

Regular Meeting - Agenda

Wednesday, January 20, 2016

5:30 PM

Mayor's Conference Room

Egg Harbor Township MUA
3515 Bargaintown Road
Egg Harbor Township, NJ 08234
(609) 926-2671

Opening Statement Pursuant to the Open Public Meetings Act

Roll Call

General Public Discussion

Applications / Project Status

~ Atlantic City RV Park

Ratification of Administrative Action

Engineer Report

~ Resolution #1 – 2016

Award of Contract – IBM Force Main Video

Treasurer's Report

~ Resolution #2 – 2016

Operating Account Bill List

~ Resolution #3 – 2016

Developer Account Bill List

Authority Clerk Report

~ Resolution #4 – 2016

December 2015 Adjustments

~ Resolution #5 – 2016 [2014 – 2015 Audit]

Other Business (not listed on the Agenda)

Closed Session (If Necessary)

~ Resolution #6 – 2016

Adjournment

Formal action may or may not be taken.

Egg Harbor Township Municipal Utilities Authority
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

January 20, 2016
Meeting Minutes

Chairman Davis read the Opening Statement pursuant to the Open Public Meetings Act and called the meeting to order at 5:30 PM.

Roll Call:	Nathan Davis, Chairman	present
	Michael Duffy, Vice-Chairman	present
	H. Chris Schwemm, Treasurer	present
	Theresa Prendergast, Secretary	present
	Charles Pfrommer, Commissioner	present
	Theresa Moschetto, Alt Commissioner	present

Vincent Polistina, Engineer, John Ridgway, Solicitor and Elaine Super, Authority Clerk were also in attendance.

General Public Discussion

There was no one present from the public, therefore a motion was made by Mr. Schwemm, seconded by Mr. Duffy to close the public portion of the meeting. All voted yes.

Applications / Project Status

~ Atlantic City RV Park [Resolution #6 – 2016] Preliminary Approval

1501 North Albany Avenue, Atlantic City

Dave Goddard and Ron Curcio were present to discuss the proposed changes to be made at the bus transportation center. Although no new extensions are proposed, Mr. Polistina believed the preliminary and final applications were appropriate as the proposed project is more extensive than work typically reviewed through a Modification Application. The existing structure has been tied into Egg Harbor Township's sewer system for forty years. Release of franchise documents are on file as is the original agreement between the Authority and the property owner. During the past several months, there has been much discussion regarding the proposed recreation vehicle park, with no real definitive plan on how the sewer for each individual camp site and the common areas within the park will be monitored and metered. Mr. Polistina and Mrs. Super will continue to work with Mr. Goddard to work out the details, but in the meantime, Mr. Goddard has asked for a preliminary approval so they can begin to move forward with their plans. A motion was made by Mrs. Prendergast and seconded by Mr. Pfrommer to grant a preliminary approval. All

voted yes except for Mr. Schwemm who had expressed his concern over this project being in Atlantic City and since this Authority has no oversight or jurisdiction in Atlantic City, he's concerned that the details and an up to date agreement have not been finalized. The approval does stipulate that complete plans and maintenance details, as well as a new Agreement be submitted prior to the final approval being granted. Mr. Polistina suggested the preliminary approval was warranted as the project showed feasibility and there is capacity to handle the proposed flow.

Mr. Goddard will submit the details separately for the restaurant. The flows will be reviewed and compared with existing approvals and connection fee calculations.

Engineer Report – The written engineer's report is attached and is a part of these minutes.

~ Resolution #1 – 2016 [Contract #87]

Motion Mrs. Prendergast, seconded by Mr. Pfrommer to award the IBM Force Main Video Contract to Video Pipe Services in the amount of \$48,229.56. All voted yes.

Mr. Ridgway advised that the FAA Agreement contains language and restrictions that we do not agree with. The agreement continues to be debated and discussed.

Treasurer's Report

~ Resolution #2 – 2016

Motion Mr. Schwemm, seconded by Mrs. Prendergast to approve the bill list for the Operating Account. All voted yes.

