

**TOWNSHIP OF OCEAN SEWERAGE AUTHORITY  
REGULAR MEETING**

Oakhurst, NJ

December 4 2018

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A meeting of the Township of Ocean Sewerage Authority was held on the above date at the Authority Administration Building, 224 Roosevelt Avenue, Oakhurst, New Jersey.

Present:       Bernhardt, Galvin, Stubbs, Theodora, Villapiano  
Absent:       None  
Others:       Attorney John Bonello, Auditor David A. Kaplan,  
                  Executive Director William Schmeling,  
                  Operations Manager Edward Kwityn, Secretary Ruth Finn

Chairman Galvin called the meeting to order.

All recited The Pledge of Allegiance.

The Chairman announced that the Meeting was being held in conformance with the Open Public Meetings Act of 1975 and that adequate notice has been duly posted where required and mailed to the Asbury Park Press and the Coaster in accordance with the law.

**2019 CONNECTION FEE HEARING**

Attorney Bonello opened the Connection Fee Hearing and provided a list of the documents presented to support the adoption of the new fees. Mr. Bonello swore in Auditor David A. Kaplan who provided a statement as to his credentials as well as an explanation of the criteria used to determine the new fees.

**Resolution**

Mr. Theodora offered the following resolution. Mr. Bernhardt seconded the motion.

**18 - 102**

**ESTABLISHING CONNECTION FEE  
EFFECTIVE JANUARY 1, 2019**

**WHEREAS**, The Township of Ocean Sewerage Authority published Notice of proposed adjustments of its Rate Schedule and of the time and place of the public hearing thereon in two newspapers of general circulation in the area serviced by the Authority at least twenty (20) days preceding the aforesaid public hearing; and

**WHEREAS**, the Authority conducted a public hearing on the proposed adjustments of its Rate Schedule on Tuesday, December 4, 2018 at 6:30 p.m. at the offices of the Authority as indicated in the publication of Notice; and

**WHEREAS**, the Authority provided evidence at the hearing showing that the proposed adjustments of its Rate Schedule are necessary and reasonable; and

**WHEREAS**, the Authority provided the opportunity for cross-examination of persons offering such evidence at the public hearing; and

**WHEREAS**, the Authority ordered that a transcript of the hearing be made and a copy thereof be available upon request to any interested party at a reasonable fee; and

**WHEREAS**, the Authority has considered the proposed adjustments to its Rate Schedule, as well as all evidence presented through direct and cross-examination, as well as all comments made by those members of the public in attendance at the aforesaid public hearing, as well as any written comments that may have been received; and

December 4, 2018

**WHEREAS**, the Authority having been satisfied from all of the evidence and comments presented that the proposed adjustments of the Rate Schedule are in accordance with the Statute and are reasonable and necessary.

**NOW, THEREFORE, BE IT RESOLVED** on this 4th day of December 2018 that the proposed adjustments to the Rate Schedule attached to this Resolution be and the same are hereby approved and adopted by the Authority; and

**BE IT FURTHER RESOLVED** that the revised Rate Schedule shall become effective on January 1, 2019; and

**BE IT FURTHER RESOLVED** that the provisions of The Township of Ocean Sewerage Authority Rules and Regulations pertaining to the payment of such charges and to the time or times when and the place or places where such charges shall be due and payable, be and the same are hereby incorporated herein by reference; and

**BE IT FURTHER RESOLVED** that a copy of the Rate Schedule in effect shall at all times be kept on file at the office of the Authority and shall at all reasonable times be open to public inspection

Roll Call: Bernhardt, Galvin, Stubbs, Theodora, Villapiano  
 Yes Yes Yes Yes Yes

#### BUDGET HEARING

Mr. Kaplan provided a review of the 2019 Budget.

#### Resolution

Mr. Bernhardt offered the following resolution. Mr. Theodora seconded the motion.

