

BORDENTOWN SEWERAGE AUTHORITY
MEETING MINUTES
February 17, 2015

The meeting was called to order by the Chairman, Ronald Marino, at 6:00 p.m. in the Conference Room of the Authority located at 954 Farnsworth Avenue, Bordentown, New Jersey.

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

- a. Posting written notice on the Official Bulletin Board of the Bordentown Sewerage Authority on February 24, 2014,
- b. Mailing written notice to THE TIMES and BURLINGTON COUNTY TIMES on February 24, 2014; and
- c. Filing written notice with the Clerks of the City of Bordentown and Township of Bordentown and mailing written notice to all persons who requested and paid for same on February 24, 2014.

The following persons were in attendance: Board Members Ronald L. Marino, Zigmont F. Targonski, Stephen Monson, James E. Lynch, Jr., Joseph R. Malone III, and M. Ellen Gulbinsky. Also in attendance were: Executive Director Richard D. Eustace, Administrative Manager Elizabeth J. Kwelty, The Authority's Solicitor Thomas J. Coleman, III, and The Authority's Engineer Richard Czekanski.

SWEARING OF NEW BOARD MEMBERS:

Mr. Coleman swore in M. Ellen Gulbinsky and James E. Lynch, Jr.

SPECIAL RECOGNITION TO NANCY LIBERMAN:

Mr. Marino presented Nancy A. Liberman with a plaque thanking her for her service as a Bordentown Sewerage Authority Board Member from 2003 through 2014.

REORGANIZATION:

On motion by Malone, seconded by Monson, it was moved to nominate the 2015 slate of officers.

Ronald L Marino	Chairman
Zigmont F. Targonski	Vice Chairman
Stephen Monson	Secretary
James E. Lynch, Jr.	Treasurer
Joseph R. Malone, III	Assistant Secretary
M. Ellen Gulbinsky	Assistant Secretary

On motion by Malone, seconded by Monson, it was moved to cast one unanimous ballot for the slate of officers as nominated:

Ronald L Marino	Chairman
Zigmont F. Targonski	Vice Chairman

Stephen Monson	Secretary
James E. Lynch, Jr.	Treasurer
Joseph R. Malone, III	Assistant Secretary
M. Ellen Gulbinsky	Assistant Secretary

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

The members established the meeting dates for the next year. On motion by Monson, seconded by Lynch, it was moved to adopt Resolution 2015-014, designating meeting dates and time:

Monday, March 16, 2015	6:00 p.m.
Monday, April 20, 2015	6:00 p.m.
Monday, May 18, 2015	6:00 p.m.
Monday, June 15, 2015	6:00 p.m.
Monday, July 20, 2015	6:00 p.m.
Monday, August 17, 2015	6:00 p.m.
Monday, September 21, 2015	6:00 p.m.
Monday, October 19, 2015	6:00 p.m.
Monday, November 16, 2015	6:00 p.m.
Monday, December 21, 2015	6:00 p.m.
Tuesday, January 19, 2016	6:00 p.m.
Tuesday, February 16, 2016	6:00 p.m.(Reorganization)
Monday, March 21, 2016	6:00 p.m.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

On motion by Lynch, seconded by Targonski, it was moved to adopt Resolutions 2015-015 A-J, designating signatories for the Authority's bank accounts with Investors Financial Group.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

On motion by Targonski, seconded by Malone, it was moved to adopt the latest edition of Robert's Rules of Order as the parliamentary guide of the Authority.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

On motion by Targonski, seconded by Malone, it was moved to continue with the Authority's Rules and Regulations as previously adopted.

In discussion on the Resolution, Mr. Monson raised a question concerning the availability of the Authority's Rules and Regulations on the BSA website.

Update: The Rules and Regulations can be found at the following link.

<http://bordentownsa.org/wp-content/uploads/2013/01/Rules-and-Regulations.pdf>

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

On motion by Targonski, seconded by Malone, it was moved to approve the minutes of the January 20, 2015 regular and executive session.

No discussion on the proposed minutes.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Malone
Nays:	None
Abstained:	Lynch, Gulbinsky
Absent:	None

On motion by Lynch, seconded by Malone, it was moved to adopt Resolution 2015-016, approving the February payment of bills from the Operating Fund in the amount of \$197,410.75, of which \$101,029.55 is a payroll transfer.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

On motion by Gulbinsky, seconded by Targonski, it was moved to adopt Resolution 2015-017, approving the payment of February bills from the Escrow Fund in the amount of \$4,439.85.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

On motion by Targonski, seconded by Gulbinsky, it was moved to adopt Resolution 2015-018, approving the credits and/or refunds of customer accounts in the amount of \$2,270.07.

