

BORDENTOWN SEWERAGE AUTHORITY  
MEETING MINUTES  
April 20, 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 26, 2015,
- b. Mailing written notice to THE TIMES and BURLINGTON COUNTY TIMES on February 26, 2015; 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 26, 2015.

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, the Authority's Engineer Richard Czekanski, the Authority's Auditor John J. Maley, and Township of Bordentown Liaison Committeeman John Moynihan.

On motion by Targonski, seconded by Gulbinsky, it was moved to approve the minutes of the March 16, 2015 regular session.

No discussion on the proposed minutes.

Recorded vote:

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

On motion by Monson, seconded by Lynch, it was moved to adopt Resolution 2015-036 approving the April payment of bills from the Operating Fund in the amount of \$400,864.35, of which \$193,282.04 is a payroll transfer and \$17,093.00 is a capital expense.

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 2015-037, approving the payment of April bills from the Escrow Fund in the amount of \$5,736.75.

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 Lynch, it was moved to adopt Resolution 2015-038, approving the credits and/or refunds of customer accounts in the amount of \$75.75.

No discussion on this Resolution.

Recorded vote:

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

I. AGENDA ITEMS FOR DISCUSSION AND/OR ACTION:

On motion by Lynch, seconded by Targonski, it was moved to adopt Resolution 2015-039, certifying the Bordentown Sewerage Authority Board Members have received and reviewed the Report of Audit.

*The Authority's Auditor Jack Maley provided a verbal summary of the 2014 Audit Report figures. Mr. Maley also reviewed the Audit Findings for the Corrective Action Plan.*

*There was a discussion between Mr. Monson, Mr. Eustace, Mr. Coleman, Mr. Targonski, and Mr. Malone about why the percent of total uncollected funds has increased. The uncollectible accounts are properties that have gone to foreclosure or bankruptcy. These amounts will ultimately be sold at a tax sale through the City or Township tax office, and the due balance paid at that time or when the deed changes hands at settlement. The conversation continued to discuss the current quarterly shut-off procedure and aged accounts that have set up payment arrangements.*

Recorded vote:

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

On motion by Monson, seconded by Gulbinsky, it was moved to adopt Resolution 2015-040, adopting the 2015 Corrective Action Plan.

No additional discussion on this Resolution.

Recorded vote:

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

On motion by Malone, seconded by Lynch, it was moved to adopt Resolution 2015-041, approving a performance guarantee reduction for Phase 1A of Bordentown Waterfront Community, LLC.

*The Authority's Rules and Regulations Section 301.C states a reduction in the performance guarantee can be requested if at least 50% of the improvements to be constructed is satisfactorily completed. The developer is requesting a bond reduction to the amount of \$420,680.30. The Authority's Engineer Rick Czekanski confirmed the force main has been installed, the pump station is operational, and at this point in the construction process the reduced amount is enough to cover costs.*

*Mr. Czekanski also stated there will not be any further reduction to this bond in the future. Once all of the punch list items are addressed, this bond will then become a maintenance bond.*

Recorded vote:

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

On motion by Gulbinsky, seconded by Malone, it was moved to adopt Resolution 2015-042, authorizing the Authority's Executive Director to execute an application for NJDEP Permit for improvements to be constructed in the Bordentown Waterfront Community.

*Mr. Eustace stated there is an emergency generator located at the Bordentown Waterfront facility which requires an air pollution permit. The permit is necessary to keep the equipment in compliance with the NJDEP. With the Hold Harmless Agreement between the Bordentown Sewerage Authority and Bordentown Waterfront Community LLC, escrow funds will be used to pay for the air pollution permit, and liability is removed from the Authority until ownership of the facility is transferred to the Bordentown Sewerage Authority.*

Recorded vote:

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

## II. PROFESSIONAL REPORTS:

### A. EXECUTIVE DIRECTOR:

#### Open Sewer Connection Accounts

- (1.) K Johnson Urban Renewal, LLC/Team Campus Building B: Payment of \$17,482.50 paid as defined by deferred connection agreement and payment schedule. (Payment #2)
- (2.) Rivergate Urban Renewal, LLC: payment of \$13,164.77, Building 4 and payment of \$18,650.09 Building 1 as defined by deferred connection agreement and payment schedule. (Payment #5)
- (3.) SAAJ Urban Renewal LLC/Holiday Inn Express: approval of S-3 & S-4 applications. Connection Fee Paid \$19,508.00 and Connection Permit issued.

-Email Use Memo from Burlington County Prosecutor – *Tom Coleman commented on the memo. Basic rules indicate not to communicate as a majority outside of public meetings. There was some discussion about Burlington County Prosecutors office with Mr. Coleman and Mr. Monson.*

-Bordentown Sewerage Email Server Information – *Mrs. Kwelty reported on the Authority's new email server system. Each board member now has their own Authority email. The Authority will be purchasing a separate account which will save all incoming and outgoing emails in one location for OPRA purposes.*

-Reverse Energy Auction – *Mr. Eustace reported on the Reverse Energy Auction that took place April 17, 2015. Constellation had the lowest price. The spot market has been a little volatile, and now looks like a great time to lock into a fixed rate. This will save us money on the annual basis especially over the winter months. Township Committeeman Moynihan was present during the energy auction and agrees with Mr. Eustace that the market is volatile and the fixed rate contract was a smart idea given the current market. There was some discussion between Mr. Malone and Mr. Moynihan about the availability of natural gas over the next 20 years.*

