

**TOWNSHIP OF OCEAN SEWERAGE AUTHORITY  
REGULAR MEETING**

**Oakhurst, NJ**

**July 3, 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:        Kwityn  
Others:        Attorney John Bonello, Executive Director Bill Schmeling,  
                  Thomas DiOrio, Licensed Operator, 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.

WORK SESSION

Executive Director's Report. Director Schmeling reported that they are using liquid oxygen once a week until the new molecular sieve is received. He checked with other suppliers and found that the company that makes the product is located in China and is behind in fulfilling their orders.

He reported that on July 31 bids would be received on two big projects: the Interlaken pump station and the ocean outfall line. Also in July he will be putting out bids for the electrical contract, pumps, sodium hypochlorite and liquid oxygen.

Communications: The Director noted that two residents contacted him regarding problems. Both reported that their plumbers heard that HomeServe is better than the plan provided by New Jersey American Water Company.

Mr. Schmeling provided a review of the resolutions. Mr. Schmeling provided a review of the resolutions.

Attorney's Report. Mr. Bonello had nothing new to report at this time.

Engineer's Report. It was not necessary to have the engineers present at this meeting as there were no questions from the Board and nothing new to report at this time.

Operation Manager's Report. In Mr. Kwityn's absence, Thomas DiOrio, Licensed Operator, provided a brief review of the Manager's Report. He also gave some updates and answered members' questions.

William Gettings, a representative of Hazen and Sawyer, provided an update on the outfall line project. He said that the bids went out on June 21, and there were twenty-seven requests for plans and specs. The pre-bid meeting held on June 28 was well attended and the bid opening is scheduled for July 31. The award of the contract should take place in August. The estimated completion date for the project is December 2019. There was a lengthy discussion about materials to be utilized, the inspection process, and safeguarding the pipeline from damage by boats/anchors.

BUSINESS SESSION

Resolution

Mr. Theodora offered the following resolution and moved its adoption. Mr. Bernhardt seconded the motion.

RESOLUTION 18 - 59  
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	\$ 162,272.91
REVIEW and INSPECTION	0.00
RENEWAL and REPLACEMENT	0.00
EIT and CONSTRUCTION	194,734.12
PAYROLL ACCOUNT	98,013.26
TOTAL BILLS PAYABLE	\$ 455,020.29

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 18-60 through 18-62 as a Consent Agenda. Mr. Theodora seconded the adoption of the Consent Agenda.

- a. Approval of Minutes of June 7, 2018 regular meeting.\*
  - Mr. Galvin and Mr. Theodora abstained from voting due to their absence from the last meeting.
- b. Motion to receive and file Operation Manager’s Report.

Operations Managers Report  
For July 2018

Plant:

Bio-air started construction of the new odor control system  
Repair was made to Sludge Drum 2; it needed a new drive belt.  
Continued adding Thio-guard to the holding tank for odor control.  
New sump pump installed in sludge building basement.

Aeration tank mixers were brought back from Longo and installed. All mixers now in service.

Operations:

All foremen and myself went to JIF supervisory training at Two Rivers Wastewater Plant. DEP was here on June 27, 2018 for holiday plant inspection  
3 TOSA personnel took Wastewater and Collection System Exams this cycle.  
We qualified for JIF Safety Award

Collection System:

Cleaned all pump stations.  
Rolling Meadows pump 1 sent to Pumping Services for repair. Pump is to be replaced with a new pump.  
Continued cleaning and T.V. inspections West Allenhurst.  
7 Wanamassa Point Rd. lateral was repaired. The gas main was put through the line a while ago.  
Routine sewer maintenance done around town.  
Our intern completed the east side of RT. 35 GPS of manholes. Only thing left to do on this side are the main roads.  
Changed generator block heater at Asbury Ave. PS  
Interlaken PS pump 2 pulled to get seals replaced.

RESOLUTIONS

**RESOLUTION 18 - 60  
CERTIFICATION OF 2017 AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to conduct an annual audit of its books, accounts and financial transactions; and

WHEREAS, the 2017 Annual Report of Audit has been filed by a Registered Municipal Account with the Executive Director of the Authority pursuant to N.J.S.A. 40A:5-6, and a copy received by each Commissioner of the Township of Ocean Sewerage Authority; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each local unit shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the local governing body have reviewed, at a minimum, the sections of the annual audit titled "Comments and Recommendations"; and

WHEREAS, the members of the local governing body have personally reviewed, at a minimum, the Annual Report of Audit for 2017, and specifically the sections of the Annual Audit titled "Comments and Recommendations", as evidenced by the Group Affidavit of the governing body attached to this Resolution; and

WHEREAS, such resolution of certification shall be adopted by the local governing body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6-5; and

WHEREAS, all members of the local governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated above and have subscribed to the Group Affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject members of the local governing body to the penalty provisions of R.S. 52:27BB-52:

A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of Ocean Sewerage Authority hereby states that it has complied with N.J.A.C. 5:30:6-5; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution with the Group Affidavit be forwarded to the Division of Local Government Services to show compliance with N.J.A.C. 5:30:6-5.