**18 - 103**  
**2019 ADOPTED BUDGET RESOLUTION**  
**TOWNSHIP OF OCEAN SEWERAGE AUTHORITY**  
**JANUARY 1, 2019 TO DECEMBER 31, 2019**

**WHEREAS**, the Annual Budget and Capital Budget/Program for the Township of Ocean Sewerage Authority for the fiscal year beginning January 1, 2019 and ending December 31, 2019 has been presented to the governing body of the Township of Ocean Sewerage Authority at its open public meeting of December 4, 2018; and

**WHEREAS**, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

**WHEREAS**, the Annual Budget, as presented for adoption, reflects Total Revenues of \$7,329,221, Total Appropriations, including any Accumulated Deficit, of \$7,329,221 and Total Unreserved Net Position utilized of \$0.00; and

**WHEREAS**, the Capital Budget, as presented for adoption, reflects Total Capital Appropriations of \$18,607,500 and Total Unreserved Net Position planned to be utilized as funding thereof of \$90,000.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Ocean Sewerage Authority at an open public meeting held on December 4, 2018 that the Annual Budget and Capital Budget/Program of the Township of Ocean Sewerage Authority for the fiscal year beginning January 1, 2019 and ending December 31, 2019 is hereby adopted and shall constitute appropriations for the purposes stated; and

December 4, 2018

**BE IT FURTHER RESOLVED** that the Annual Budget and Capital Budget/Program as presented for adoption reflect each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

Roll Call: Bernhardt, Galvin, Stubbs, Theodora, Villapiano

Yes Yes Yes Yes Yes

WORK SESSION

Executive Director’s Report. Director Schmeling noted that he provided Hazen’s proposal for engineering services for the on land portion of the outfall project.

Mr. Schmeling advised that the jet truck that is needed is larger than the storage space available.

Attorney’s Report. Mr. Bonello advised that he worked with the Director on various matters.

Engineer’s Report. The Engineers had nothing new to report.

Operation Manager’s Report. Mr. Kwityn gave a review of his report.

Review of resolutions. The Executive Director reviewed the resolutions on the agenda.

BUSINESS SESSION

Communications. There were no communications.

Review of Bill List. There were no questions or comments on the bill list from the Board or public.

BUSINESS SESSION

Resolution

Mr. Villapiano offered the following resolution and moved its adoption as amended. Mr. Stubbs seconded the motion.

**RESOLUTION 18 - 104  
BILL LIST**

**BE IT RESOLVED** by the Township of Ocean Sewerage Authority, in the County of Monmouth, New Jersey (not less than three (3) members affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Executive Director and as set forth in this Resolution are hereby approved for payment.
2. The authorized signers of checks are hereby authorized and directed to sign checks in the payment of bills and claims, which are hereby approved.

The computer printout of the list of bills will be on file in the Purchasing Agent’s Office.

CURRENT FUND	\$ 232,373.49
REVIEW and INSPECTION	0.00
RENEWAL and REPLACEMENT	0.00

December 4, 2018

EIT and CONSTRUCTION	139,564.16
PAYROLL ACCOUNT	168,463.22
	<hr/>
<b>TOTAL BILLS PAYABLE</b>	<b>\$540,400.87</b>

Roll Call: Bernhardt, Galvin, Stubbs, Theodora, Villapiano

Yes Yes Yes Yes Yes

#### CONSENT AGENDA

Mr. Bernhardt moved the approval of the Minutes, the Operation Managers Report and the adoption of Resolutions 18-105 through 18-108 and 118-110 and 18-111 as a Consent Agenda. Mr. Theodora seconded the adoption of the Consent Agenda. Mr. Theodora and Mr. Villapiano abstained from voting to approve the minutes of November 8 2018 due to their absence from that meeting.

- a. Approval of Minutes of November 8 2018 regular meeting.
- b. Motion to receive and file Operation Manager's Report.

#### Operations Manager Report December 2018

##### Plant:

New sodium hypochlorite tanks were installed for the chlorine tank system.

Bar screen repairs were started before Thanksgiving and will be completed in December. Greely and Hanson sampling portion of model programing has been completed.

Dan DeSoucey has been working on both the Lucity computer system and WiFi system for the plant.

Plant seemed to hold up well with the back-to-back storms we had this month.

Bio-Air has been in several times during the month monitoring the new odor control unit.