-Financial Report – *The unrestricted cash value was requested at the March 2015 meeting. The current cash on hand value of \$3.65 million includes all unrestricted funds, connection fees, and the renewal and replacement fund. All persons present at the meeting reviewed and discussed how the total unrestricted funds will be used in the next few years. After lengthy discussions about surplus amounts to keep on hand, potential emergency repair situations, and the current sewer rent values, the Board Members decided to revisit this issue at the next meeting. The Sewer Authority Board Members would like to brief both governing bodies and requested Mr. Eustace and Mrs. Kwelty to schedule a meeting with the Township Committee to present the current financial standing of the Bordentown Sewerage Authority.*

### B. GENERAL COUNSEL:

Mr. Coleman reported on the month's activities.

-NJ Turnpike Authority for a meeting with Grainger that Mr. Eustace also went to. Grainger needs to provide Certificate of Insurance.

-Amboy Bank Developers Reimbursement Agreement

-Bordentown Waterfront Indemnity Agreement, and Bond Reduction

-Issues related to 3<sup>rd</sup> party lawsuit related to prior accident

C. ENGINEER:

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

III. PUBLIC PARTICATION:

In attendance was Township Committeeman John Moynihan who spoke about the tour of the Bordentown Waterfront Community Pump Station with Mr. Eustace.

IV. EXECUTIVE SESSION:

On motion by Monson, seconded by Lynch, it was moved to meet in executive session regarding personnel issues, Resolution 2015-043.

Recorded vote:

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

On motion by Targonski, seconded by Lynch, it was moved to meet in regular session.

Recorded vote:

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

On motion by Targonski, seconded by Monson, it was moved to adopt Resolution 2015-044, authorizing permanent appointment to Elizabeth J. Kwelty as the Authority's Administrative Manager.

Recorded vote:

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

On motion by Targonski, seconded by Lynch, it was moved to adjourn the meeting at approximately 8:00p.m.

Recorded vote:

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

Respectfully submitted,



Stephen Monson, Secretary

APPROVED ON:

May 18, 2015

15-029

DIRECTOR OF OPERATIONS  
CORPORATE SECRETARY  
Bradley A. Blubaugh, BA, MPA

SENIOR ASSOCIATES  
John J. Cantwell, PE, PP, CME  
Alan Dittlenhofer, PE, PP, CME  
Frank J. Seney, Jr., PE, PP, CME  
Terence Vogt, PE, PP, CME  
Dennis K. Yoder, PE, PP, CME, LEED  
Charles E. Adamson, PLS, AET  
Kim Wendell Bibbs, PE, CME  
Marc DeBlasio, PE, PP, CME  
Leonard A. Falola, PE, CME  
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**BORDENTOWN SEWERAGE AUTHORITY  
ENGINEER'S STATUS REPORT  
FOR APRIL 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 operational. BSA personnel are monitoring its operation but it is still owned by the Applicant.

***Action Item: We recommend a bond reduction of 75%. This is the maximum reduction permitted. The next step would be a bond release.***

Phase II: In design. The site layout for the entirety of Phase II has not been submitted to date. No action.

● **Thorntown Lane Development: On-site construction has commenced and wastewater facilities are being installed.**

● **Dunkin Donuts @ Bottom Dollar: On-site construction is ongoing.**

● **Central Crossing:**

- Grainger:

○ Building Number 1: Building number 1 is under construction.

○ 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.

- **Central Crossing Amboy Bank Building No. 3: The original draft agreement has been more further refined and returned to the developer for final review. This agreement is related to the required infrastructure improvements for the gravity sewer by the Route 206 Armory and, if needed, the Rising Sun Road force main.**

- **Building 2W:** Applicant's attorney is claiming capacity was provided prior to any Rising Sun Road pump station issues being identified. Authority has taken the position that the applicant is responsible for Rising Sun Road system improvements before any conveyance capacity assurance can be provided. Mr. Coleman is having an ongoing dialogue with the developer's solicitor.
- **1 Spring Street; Bordentown City:** We distributed "Approved for Construction" drawings and we are entering the construction phase. An S-4 agreement is being finalized.
- **Holiday Inn Express (Route 206 Edgewood Motel Site):** The site drawings for solely the hotel (not the restaurant) are approved. A preconstruction conference was held and shop drawings are being reviewed.
- **Holiday Inn Express (Route 206 by Mansfield Border):** BSA representatives meet with this "serious" developer on March 10th to discuss Rising Sun Road conveyance system issues. This is the first conveyance system meeting for this project that has been on/off for 15 years.
- **Love's Tire Repair Shop At Rising Sun Road Connector Road:** A review letter has been provided to the Applicant.
- **Bordens Crossing:** A progress meeting was held with Amboy Bank the current Phase 4 owner on April 9th to review outstanding work. Amboy bank is in dispute with Kor regarding ownership of Phases 1-3.
- **Georgetown Road Force Main Modifications:** Burlington County is replacing a culvert east of the New Jersey Turnpike overpass. To facilitate this work a portion of a BSA force main was cut and replaced in the same location. The County is providing the labor to perform this modification work.

End of Report

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