~ Resolution #3 – 2016

Motion Mr. Schwemm, seconded by Mrs. Prendergast to approve the bill list for the Developer Account. All voted yes.

Previously discussed and approved, if and when the time was appropriate, to refinance the existing debt. Local Finance Board requires a 3% savings when refinancing. Bond interest rates have recently changed and the refinancing is now justifiable. Mr. Schwemm made a motion to re-commence with the refunding. [Resolution#8a – 2016] Mr. Duffy seconded this motion and all members voted yes. Professionals were previously engaged through contracts which have since expired. A motion was made by Mr. Schwemm, seconded by Mrs. Prendergast to re-award the Financial Advisor contract with Phoenix

Advisors in the amount of \$15,000.00 with the same terms as the previous contract. All voted yes. [Resolution #7 – 2016]. The bond council contract with Fleishman Daniels was also re-awarded, also with the same terms and conditions as the previous contract, in the amount of \$22,500.00. That motion was made and seconded by Mr. Schwemm and Mrs. Prendergast, respectively, and all members voted yes. [Resolution #8 – 2016]

The Treasurer's report, provided by Mr. Schwemm, was accepted by the Authority.

Authority Clerk Report

~ Resolution #4 – 2016

Motion Mr. Schwemm, seconded by Mrs. Prendergast to approve the December 2015 account adjustments. All voted yes.

Mr. Ridgway administered the Oath of Office to Mr. Schwemm and Mrs. Moschetto as they were both reappointed to the Authority effective February 1st.

Mr. Schwemm motioned to approve the December 2015 meeting minutes. Mr. Duffy seconded the motion and all voted yes.

~ Resolution #5 – 2016 [2014 – 2015 Audit]

The audit had been distributed in early December. All Authority members have had the opportunity to read the audit and a motion was made by Mr. Schwemm, seconded by Mr. Duffy to accept the audit. A roll call vote resulted in all members present voting in favor of accepting the audit.

A motion to adjourn the meeting was made by Mr. Schwemm seconded by Mr. Pfrommer at 6:40 pm. All voted yes.

Theresa Prendergast, Secretary

Prepared by Elaine Super, Authority Clerk

January 20, 2016 Minutes
Approved March 16, 2016
January 20, 2016 Minutes
Approved March 16, 2016

Engineer's Report
Egg Harbor Township MUA
January 20, 2016

Engineering Projects

1. **Emergency Maintenance Contract**

Kline Construction completed work at several locations over the past month. They replaced two broken manhole castings, one on the shoulder of the Black Horse Pike in front of Cardiff Plaza and the other on Spruce Avenue near the Davenport School. Kline also located and installed castings on several cleanouts in the Delilah Oaks neighborhood and along Spruce Avenue.

We also had Kline replace a total of three manhole castings on Oxford Place and Fox Place with new non-metallic water-tight units to help decrease water infiltration into the system during high tides.

We have recommended a payment in the amount of \$8,730.02 from the Operating Account for the work completed.

2. **ACUA Contract Administration**

The maintenance logs from the ACUA have been normal over the past month. We have noticed some longer than normal pump run times at the Old Zion station and a greater number of starts at the Harley station. The ACUA is currently investigating the controls at each location to determine the cause.

All the stations are currently operating with two pumps. A spare pump is still being utilized at the West Jersey station. One pump, covered by the original warranty, was returned to service last week. The older pump that was sent out for repair last month will be replaced with a new pump later this week. The cost of the replacement pump was \$4,485, only \$200 greater than the cost to repair the old pump.

The ACUA has noted that the impellers and volutes on the pumps at the Dorset station are extremely worn and need to be replaced. We have received an initial estimate of approximately \$8,000 to replace

those components which would be for only one pump. We are currently investigating the cost to purchase a replacement pump.

One of the pumps at the Delancy station also required a new impeller and volute. We authorized the ACUA to make that upgrade at a cost of \$3,866.