In discussion on the Resolution, Mr. Monson asked a question concerning the Riverwood Commons credit in the amount of \$2,167.20. Mrs. Kwelty advised this was due to an incorrect billing reported by the customer.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

I. AGENDA ITEMS FOR DISCUSSION AND/OR ACTION:

A. APPOINTMENT OF PROFESSIONALS:

On motion by Lynch, seconded by Malone, it was moved to adopt Resolution 2015-019, approving Contract 2015-C5, appointing John J. Maley, Jr. as auditor for the Authority for the one year period commencing on March 1, 2015.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

On motion by Lynch, seconded by Malone, it was moved to adopt Resolution 2015-020, approving Contract 2015-C6, appointing the Law Offices of Raymond, Coleman, Heinold, Norman, L.L.P., as counsel for the Authority for a one year period commencing on March 1, 2015.

As a point of information, Mr. Monson noted, for the record, that he had previously official legal dealings with Steve Raymond, a partner in the law firm to be appointed under this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

On motion by Lynch, seconded by Malone, it was moved to adopt Resolution 2015-021, approving Contract 2015-C7, appointing Remington & Vernick Engineers as engineering consultant for the Authority for a period of one year commencing on March 1, 2015.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

On motion by Lynch, seconded by Malone, it was moved to adopt Resolution 2015-022, approving Contract 2015-C8, appointing Capehart & Scatchard, P.A. as bond counsel for the Authority for a period of one year commencing on March 1, 2015.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

B. RISK MANAGEMENT AND INSURANCE CONSULTANT:

On motion by Lynch, seconded by Malone, it was moved to adopt Resolution 2015-023, approving Contract 2015-C9, for Extraordinary, Unspecifiable Services of EJA/Capacity Insurance Agency, LLC as risk management and insurance consultant for the Authority for a period of one year commencing on March 1, 2015.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

C. DRIVER SUBSTANCE ABUSE AND ALCOHOL MISUSE TESTING:

On motion by Targonski, seconded by Monson, it was moved to adopt Resolution 2015-024, approving Contract 2015-C10 for Extraordinary, Unspecifiable Services of Interstate Mobile Care, Inc. for driver substance abuse and alcohol misuse testing for the Authority for a period of one year commencing on March 1, 2015.

No discussion on this Resolution.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None

Abstained: None

Absent: None

D. FINANCIAL ADVISOR:

On motion by Lynch, seconded by Targonski, it was moved to adopt Resolution 2015-025, approving Contract 2015-C11 for Extraordinary, Unspecifiable Services of Acacia Financial Group, Inc. as financial advisor for the Authority for a period of one year commencing on March 1, 2015.

In discussion on the Resolution, Mr. Monson raised a question for Mr. Coleman, the Authority legal counsel, pertaining to the term "extraordinary unspecified services," referenced in the proposed Resolution, and asked if it was a specific legal term of art. Mr. Coleman advised the terms are terms used in the Local Public Contracts Law.

Recorded vote:

Ayes: Marino, Targonski, Monson, Lynch, Malone, Gulbinsky

Nays: None

Abstained: None

Absent: None

E. GENERATOR PREVENTATIVE MAINTENANCE RESOLUTION 2015-026:

On motion by Lynch, seconded by Gulbinsky, it was moved to adopt Resolution 2015-026, awarding Contract 2015-C12 to Genserve, Inc. for emergency generator preventative maintenance, in the amount of \$14,600.00 for the period of one year commencing March 1, 2015.

In discussion on the Resolution, Mr. Monson inquired as to which generator or generators? Mr. Eustace advised it referred to the 15 fixed generators at the pump stations and two portable generators.

Recorded vote:

Ayes: Marino, Targonski, Monson, Lynch, Malone, Gulbinsky

Nays: None

Abstained: None

Absent: None

II. OPEN SEWER CONNECTION ACCOUNTS:

K. Johnson Urban Renewal, LLC/Team Campus: Approval of Revocable S-4 Application for connection of Building B, Block 57, Lot 6.01. Fee paid as defined by Deferred Connection Agreement and Payment Schedule, specifically 40% down payment of total connection in the amount of \$126,000.00

Mr. Eustace provided additional information that this is the last large building at Team Campus, and the BSA will receive the rest of the connection fee over 12 monthly payments as was done for the other buildings.

Mr. Monson inquired if this building would include a swimming pool, and if so what impact would a pool have on the BSA.

Mr. Czekanski stated he did not recall seeing a pool in the drawings. But he noted for Hotels, in the connection fee schedule, there is a number anywhere from 14GPD to 40GPD depending on the

backwash rates. A pool would constitute a minor amount of money that is provided to the Authority for the connection fee. Mr. Monson then inquired about the impact of draining a swimming pool on the BSA system.

