they will not bid on it, it does not make sense to spend \$10,000. Mr. Flancbaum said that the Verizon has expressed serious interest through Mr. Morrill and himself. They have followed up at least six times in the past five to six weeks. They seem very interested but they can change their mind at the last moment. Senator Singer asked the commissioners what should be done. Mr. Sernotti asked if there is a way to talk to them and tell them that the Authority is going out to bid because they were interested. Mr. S. Flancbaum asked what the upside is. Mr. Flancbaum said that the upside is that Verizon will bid and the Authority will start collecting rent and it will be additional revenue for the Authority. The Authority will make the \$10,000 back in six months. Mr. Flancbaum said the reason it is only costing \$10,000 is because T-Mobile gave a bid deposit of \$10,000 which is nonrefundable. Total would have been \$20,000 to go out for bid. Mr. S. Flancbaum questioned what makes the bid cost \$20,000. Mr. Flancbaum said there is engineering services and redesign of a site plan. Senator Singer asked why the site plans needs redesign. Mr. Flancbaum said the site has to be redesigned. A discussion ensued and it was decided that Mr. Morrill and Mr. Flancbaum will get a price on how much it will cost to put out to bid and then it will be presented to the commissioners. Mr. Flancbaum said that in the meantime, the T-Mobile bid should be cancelled. A **motion** was made by Mr. Waxman and seconded by Mr. Sernotti to cancel the T-Mobile bid. On a **voice vote**, all members present voted, "**Aye**". **Motion passed.** Mr. Smith suggested asking Verizon for a letter of intent. It is not binding on their part.

X. Instrumentation/IT Department Report

Mr. Farina reported that the department's priority is with getting the New Hampshire Water Treatment Plant to operate automatically. We are still experiencing delays with that effort due to the contractor's inability to provide us with the equipment and labor needed to do so and in bringing in the vendor support that is needed to get the malfunctioning equipment running properly. In addition, some equipment is still out for repair owing to the June 28, 2012 lightning strike. The equipment is due back today, the latest tomorrow. We are communicating with our engineering consultants on a daily basis with respect to these issues. This morning it would appear that we have the electricians back on site to perform some of the previously mentioned tasks. Mr. Farina believes they are on the way with getting the issues resolved.

We are in the process of making electrical and equipment housing improvements with our Ridge Avenue tank site. Mr. Farina expects the effort to be completed in the next two weeks. All the old cabinets on site were replaced with a building. It will now be easier to work on them in adverse weather conditions.

We have made major repairs to and replaced old and worn components relating to our 900 MHZ radio backup equipment at the Leisure Village East and the Shorrock Street Water Treatment Plant. It was the original radio system. There was nothing wrong with it other than wear and tear. It will be the backup for the new radio system.

We are preparing the Leisure Village East rehab, the Brick Township MUA water interconnect project and the Well #4 well site for SCADA and communications.

We are in the process of a field laptop overhaul, adding memory and switching to a 4G connection, which is the most practical and efficient way to greatly increase the speed of the off hours monitoring of the SCADA system by the field personnel. At the present time they are having a hard time getting on the computer. Sometime in the future the Authority will be replacing the laptops with more advanced technological equipment perhaps tablets.

In addition, we have created an administration building dedicated-monitoring system to keep track of real-time functioning of the links on our new antenna system. This system should be complete by the end of the week. There is a monitor set up in the office that keeps track of all the antenna links.

A new server-based antivirus security system has been installed over the last week. This replaces the outdated antivirus system that we previously had. All PC's as well as the server are scanned in realtime and are protected from viruses and malware from e-mails, internet and other points of ingress.

XI. Commissioners' Report

XII. MEETING OPEN TO THE PUBLIC

There was no response from the public.

XIII. MEETING CLOSED TO THE PUBLIC

XIV. MOTION TO APPROVE THE OPERATING VOUCHERS

A **motion** was made by Mr. Waxman and seconded by Mr. S. Flancbaum to approve the amended Operating Vouchers in the amended amount of \$1,144,547.40. On a **voice vote**, all members present voted, "**Aye**". **Motion passed.**

XV. CLOSED SESSION

A **motion** was made by Mr. Waxman and seconded by Mr. Sernotti to go into closed session at 10:40 A.M to discuss personnel. On a **voice vote**, all members present voted, "**Aye**".

XVI. OPEN SESSION

A **motion** was made by Mr. Waxman and seconded by Mr. Sernotti to go back into open session at 10:50 A.M. On a **voice vote**, all members present voted, "**Aye**".

Personnel issue was discussed in closed session. A decision was made based on recommendation from Lakewood Township not to allow buy backs of sick days since the Township does not allow it.

XVII. ADJOURNMENT

A **motion** was made by Mr. Waxman, seconded by Mr. S. Flancbaum to adjourn meeting. On a **voice vote**, all members present voted, "**Aye**". The meeting was adjourned at 10:51 A.M.

Respectfully submitted,

Nancy Lapa,
Secretary, LTMUA