3. Wet Well Cleaning Contract Administration

Caprioni Family Septic assisted with clearing a main blockage on Ocean Heights Avenue and provided emergency bypass service during the replacement of a pump at the West Jersey station. They replaced clamps on the debris baskets at the Dorset and Crystal Lakes stations. Caprioni completed the normally scheduled basket and wet well cleanings over the past month.

Caprioni completed preventative maintenance jetting in several areas selected by the Authority Operator.

We have recommended a payment in the amount of \$11,694.19 from the Operating Account for the work completed in December.

4. Spills

There were no spill incidents within the last month.

5. Washington Avenue Interceptor Rehabilitation

The contractor has completed the application of the epoxy coating on all of the manholes and the metering chamber. All work has now been completed. The contractor is expected to submit the final payment request later this month.

6. Brookside Odor Control

The contractor is in the process of ordering the permanent odor control unit. Installation is expected to begin in late February.

7. Ocean Heights Pump Station Upgrades

We have approved the submittals provided by the contractor. All equipment is due later this month. We are working with Atlantic City Electrical on the relocation of the utility pole closer to the station and to provide three-phase power to the new equipment.

8. FEMA HMGP Generator Program

We are continuing with the selection of the new generator equipment and the preparation of the site plans and bid specifications.

9. **IBM Basin Video Inspection**

The Authority received bids for this project on January 20th. We will provide a report of the bids during the meeting.

10. **Trailer Park Pump Station Replacement**

Our office completed a survey of the existing location and easement area. We have also determined the new pump design point and working on selecting new pumps and control package.

11. **Air Relief Valve Repair**

We have been in contact with the vendor for the replacement air reliefs that will be used at the two locations along the force main for the Reega station. The new air reliefs will be provided on a trial basis for 180 days to determine if they function better than the existing units. The trial is expected to begin in February.

12. **GIS System**

We are in the process of creating an as-built of the manholes and cleanouts in the Reega - Reserves area of the Township that were identified via the video inspection / cleanout repair work completed in 2015. Once completed all of the information will be included with the Authority GIS system.

Developer Projects

Extension Applications

There are no developer funded sanitary system expansion projects currently underway.

Connection Applications

1. **Randy Homes, LLC**

The applicant is proposing the construction of a new single family dwelling and connect to the sanitary system in Zion Road.

Vince Polistina
Authority Engineer

**Egg Harbor Township
Municipal Utilities Authority**

**CERTIFICATION OF AVAILABILITY
OF FUNDS
FOR
AWARD OF CONTRACT**

In accordance with regulations of the Local Finance Board, I hereby certify that funds are available for the following:

Date	January 20, 2016
Resolution #	1 – 2016
Contract #	87 (IBM Basin Video Inspection)
Vendor	Video Pipe Services
Amount	\$ 48,229.56
Reason	video necessary to determine condition of sewer lines
Time Period	ASAP
Budget Line Item	Operations & Maintenance: Repair & Maintenance

Henry C. Schwemm, Treasurer

Theresa Prendergast, Secretary

**EGG HARBOR TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY**

RESOLUTION # 2 – 2016

Resolution authorizing payment of all bills out of the Operating Account

BE IT RESOLVED, by the Municipal Utilities Authority that all bills as enumerated on the attached list of bills are hereby authorized to be paid.

Dated: January 20, 2016

Theresa Prendergast, Secretary

Egg Harbor Township Municipal Utilities Authority
Checks Written - Operating Account
As of January 20, 2016