Mr. Czekanski noted that if the pool was drained Team Campus would pay for it in its consumption fees for water usage.

Mr. Monson then inquired if the pool water were to be dumped on the public street, does that violate any environmental laws because of the content of pool?

Mr. Czekanski noted that because it has chlorine in it, the water should not be dumped on the street.

Mrs. Gulbinsky stated that just like your hose, you can't put your hose in the street either.

On motion by Gulbinsky, seconded by Malone, the Revocable S-4 Application for Team Campus Building B was approved.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

Rivergate Urban Renewal, LLC: Payment of \$13,408.56 was received for Building 4 and payment of \$18,995.46 was received for Building 1 as defined by the deferred connection agreement and payment schedule. (Payment #3)

III. PROFESSIONAL REPORTS:

A. EXECUTIVE DIRECTOR:

Mr. Eustace reported briefly on the month's activities including the LookFirst Technology computer equipment and software audit, 98 Park St, Waterfront Pump Station Staff Training, NJ DEP Delaware River permit structure changes, and the AEA conference registration. Mr. Eustace's written report is attached to these minutes and made a part thereof.

On a separate issue Mr. Monson noted that he had witnessed the mark-out on his street about a month ago and inquired about the cost to the Authority for this service. Mr. Monson's concern arose from the fact that the mark-outs he observed went considerably beyond the immediate work area in which excavation was being performed. As a result he wondered if the BSA might want to consider some attempt to recapture costs incurred by the BSA for overuse of the mark-out process in an effort to be fiscally responsible to the rate payers and bond holders.

Mr. Eustace noted that the primary purpose of the 8-1-1 marking-out is to clearly define the location of underground utilities & cables, and to avoid cutting lines and interrupting service, as well as to provide the BSA with liability protection in the event of a breach.

Mr. Coleman commented he understands the cost factor, but believes it would be really difficult for us to put an across the board policy in place because the matter is so fact sensitive on these particular mark-outs. He continued that Mr. Eustace & he could put our heads together on, but I think it would be difficult to put an across the board policy may be difficult from a liability standard.

Mr. Malone offered that the BSA, by motion continue to operate in the same mark-out fashion. Mr. Monson objected to consideration of such a motion.

B. GENERAL COUNSEL:

Mr. Coleman reported on the month's activities.

- Multiple opportunities to speak with Rick and Liz on day to day matters
- The majority of my time was spent on Holiday Inn Express and working with Rick to prepare a Deferred Connection Agreement and most recently reviewing and approving their performance bond.
- Amboy Bank meeting December 17 for Building 3 in Central Crossing has resulted in no further action from the developer.

Mr. Malone offered that the Township Committee did the first reading of an ordinance to work with the City on who will do the review for jointly governed properties between the City and Township to resolve a perceived jurisdictional issue.

Mr. Coleman added that the property in question, Holiday Inn Express is located both with the Township & the City.

Mr. Malone expressed his thanks to the Township Committee for their due diligence on this issue.

C. ENGINEER:

Mr. Czekanski reported briefly on the month's activities and his report is attached to these minutes and made a part thereof.

Mr. Czekanski orally reported concerning various outstanding issues.

Regarding the Route 206 developer is still negotiating with the Turnpike to get that bypass force main installed. The Authority Staff found an agreement that was made years ago. The Turnpike is saying 'Why is there pipe there now? Prove you had the ability to be there.' There was an agreement that said for providing water and sewer to the toll booths, let us install water and sewer on the other side of Route 206, and that was the agreement.

Mr. Czekanski added the NJTP toll booths are on that side of 206 and they wanted water and sewer facilities. But, the force main ends on Rising Sun Road right where the ramp starts on the west side and there is a water main that sort of parallels the ramp, but he was unsure where it goes. So, the trade-off was to be able to put wastewater facilities on the West side for toll booths. This was in 1985 or 1975 when the agreement was made, but they had no records that your force main was actually on their property.

Mr. Eustace added that the easement documentation had been located and the newest tax maps show that as an easement on that property

Mr. Monson inquired of Mr. Coleman concerning adverse possession or a prescriptive easement.

Mr. Coleman said the BSA would not have gone to that extent of just putting the pipe in without documenting it.

Mr. Targonski inquired of Mr. Czekanski about the access road to the Bordentown Waterfront Pump Station and Mr. Malone asked about the location of the gas tanks in reference to the pump station.

Mr. Eustace indicated, there will not be a road now, due to some problems with the Quick Mart. But he added that the developer is going to put in a road applicable to our Jet Machine and heavy trucks that have to be there in the interim. A hard packed stone road of the correct thickness to handle the trucks, until such a time they get that whole project through the

Planning Board stage. The developer asked the BSA if he can just put in a hard packed stone road until such a time they get it all finished. Mr. Eustace will take a look and make sure the road in that perspective is designed well enough to handle the trucks.