##### Collections:

Cleaned all pump stations.

Jet and vacuumed all bad area in town for maintenance.

Started TV inspections of the North Edgemere Dr. area. Found some issues with manholes and will address them after the inspection is completed in the West Allenhurst section.

##### Operations:

Asbury Park Fire Department completed their annual drill on November 27. This was done at the Whalepond Pump Station. We will schedule for next years in the spring at a station on the west side of town.

Sky Morehouse was in on November 16 and we discussed the pump station alarm issues. I have started ordering the supplies he requested now in order to complete the upgrade on the computer system.

December 4, 2018

We received our new 6" trash pump.

RESOLUTIONS

**18 – 105**

**AUTHORIZING PERMANENT ADJUSTMENTS TO CERTAIN COMMERCIAL ACCOUNTS**

**WHEREAS**, Kane Brewing Company operates at 1750 Bloomsbury Avenue, sewer account number 18828-1; and

**WHEREAS**, Kane Brewing Company estimates that fifty percent (50%) of the water consumption results in finished product or is absorbed and retained in malted barley during the brewing process; and

**WHEREAS**, an article in the December 2012 WE&T magazine states that craft brews consume an average of 5 to 6 gallons of water for every gallon of beer produced; and

**WHEREAS**, commercial account numbers 18538 -0 and 18718-0 have received annual water usage adjustments as a result of sprinkler systems, which resulted in zero excess usage.

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Ocean Sewerage Authority hereby authorizes that the annual water usage for account number 18828-1 be reduced to seventy percent (70%) of the annual water usage for purposes of determining an annual excess usage charge; and

**BE IT FURTHER RESOLVED** account number 18538-0 be flat-billed for one (1) unit and account number 18718-0 be flat-billed for two (2) units; and

**BE IT FURTHER RESOLVED** that the Authority reserves the right to charge excess water usage for these accounts should the circumstances giving rise to this Resolution change in the future.

**18 – 106**

**ESTABLISHING PROJECTED FLOW CRITERIA FOR CONNECTION FEE PURPOSES**

**WHEREAS**, the rate schedule of the Township of Ocean Sewerage Authority provides that sewer connection fees for non-residential uses are to be based on the projected flow from the unit; and

**WHEREAS**, the Authority has determined to use the projected flow criteria contained in N.J.A.C. 7:14A-23.3 in determining the projected flow from non-residential uses, whenever practicable, as a basis for determining projected flow; and

**WHEREAS**, N.J.A.C. 7:14A-23.3(a) provides that the criteria contained therein is not mandated to be used as a basis for establishing connection fees; and

**WHEREAS**, the projected flow criteria contained in N.J.A.C. 7:14A-23.3 either do not address certain uses, or contain flow projections that have been determined by the Authority to be inconsistent with actual flows; and

**WHEREAS**, the Authority intends to specify projected flows for the uses that are not addressed by N.J.A.C. 7:14A-23.3, and for uses that have been determined by the Authority to be inconsistent with actual flows, in order to provide a uniform basis for determining projected flows and connection fees within the Township of Ocean.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Ocean Sewerage Authority as follows:

December 4, 2018

1. The projected flow criteria contained in N.J.A.C. 7:14A-23.3 shall be used by the Authority in determining projected sewage flows for non-residential uses, whenever practicable, unless exceptions to the criteria are adopted by the Authority.

2. In the event that a type of use is not listed in N.J.A.C. 7:14A-23.3, the Authority shall use its best judgment in determining the criteria for projected sewage flow.

3. For the purpose of determining projected sewage flow, any reference to “seat” or “person” in this Resolution or in N.J.A.C. 7:14A-23.3 shall be deemed to mean the maximum permitted occupancy established pursuant to the Uniform Construction Code and/or the Uniform Fire Code.