Num	Name	Memo	Amount
Operating Account			
		February Payroll	-32,446.49
TEPS	State of NJ Health Benefits	Health & Rx - January 2016	-12,424.56
9411	Egg Harbor Township - Dental	Dental Benefits - January 2016	-509.55
9412	Mossman's Business Machines	Invoice # 139228	-32.82
9413	Press of Atlantic City, The	Acct. # 103389	-127.50
9414	Staples Advantage	Customer: PHL 1057418	-90.74
9415	W.B. Mason Co., Inc.	Customer No. C2165338	-77.97
9416	ACE Hardware	Customer #552303	-32.57
9417	CARQUEST of Egg Harbor Towns...	Customer No. 0210381	-123.57
9418	Egg Harbor Township Police Depar...	Invoice # 662	-3,150.00
9419	Huber Locksmiths, Inc.	Invoice # 140483	-250.00
9420	Johnson & Towers, Inc.	Customer # 15971	-1,645.60
9421	Miller's Equipment LLC	Invoice # 25270	-54.84
9422	NAPA Auto Parts	Customer # 4162	-379.32
9423	One Call Concepts, Inc.	Account # 12-EGC	-301.58
9424	USABlueBook	Customer No. 605705	-555.32
9425	Xylem Dewatering Solutions, Inc.	Invoice # 400564660/7285	-2,276.84
9426	AT & T	Acct. # 020 595 7994/5499	-71.40
9427	Atlantic City Electric	multiple accounts	-23,369.41
9428	New Jersey American Water Co.	multiple accounts	-569.95
9429	South Jersey Gas	Acct: 11341704119 & 11338452912	-129.15
9430	Verizon	Acct. #201 Z42 0142 999 78 Y	-184.88
9431	Verizon Wireless	Acct. # 200702280-00001	-132.48
9432	Caproni Family Septic	Account # 1448	-11,694.19
9433	Kline Construction Co. Inc.	Account No. 1417	-8,730.02
9434	Polistina & Associates, LLC	December 2015	-46,775.75
9435	Ridgway & Ridgway	December 2015	-14,432.50
	Total Operating Account		-160,569.00
TOTAL			-160,569.00

EGG HARBOR TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY

RESOLUTION # 3 – 2016

Resolution authorizing payment of all bills out of the Developer Account

BE IT RESOLVED, by the Municipal Utilities Authority that all bills as enumerated on the attached list of bills are hereby authorized to be paid.

Dated: January 20, 2016

Theresa Prendergast, Secretary

11:35 AM

01/20/16

Accrual Basis

Egg Harbor Township Municipal Utilities Authority
Checks Written - Developer Account
As of January 20, 2016

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
CB Developer Account			
3205	Polistina and Associates	December 2015	-7,724.25
3206	Ridgway & Ridgway	December 2015	-230.00
Total CB Developer Account			-7,954.25
TOTAL			-7,954.25

EGG HARBOR TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY

RESOLUTION # 4 – 2016

Resolution authorizing adjustments to Customer Accounts

BE IT RESOLVED, by the Municipal Utilities Authority that all adjustments as listed on the attached Report(s) of Adjustments are hereby approved.