**18 - 61**

**AUTHORIZING CHANGE ORDER NUMBER 2 IN THE AMOUNT OF NEGATIVE \$137,177.39 and FINAL PAYMENT IN THE AMOUNT OF \$96,542.26 TO SWERP INCORPORATED FOR BERKELEY AVENUE, LAKEVIEW AVENUE AND LINCOLN DRIVE SANITARY SEWER REPLACEMENT PROJECT**

WHEREAS, the Authority awarded a contract for its Berkeley Avenue, Lakeview Avenue and Lincoln Drive Sanitary Sewer Replacement project to SWERP Incorporated ("SWERP") in the amount of \$373,630.00 (the "Project") on March 7, 2017; and

WHEREAS, due to changes in the quantities and scope of the Project, the contract requires a second change order; and

WHEREAS, the Authority's engineer has prepared Change Order Number 2 in the amount of negative \$137,177.39 to account for final quantities of the Project; and

WHEREAS, all work under the revised scope of the Project has been completed; and

WHEREAS, the Authority's engineer has prepared Payment Application Number 2 in the amount of \$96,542.26 representing final and full payment for the Project.

THEREFORE, BE IT RESOLVED that the Township of Ocean Sewerage Authority authorizes the Executive Director to sign Change Order Number 2 in the amount of negative \$137,177.39; and

BE IT FURTHER RESOLVED that the Township of Ocean Sewerage Authority authorizes payment in the amount of \$96,542.26 to SWERP Incorporated representing final and full payment for the Project; and

BE IT FURTHER RESOLVED that final payment shall not be issued to SWERP Incorporated until such time as the posting of a two-year maintenance bond in the amount of \$123,110.70.

**18 – 62**

**AUTHORIZING ADJUSTMENT TO ACCOUNT NUMBER 18538-0**

WHEREAS, the property located at 208 Monmouth Road is identified as sewer account number 18538-0; and

WHEREAS, the 2017 water reading use for the account was 120,000 gallons; and

WHEREAS, the owner of the property was required by the Township to install a sprinkler system for the maintenance of the lawn; and

WHEREAS, a review of the water usage for the property shows normal monthly usage of 2,000 gallons except during the summer months; and

WHEREAS, the normal monthly usage would not result in an excess usage..

NOW, THEREFORE, BE IT RESOLVED that the Township of Ocean Sewerage Authority hereby authorizes that the 2017 water usage for account number 18538-0 be adjusted to 72,000 gallons resulting in no excess usage charge and 2018 quarterly bills of \$115.00.

VOTE ON CONSENT ITEMS:

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

INDIVIDUAL ACTION:

Mr. Bernhardt offered the following resolution and moved its adoption. Mr. Villapiano seconded the motion.

**18 - 63**

**AUTHORIZING CONTRACT WITH MASER CONSULTING, P.A. FOR BID AND CONSTRUCTION PHASE SERVICES FOR 2015/2016 NJEIT PROJECT TO REBUILD THE INTERLAKEN PUMP STATION IN AN AMOUNT NOT TO EXCEED \$156,300**

WHEREAS, Maser Consulting, P.A. (“Maser”) previously provided the Authority with a proposal dated November 5, 2013 for bid and construction services for the 2015/2016 NJEIT project to rebuild the Interlaken Pump Station (the “Project”); and

WHEREAS, due to delays in the project, Maser’s original proposal fails to adequately address their time and costs with regard to engineering services for the Project; and

WHEREAS, Maser has presented the Authority with a proposal dated June 15, 2018 to perform bid and construction phase services for the Project in an amount not to exceed \$156,300; and

WHEREAS, the Executive Director has certified there are funds available for this project from the New Jersey Infrastructure Bank, project number S340750-12.

THEREFORE, BE IT RESOLVED by the Township of Ocean Sewerage Authority hereby authorizes Maser Consulting P.A. to perform bid and construction phase services for the 2015/2016 NJEIT project to rebuild the Interlaken Pump Station in an amount not to exceed \$156,300.