4. The following projected sewage flow criteria is hereby adopted by the Authority as additions or exceptions to those contained in N.J.A.C. 7:14A-23.3 and added to those additions or exceptions set forth in Resolution 11-27 adopted April 5, 2011:

Type	Unit of Measure	GPD or EDU
Indoor Tennis Center without restaurant	per tennis court	0.125

5. Sewage connection fees for all non-residential uses shall be subject to the minimum sewer connection fee established for single-family residential unit pursuant to the current rate schedule

6. This Resolution supersedes all prior resolutions establishing projected flow criteria and is effective immediately.

**18 – 107**

**AUTHORIZING PURCHASE OF GODWIN BYPASS PUMP FROM XYLEM UNDER STATE CONTRACT NUMBER A85374**

**WHEREAS**, the Authority is desirous of purchasing a bypass pump and accessories for use its pump stations; and

**WHEREAS**, the Authority has a Qualified Purchasing Agent; and

**WHEREAS**, Xylem has a State contract for a Godwin Bypass Pump under State contract number A85374 for the price of \$35,896.00; and

**WHEREAS**, certain accessories totaling \$8,760.14 are required to make the Bypass Pump operational at all the Authority's pump stations; and

**WHEREAS**, the Authority’s Executive Director has certified that funds are available for this contract in GL line items Bypass Connections (01-500-00-009), Pump Replacements (01-500-00-025) and Collection System Improvements (01-500-00-23).

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Ocean Sewerage Authority hereby authorizes the purchase of a Godwin Bypass Pump from Xylem under State contract number A85374 with accessories for a total purchase price with delivery of \$44,906.41.

**18 - 108**

**AUTHORIZING PAYMENT IN THE AMOUNT OF \$30,380.00 TO WEEKS MARINE INC. FOR OCEAN OUTFALL REPLACEMENT PROJECT**

December 4, 2018

**WHEREAS**, the Authority awarded a contract for its Ocean Outfall Replacement Project to Weeks Marine Inc. in the amount of \$5,324,150.00 (the “Project”) on September 8, 2018; and

**WHEREAS**, the Weeks Marine requested payment for Pay Item No. 2 (Performance and Payment Guaranty Insurance); and

**WHEREAS**, by letter dated November 29, 2018 the Authority’s engineer has recommended payment in the amount of \$30,380.00 pursuant to its Payment Application No. 1.

**THEREFORE, BE IT RESOLVED** that the Township of Ocean Sewerage Authority hereby approves payment in the amount of \$30,380.00 to Weeks Marine Inc. for the Ocean Outfall Replacement Project in accordance with Payment Application No. 1.

#### **18 - 111**

#### **AUTHORIZING PAYMENT IN THE AMOUNT OF \$86,638.86 TO LUCAS CONSTRUCTION GROUP, INC. FOR 2013 COLLECTION SYSTEM UPGRADES PROJECT**

**WHEREAS**, the Authority awarded a contract for its 2013 Collection System Upgrades project to Lucas Construction Group, Inc. in the amount of \$4,575,575.00 (the “Project”) on December 6, 2016; and

**WHEREAS**, Lucas has performed work and provided equipment and material for the Project; and

**WHEREAS**, by letter dated November 30, 2018, the Authority’s engineer has recommended payment in the amount of \$86,638.86 pursuant to its Payment Estimate No. 12.

**THEREFORE, BE IT RESOLVED** that the Township of Ocean Sewerage Authority hereby approves payment in the amount of \$86,638.86 to Lucas Construction Group for the 2013 Collection System Upgrades Project in accordance with Payment Estimate No. 12.

#### Resolution

Mr. Bernhardt offered the following Resolution and moved its adoption. Mr. Stubbs seconded the motion.

#### **RESOLUTION DECLARING CLOSED SESSION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Ocean Sewerage Authority as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter-specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
  - Personnel
  - Potential litigation
3. It is anticipated at this time that the above stated subject matter would be made public when matters are resolved.

This resolution shall take effect immediately.

Roll Call: Bernhardt, Stubbs, Theodora, Villapiano

December 4, 2018

Yes      Yes      Yes      Yes

There being no further business to come before the Authority, Mr. Bernhardt moved that the meeting be adjourned. Mr. Stubbs seconded the motion and all voted in favor of adjournment.

Respectfully submitted,

RALPH E. STUBBS, Secretary