Dated: January 20, 2016

Theresa Prendergast
Secretary

Egg Harbor Township Municipal Utilities Authority

Monthly Adjustment Report

December 2015

	<u>Date</u>	<u>Num</u>	<u>Account</u>	<u>Reason</u>	<u>Amount</u>
Delinquent Charges					
	12/22/2015	24566	8592-0	Post Office Error/ Lost in Mail	-1.31
	12/22/2015	24566	8716-0	Post Office Error/ Lost in Mail	-1.25
	12/22/2015	24566	3664-0	Post Office Error/ Lost in Mail	-1.25
	12/22/2015	24566	12613-0	Post Office Error/ Lost in Mail	-1.25
	12/22/2015	24566	11192-0	Post Office Error/ Lost in Mail	-1.25
	12/22/2015	24566	8426-0	Post Office Error/ Lost in Mail	-1.25
	12/22/2015	24566	2975-0	Post Office Error/ Lost in Mail	-1.25
	12/23/2015	24570	1987-0	Deed Rcvd Late	-1.25
	12/23/2015	24570	8319-0	Deed Rcvd Late	-1.25
	12/23/2015	24570	272-0	Deed Rcvd Late	-6.25
	12/23/2015	24570	4694-0	Deed Rcvd Late	-1.25
	12/23/2015	24570	8462-0	Deed Rcvd Late	-1.25
	12/23/2015	24570	4695-0	Deed Rcvd Late	-1.25
	12/23/2015	24569	9208-0	Post Office Error/ Lost in Mail	-1.25
	12/23/2015	24569	6089-0	Post Office Error/ Lost in Mail	-1.25
	12/23/2015	24569	6091-0	Post Office Error/ Lost in Mail	-1.25
	12/29/2015	24584	9081-0	Good History	-1.17
	12/29/2015	24584	6522-0	Good History	-1.25
	12/29/2015	24586	5190-0	Good History	-1.25
	12/29/2015	24586	7778-0	Good History	-1.25
	12/31/2015	24593	8450-0	Good History	-1.25
	12/31/2015	24593	4697-0	Good History	-1.24
	12/31/2015	24593	330-0	Good History	-1.25
	12/31/2015	24593	2142-0	Good History	-1.25
Return Check Fee					
	12/14/2015	3206	3803-0	Bank Error	-20.00
	12/17/2015	3208	8596-0	Bank Error	-20.00
User Charges					
Commercial Excess					
	12/30/2015	24594	10820-0	Non Profit - Twp Owned	-442.75
	12/30/2015	24594	12793-0	Non Profit - Twp Owned	-184.00
Commercial Minimum					
	12/30/2015	24594	7134-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	7429-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	9179-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	10390-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	10748-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	10817-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	10818-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	10819-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	10820-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	11425-0	Non Profit - Twp Owned	-83.00
	12/30/2015	24594	12793-0	Non Profit - Twp Owned	-83.00
Residential					
	12/02/2015	3196	11204-0	Removed One Unit	-166.00
	12/03/2015	3198	6573-0	House lifted	-83.00

**Egg Harbor Township Municipal Utilities Authority
Atlantic County, New Jersey**

RESOLUTION # 5 – 2016

Reason: Acceptance of Audit – Fiscal Year 2014 - 2015

WHEREAS, NJSA 40A:5A-15 required the governing body of every authority to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2014-2015 has been filed by a Registered Municipal Accountant with the Authority Clerk as per the requirements of NJSA 40A:5A-15, and a copy has been received by each member of the Authority's Board of Commissioners, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per RS 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Authority's Board of Commissioners have reviewed, as a minimum, the sections of the Annual Report of Audit entitled "General Comments and Recommendations"; and

WHEREAS, the members of the Authority's Board of Commissioners have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "General Comments and Recommendations", as evidenced by the group affidavit form of the Authority's Board of Commissioners, and,

WHEREAS, such resolution of certification shall be adopted by the Authority's Board of Commissioners no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Authority's Board of Commissioners have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as state aforesaid and have subscribed to the 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 the members of the local governing body to the penalty provisions of RS 52:27BB-52 to wit:

RS 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 and order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon convictions, 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 Egg Harbor Township Municipal Utilities Authority, hereby states that it has complied with the regulations of the Local Finance Board of the State of New Jersey and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution # 5 – 2016

Adopted: January 20, 2016

Motion made by _____ seconded by _____.

Roll Call Vote:

Nathan Davis -

Michael Duffy -

Henry Schwemm -

Theresa Prendergast -

Charles Pfrommer -

Theresa Moschetto –

I hereby certify that this is a true copy of the Resolution passed by the Authority's Board of Commissioners at a meeting held on January 20, 2016.

Nathan Davis, Jr., Chairman

Theresa Prendergast, Secretary

Elaine Super, Authority Clerk

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
PRELIMINARY SEWERAGE EXTENSION APPLICATION
RESOLUTION # 6 of 2016**

**Applicant: Ole Hansen & Sons, Inc.
Project: 1501 Albany Avenue
Block 795, Lots 38, 45, 47
EHTMUA Application #15-07**

The Egg Harbor Township Municipal Utilities Authority (referred to as “Authority” or “EHTMUA”) is a duly formed and authorized public body created under the Municipal and County Utilities Authorities Law, as set forth in Chapter 183 of the Laws of New Jersey of 1957, as amended, for the purposes of overseeing the provision and development of sewerage facilities and services within Egg Harbor Township, New Jersey, as more particularly set forth in the Act.