IV. PUBLIC PARTICATION:

In attendance were John Moynihan, Mr. Gulbinsky, and Nancy A. Liberman. All in attendance wanted to listen to the meeting and did not have any comments.

Mr. Monson raised a question concerning the expansion of the BSA email capability, in light of the expansion of the Verizon email system. He offered that it is good policy, and would avoid any potential OPRA issues.

Mr. Eustace & Mrs. Kwelty offered to create an immediate email address for Mr. Monson, as the BSA Secretary, but noted that there was only one email address slot open. For the other commissioners, Mr. Eustace offered to add them once the new system is added or permit Commissioners to continue to utilize their personal email addresses.

Mr. Marino: Before adjourning, I want to once again thank Nancy Liberman for her service. I want to congratulate Ellen Gulbinsky on her appointment. I also want to thank the Board because even though the Rules and Regulations of the Authority do permit alternating chairmanship, this is the 11th straight year as Chairman of the Authority and I want thank them for the confidence they have in me.

On motion by Targonski, seconded by Monson, it was moved to adjourn the meeting at approximately 6:40 p.m.

Recorded vote:

Ayes:	Marino, Targonski, Monson, Lynch, Malone, Gulbinsky
Nays:	None
Abstained:	None
Absent:	None

Respectfully submitted,

APPROVED ON:

March 16, 2015


Stephen Monson, Secretary

Executive Director Report 2-17-15

- 1) Received another thank for our crew that took care of a customer at 98 Park Street for a job well done
- 2) Met with Account Representative from Look First Technology to go over our annual Hardware and software audit. Found that there is new technology that is cheaper and more efficient to get our servers back up in case of a failure. Also discussed BSA controlled E-mail system were all outgoing and incoming would be the property of BSA and retrievable by BSA staff unlimited e-mail addresses. More information to follow.
- 3) Waterfront Pump station is up and running and the staff has been trained on most of the major equipment at this time.
- 4) AEA Conference March 10th & March 11th Need to know who is going.
- 5) Met with NJDEP and DRBC. They are working together to do a one permit system, where requirements for both agencies will now be combined into one permit. BSA may be one of the first entities to participate in the one permit system as our permit has already been submitted.

**BORDENTOWN SEWERAGE AUTHORITY
ENGINEER'S STATUS REPORT
FOR FEBRUARY 2015 MEETING
PREPARED BY REMINGTON VERNICK & ARANGO (RV&A)
ENGINEERS**

DEVELOPMENT TOPICS:

- **Bordentown Waterfront Community:**

Phase I: Apartment units that are being occupied by the new residents have their wastewater flowing to the pump station. The pump station is now operational. BSA personnel are monitoring its operation but it is still owned by the Applicant.

Phase II: In design. The site layout for the entirety of Phase II has not been submitted to date. Except for last month's approval of an agreement between the Applicant/Authority for the Authority to sign as the applicant for the NJ Transit crossing there has not been any activity.

- **Thorntown Lane Development: A preconstruction meeting was held last week. Construction is projected to commence in March by the same contractor who has performed the Bordentown Waterfront Community work.**
- **Dunkin Donuts @ Bottom Dollar: Cash in lieu of a bond has been received and a preconstruction conference will be scheduled in the future.**
- **Central Crossing Building Number 1 and Route 206 Bypass Force Main: Building number 1 is under construction. We have inquired as to their schedule for cleaning a sediment trap where their internal floor sweeper will discharge followed by rinse water.**

For the Route 206 bypass force main we completed our review of the material shop drawings but the ability to access NJTP property has not been acquired by the applicant. Last week the NJTP requested verification that the Authority has the legal right to have their force main on the NJTP's property. The Authority has provided a Township/NJTP agreement allowing the force main's presence on the NJTA property. Resolving this is in the developer engineer's hands.

On Wednesday December 17th we met with representatives of Central Crossing Building No. 3. Their lawyer was directed to draft an agreement between the Authority and the developer related to the required infrastructure improvements but no document has been submitted to date.

- **1 Spring Street; Bordentown City: We distributed "Approved for Construction" drawings and we are entering the construction phase. No recent activity.**
- **Holiday Inn Express (Route 206 Edgewood Motel Site): The site drawings for solely the hotel (not the restaurant) are approved. The connection fee amount has been conditionally finalized. There are still minor items for the Applicant to address.**
- **Love's Tire Repair Shop At Rising Sun Road Connector Road: A review letter has been provided to the Applicant.**

End of Report

Prepared by Richard B. Czekanski, PE, BCEE, CME