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

Mr. Theodora offered the following resolution and moved its adoption. Mr. Villapiano seconded the motion.

**AUTHORIZING CONTRACT WITH HAZEN and SAWYER FOR BID AND CONSTRUCTION PHASE SERVICES FOR THE REPLACEMENT OF A PORTION OF THE OCEAN OUTFALL PIPE IN AN AMOUNT NOT TO EXCEED \$498,798**

WHEREAS, the Authority awarded a contract to Hazen and Sawyer for the design of the replacement of a portion of its ocean outfall pipe; and

WHEREAS, the bid documents have been completed and are being reviewed by the Authority prior to advertising for the replacement of a portion of the ocean outfall pipe; and

WHEREAS, the Authority requires engineering services with regard to bid and construction phase services; and

WHEREAS, Hazen and Sawyer has presented the Authority with a proposal dated June 4, 2018 to perform such services for an amount not to exceed \$498,798; and

WHEREAS, the Executive Director has certified there are funds available for this project from the 2017 MCIA bond issue.

THEREFORE, BE IT RESOLVED by the Township of Ocean Sewerage Authority hereby authorizes Hazen and Sawyer to perform bid and construction services for the replacement of a portion of the ocean outfall pipe in an amount not to exceed \$498,798.

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

Mr. Bernhardt offered the following resolution and moved its adoption. Mr. Theodora seconded the motion.

**18 - 64**

**AUTHORIZING PAYMENT IN THE AMOUNT OF \$19,602.44 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 June 209, 2018, the Authority's engineer has recommended payment in the amount of \$19,602.44 pursuant to its Payment Estimate No. 9.

THEREFORE, BE IT RESOLVED that the Township of Ocean Sewerage Authority hereby approves payment in the amount of \$19,602.44 to Lucas Construction Group for the 2013 Collection System Upgrades Project in accordance with Payment Estimate No. 9.

Mr. Bernhardt offered the following resolution and moved its adoption. Mr. Villapiano seconded the motion.

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

Mr. Villapiano offered the following resolution and moved its adoption. Mr. Bernhardt seconded the motion.

**18 - 65**

**AUTHORIZING GRANT OF CONDITIONAL PRELIMINARY APPROVAL FOR BRIELLE AVENUE LLC - APPLICATION NUMBER 185**

WHEREAS, preliminary, tentative and final applications were submitted for Brielle Avenue LLC on or about April 17, 2018; and

WHEREAS, the Authority’s engineer has recommended the granting of preliminary approval subject to conditions in its letter dated June 28, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Township of Ocean Sewerage Authority that Preliminary approval is granted to Brielle Avenue LLC - application number 185, subject to compliance with the conditions set forth in CME Associates’ letter dated June 28, 2018; and

BE IT FURTHER RESOLVED that the Authority’s Executive Director is authorized to sign any forms required by the New Jersey Department of Environmental Protection relative to the providing of sewer service to the applicant’s property.

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

Yes Yes Yes Yes Yes

Mr. Villapiano offered the following resolution and moved its adoption. Mr. Bernhardt seconded the motion.

**18 - 66**

**AUTHORIZING CONTRACT WITH CLEARY GIACOBBE ALFIERI JACOBS LLC FOR LEGAL SERVICES**

WHEREAS, Senate Bill S848 imposes a two percent (2%) cap on billings from regional sewerage authorities; and

WHEREAS, the Authority seeks legal advice on the effects of Senate Bill S848; and

WHEREAS, a possible conflict of interest exists with the Authority’s General Counsel John Bonello; and

WHEREAS, the Authority has contracted with Cleary Giacobbe Alfieri Jacobs LLC for labor law advice; and

WHEREAS, Cleary Giacobbe Alfieri Jacobs LLC represents sewer authorities and serves as general counsel to the Association of Environmental Authorities; and

WHEREAS, the Executive Director certifies there are funds available for this contract in the line item for legal services (01-50-500-314).

THEREFORE, BE IT RESOLVED by the Township of Ocean Sewerage Authority hereby authorizes a contract with Cleary Giacobbe Alfieri Jacobs LLC for legal services relative to the effect of Senate Bill S848 on the Authority at an hourly rate not to exceed \$175.00.

Roll Call: Bernhardt, Stubbs, Theodora, Villapiano

Yes Yes Yes Yes

Resolution

Mr. Theodora offered the following Resolution and moved its adoption. Mr. Bernhardt 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

Yes Yes Yes Yes

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

Respectfully submitted,

RALPH E. STUBBS, Secretary