Ole Hansen & Sons, Inc. is the owner of Block 795, Lots 38, 45 and 47, in Atlantic City, New Jersey. The property is located on the north side of Albany Avenue (U.S. Route 40/322) adjacent to Beach Thorofare in the City of Atlantic City. The proposed development is to occur on Lots 38 and 45.

At the regularly scheduled meeting of the Authority on January 20, 2016, the Applicant’s request for Preliminary Approval was heard. The Applicant’s representatives, David Goddard, and Ron Curcio, P.E. were in attendance. At that time, the Authority was presented with plans, specifications and other information concerning the application as set forth below and as otherwise provided in the application materials. The details and specifications of the plans submitted by the Applicant to the Authority at the time of the hearing are incorporated into this Resolution by reference.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
PRELIMINARY SEWERAGE EXTENSION APPLICATION
RESOLUTION # 6 of 2016**

**Applicant: Ole Hansen & Sons, Inc.
Project: 1501 Albany Avenue
Block 795, Lots 38, 45, 47
EHTMUA Application #15-07**

FACTS PRESENTED

The Applicant is proposing to redevelop Lots 45 and 38. Lot 45 previously contained a building for Spencer Gifts which was demolished. Lot 38 (formerly Lots 38, 40-44) contains a 2-story office building, a garage, a boat storage area, and a bus parking area. The bus storage facility will be relocated to Lot 45 and a 1,250 square foot bus driver's lounge will be constructed on the lot.

The applicant is proposing an extensive on-site sanitary sewer system to provide service for the facility. The project will be redeveloped in two (2) phases.

The proposed flow will be routed through a combination of four-inch (4") laterals, six-inch (6") laterals and eight-inch (8") main to the existing on-site pump station. From the pump station, it is pumped through the existing six-inch (6") force main to the West Atlantic City portion of Egg Harbor Township. It is conveyed through the EHTMUA system to the location of the Miami pump station and is ultimately discharged to the ACUA in the City of Pleasantville.

The Authority Engineer has determined that all downstream sewer facilities have capacity to handle the proposed flow. The property's sanitary sewer service is provided by the Authority, pursuant to a 1969 Agreement between the Authority and Spencer Gifts and a 1985 Agreement between Spencer Gifts and the Applicant (the "Service Agreements"). The City of Atlantic City has released its sewer franchise for the property.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
PRELIMINARY SEWERAGE EXTENSION APPLICATION
RESOLUTION # 6 of 2016**

**Applicant: Ole Hansen & Sons, Inc.
Project: 1501 Albany Avenue
Block 795, Lots 38, 45, 47
EHTMUA Application #15-07**

All work related to the construction of the on-site system will be completed by the Applicant. An inspection escrow shall be posted for the EHTMUA to oversee all construction and testing of the sewer system.

The Authority Engineer recommended that the application be granted Preliminary Approval, with the understanding that the Service Agreement shall be updated in connection with the project's Final Approval application.

AUTHORITY ACTION

Based upon the above facts developed at the time of the hearing and as otherwise set forth in the application materials, Commissioner Prendergast made a motion to grant Preliminary Approval of the application, and Commissioner Pfrommer seconded the motion to grant Preliminary Approval. The Commissioners voted in favor of granting Preliminary Approval as follows:

Chairman Davis:	Affirmative
Vice Chairman Duffy:	Affirmative
Commissioner Schwemm:	Negative
Commissioner Prendergast:	Affirmative
Commissioner Pfrommer:	Affirmative
Commissioner Moschetto:	Alternate- No Vote

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
PRELIMINARY SEWERAGE EXTENSION APPLICATION
RESOLUTION # 6 of 2016**

**Applicant: Ole Hansen & Sons, Inc.
Project: 1501 Albany Avenue
Block 795, Lots 38, 45, 47
EHTMUA Application #15-07**

CONDITIONS AND LIMITATIONS OF AUTHORITY ACTION

The Authority's action set forth above is conditional as set forth below:

1. A preliminary sewerage application is limited only to determining the feasibility aspects of the proposed sewerage project.
2. In the event the Permit Extension Act of 2008 as amended (the "Act") applies to this development/project, the suspension, tolling and/or extension of an Authority "Approval" as that term is defined in the Act, is specifically contingent upon the availability of sufficient sewer capacity on the part of the Authority and those entities accepting and treating sewerage flow from the Authority to accommodate the flow generated from the subject development/project pursuant to N.J.S. 40:55D-136.4(e).
3. Preliminary approval is not an allocation of sewerage capacity nor authorization to commence construction. The applicant will not receive a final sewerage allocation until final approval by the Authority is granted, and the State of New Jersey, Department of Environmental Protection (NJDEP) reviews the Treatment Works Application and thereafter executes and issues a permit. Finally the applicant shall not begin any sewerage construction until the Authority issues a final permit which only occurs after the NJDEP permit is issued to the Authority.
4. If the sewer extension or other relief requested in the application is in any way contingent upon construction of other sewerage facilities by the applicant herein or applicants or

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
PRELIMINARY SEWERAGE EXTENSION APPLICATION
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Project: 1501 Albany Avenue
Block 795, Lots 38, 45, 47
EHTMUA Application #15-07**

developers, and these other facilities fail to come into fruition, the Authority reserves the right to deny final approval.

5. Authority approval shall only be valid for one (1) year from the Authority meeting granting such approval. The Authority shall have no obligation to extend any approval. The applicant may request the Authority to extend an approval prior to the expiration of one (1) year in accordance with the Authority's Rules and Regulations. However, if the Authority does not grant an extension of an approval within one (1) year after the date of Authority action, this resolution and approval shall automatically expire and be deemed revoked without further notice from the Authority. All extensions of the New Jersey DEP Construct and Operate Treatment Works Approval must be filed by and through the Authority's office at the applicant's request.

6. In the event the subject application has been tabled by action of the Authority, such application must be reheard within six (6) months of the date of the Authority action tabling the application in order to maintain any prior preliminary or final application approval in active status. If the tabled application is not reheard and acted upon by the Authority within six (6) months from the time of Authority action tabling it, all prior preliminary and/or final approvals shall be deemed null and void and the application must be resubmitted to the Authority including all application and review fees for any further action.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
PRELIMINARY SEWERAGE EXTENSION APPLICATION
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**Applicant: Ole Hansen & Sons, Inc.
Project: 1501 Albany Avenue
Block 795, Lots 38, 45, 47
EHTMUA Application #15-07**

7. A denied Application must be reheard within six (6) months of the action in order to remain active. Otherwise, a new Application and all applicable fees must be submitted for further Authority action.

In addition to the above, the Authority reserves the right to administratively amend, suspend or revoke the above action through the Authority Clerk in the event of any of the following:

- A. A material change of any plan(s) submitted by the applicant.
- B. Local, County, State or Federal law, plan, regulation, agreement, assessment, obligation or other matter which directly or indirectly affects this project, the sewer plan, capacity, feasibility, the number of building units, or the Authority's action concerning the project.
- C. Any moratorium or other State, County or local action preventing the approval.
- D. Any action outside of the control of the Authority which affects the capacity and feasibility of the applicant's proposed developments. This includes the denial of an easement or other access right necessary for the routing or placement of sewer improvements as set forth in the application materials.
- E. The approval is specifically subject to and conditioned upon the permitting and approval of the plans and the development by the Atlantic County Utilities Authority and the New Jersey Department of Environmental Protection.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
PRELIMINARY SEWERAGE EXTENSION APPLICATION
RESOLUTION # 6 of 2016**

