

TOWNSHIP OF OCEAN SEWERAGE AUTHORITY
REGULAR MEETING
April 1, 2014

1. Meeting called to Order
2. Pledge of Allegiance
3. Roll Call - Bernhardt, Galvin, Kelly, Stubbs, Villapiano
4. Let the minutes show that this meeting is being held in accordance with the requirements of the Open Public Meetings Act of 1975 and that adequate notice has been duly posted where required, mailed to its service communities on February 6, 2014, and emailed to the Asbury Park Press and The Coaster on February 7, 2014. The minutes of this meeting will be available after Board approval at a subsequent meeting.
5. Executive Director's Report
6. Attorney's Report
7. Engineer's Report
8. Plant Superintendent's Report
9. Review of resolutions on agenda

BUSINESS SESSION

10. Approval of minutes of March 4, 2014 regular meeting
11. Motion to receive and file Plant Superintendent's Report
12. Communications
13. Review of Bill List
 - a. Member comments
 - b. Public comment
14. Resolution 14-37: Payment of bills
15. Resolution 14-38: Authorizing adjustment and credit to account number 19610-0
16. Resolution 14-39: Authorizing approval of change order no. 1 in the amount of \$11,113.50 and authorizing payment in the amount of \$27,662.24 to Kmetz Inc. for the South Edgemere Siphon Line project
17. Resolution 14-40: Approving settlement of the Authority's New Jersey Pollution Discharge Elimination System Permit Appeal
17. Member Comments
18. Public Comment
19. Closed Session
20. Adjournment

**AUTHORIZING ADJUSTMENT AND CREDIT
TO ACCOUNT NUMBER 19610-0**

WHEREAS, the property located at 1025 Deal Road (account number 19610-0) (the “Property”) is billed for fifty-six (56) units; and

WHEREAS, the Property owner questioned the annual service charges for the property; and

WHEREAS, the original application for the Property estimated flow at 2,550,000 gallons per year; and

WHEREAS, the Property was charged for nineteen (19) service units for purposes of determining the connection fee amount due; and

WHEREAS, flow from the property over the last three (3) years has been consistent with a determination of nineteen (19) service units.

NOW, THEREFORE, BE IT RESOLVED that the Township of Ocean Sewerage Authority hereby authorizes that account number 19610-0 be adjusted to nineteen (19) services units as of January 1, 2014; and

BE IT FURTHER RESOLVED that account number 19610-0 receive a credit of \$51,060 for excess billing for the period January 1, 2010 through December 31, 2013.

| | Motion | Second | Aye | Nay | Abstain | Absent |
|------------|--------|--------|-----|-----|---------|--------|
| Bernhardt | | | | | | |
| Galvin | | | | | | |
| Stubbs | | | | | | |
| Theodora | | | | | | |
| Villapiano | | | | | | |

I hereby certify the above to be a true copy of a Resolution duly adopted by the Township of Ocean Sewerage Authority at its Regular Meeting held on April 1, 2014.

RALPH STUBBS, Secretary

AUTHORIZING APPROVAL OF CHANGE ORDER NO. 1 IN THE AMOUNT OF \$11,113.50 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$27,662.24 TO KMETZ INC. FOR THE SOUTH EDGEMERE SIPHON LINE PROJECT

WHEREAS, the Township of Ocean Sewerage Authority awarded a contract to Kmetz Inc. (“KMETZ”) in the amount of \$189,212.00 for the South Edgemere Siphon Line Project (the “Contract”) on August 7, 2012; and

WHEREAS, the Contract provided the installation of a siphon line under Deal Lake from South Edgemere Avenue in the Township of Ocean to Bridlemere Avenue in the Borough of Interlaken; and

WHEREAS, supplemental work was required to install soil cement, relocate a water main and trucking backfill; and

WHEREAS, the work under the Contract act has been completed; and

WHEREAS, a Change Order representing adjustments for actual quantities, extras and supplemental work in the amount of \$11,113.50 has been recommended for approval by the Authority’s engineer T&M Associates; and

WHEREAS, the Authority’s Engineer has reviewed the work completed and the material supplied and recommends final payment in the amount of \$27,662.24 to KMETZ in accordance with Payment Certificate No. 2, dated February 26, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Township of Ocean Sewerage Authority authorizes approval of Change Order Number 1 in the amount of \$11,113.50; and

BE IT FURTHER RESOLVED that the Township of Ocean Sewerage Authority authorizes final payment in the amount of \$27,662.24 to Kmetz Inc. for the South Edgemere Siphon Line Project in accordance with Engineer’s Payment Certificate No. 2.

| | Motion | Second | Aye | Nay | Abstain | Absent |
|------------|--------|--------|-----|-----|---------|--------|
| Bernhardt | | | | | | |
| Galvin | | | | | | |
| Stubbs | | | | | | |
| Theodora | | | | | | |
| Villapiano | | | | | | |

I hereby certify the above to be a true copy of a Resolution duly adopted by the Township of Ocean Sewerage Authority at its Regular Meeting held on April 1, 2014.

CHRISTOPHER KELLY, Secretary

**APPROVING SETTLEMENT OF THE AUTHORITY'S
NEW JERSEY POLLUTION DISCHARGE
ELIMINATION SYSTEM PERMIT APPEAL**

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) periodically reissues a New Jersey Pollution Discharge Elimination System permit (the “Permit”) to the Township of Ocean Sewerage Authority (the “Authority”) for the discharge of pollutants into the Atlantic Ocean in accordance with the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; and

WHEREAS, at the time of the reissuance of the Authority’s Permit, the Authority submitted a timely request for an adjudicatory hearing to contest certain conditions the NJDEP placed in the Authority’s permit; and

WHEREAS, the Authority joined together with other similar situated utility authorities (collectively, the “Ocean Dischargers”) to more efficiently handle the dispute; and

WHEREAS, after considerable time and effort, the NJDEP and the Ocean Dischargers have come to an agreement to resolve the pending appeals of the Authority and the Ocean Dischargers, the term and conditions of which are set forth in the Stipulation of Partial Settlement attached hereto and made a part hereof by reference; and

WHEREAS, the Authority’s Executive Director, Plant Superintendent and General Counsel are of the opinion that the proposed settlement represents an appropriate, cost-effective resolution of the disputed permit issues and strongly recommends the Authority to enter into the proposed settlement; and

WHEREAS, it is in the Authority’s best interests to accept the proposed settlement and avoid the continuing costs and uncertainty associated with the appeal process.

NOW, THEREFORE, BE IT RESOLVED that the Township of Ocean Sewerage Authority that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED that the settlement of all pending permit appeal issues with the NJDEP in accordance with the terms of the Stipulation of Partial Settlement attached hereto is hereby approved; and

BE IT FURTHER RESOLVED that the Executive Director be and hereby is authorized and directed to execute such settlement documents as may be required to consummate the resolution of all outstanding appeal issues between the Authority and the NJDEP, including specifically the Stipulation of Partial Settlement attached hereto.

| | Motion | Second | Aye | Nay | Abstain | Absent |
|------------|--------|--------|-----|-----|---------|--------|
| Bernhardt | | | | | | |
| Galvin | | | | | | |
| Stubbs | | | | | | |
| Theodora | | | | | | |
| Villapiano | | | | | | |

I hereby certify the above to be a true copy of a Resolution duly adopted by the Township of Ocean Sewerage Authority at its Regular Meeting held on April 1, 2014.

RALPH STUBBS, Secretary