**Applicant: Ole Hansen & Sons, Inc.
Project: 1501 Albany Avenue
Block 795, Lots 38, 45, 47
EHTMUA Application #15-07**

- F. Authority preliminary or final approval is not an allocation of sewer capacity nor is it authorization to commence construction of any sewer related improvement. Sewer related construction may not commence until the Authority issues a final permit after receipt of proper County and State permits.
- G. Any and all "downstream" or other required sewage facilities within or outside the control of the applicant, must be permitted and constructed prior to the applicant taking any action in connection with the development.
- H. Notwithstanding the approval, the applicant must still comply with all rules and regulations of the Authority and Egg Harbor Township, and shall be required to pay all applicable fees, assessments or service charges to the appropriate governmental agency including the appropriate sewer connection fee(s).
- I. It is the applicant's responsibility to determine whether this project is subject to a prior developer's repayment agreement rights. In the event such repayment agreements are involved, all applicable fees must be paid prior to the applicant taking further action.
- J. An Applicant that disagrees with the Authority's actions as set forth in this Resolution or in connection with an application shall have the right to seek reconsideration of the Authority's action. Reconsideration must be sought by submitting written notice of the request for reconsideration to the Authority Clerk within thirty (30) days of the Authority action together with a detailed report stating what actions are challenged and setting forth the applicant's basis for disagreeing with the Authority's actions. All facts, plans,

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
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information, statements and reports of professionals supporting the request must be submitted to the Authority at the time the request is made. The Authority will act upon such reconsideration requests within sixty (60) days of receipt of the Applicant's request for reconsideration and report. The applicant's failure to request reconsideration within the thirty (30) days set forth above shall constitute an acceptance of the Authority's action.

I, Theresa Prendergast, Secretary for the Egg Harbor Township Municipal Utilities Authority do hereby certify that the foregoing Resolution was duly approved at the regular meeting of the Egg Harbor Township Municipal Utilities Authority held the 20th day of January, 2016, at the Municipal Building, Egg Harbor Township, New Jersey at 5:30 p.m.

THERESA PRENDERGAST
SECRETARY

**Egg Harbor Township
Municipal Utilities Authority**

**CERTIFICATION OF AVAILABILITY
OF FUNDS
FOR
AWARD OF CONTRACT**

In accordance with regulations of the Local Finance Board, I hereby certify that funds are available for the following:

Date	January 20, 2016
Resolution #	7 - 2016
Contract #	Financial Advisor
Vendor	Phoenix Advisors
Amount	\$ 15,000.00
Reason	Refunding of existing bonds
Time Period	ASAP
Budget Line Item	Capital Expenses

Henry C. Schwemm, Treasurer

Theresa Prendergast, Secretary

**Egg Harbor Township
Municipal Utilities Authority**

**CERTIFICATION OF AVAILABILITY
OF FUNDS
FOR
AWARD OF CONTRACT**

In accordance with regulations of the Local Finance Board, I hereby certify that funds are available for the following:

Date	January 20, 2016
Resolution #	8 - 2016
Contract #	Bond Counsel
Vendor	Fleishman Daniels Law Offices
Amount	\$ 22,500.00
Reason	Bond Counsel – Refunding of existing bonds
Time Period	ASAP
Budget Line Item	Capital Expenses

Henry C. Schwemm, Treasurer

Theresa Prendergast, Secretary

Egg Harbor Township Municipal Utilities Authority

Resolution # 8 – 2016

Resolution Authorizing the Award of a Non-Fair and Open Contract for Bond Counsel

WHEREAS the Egg Harbor Township Municipal Utilities Authority has a need to acquire Bond Counsel services as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5 as appropriate, and;

WHEREAS, the Authority Treasurer had determined and certified in writing that the value of the acquisition will exceed \$17,500, and;

WHEREAS, the anticipated term of this contract is one (1) year and may be extended as approved by the Authority Board of Commissioners, and;

WHEREAS, Fleishman Daniels Law Offices has agreed to extend or renew their contact in the amount of \$22,500 (originally approved February 6, 2015).

WHEREAS, Fleishman Daniels Law Offices has completed and submitted a Business Entity Disclosure Certification which certifies that Fleishman, Daniels Law Offices, LLC has not made any reportable contributions to a political or candidate committee in the Township of Egg Harbor in the previous one year, and that the contract will prohibit Fleishman Daniels Law office, LLC from making any reportable contributions through the term of the contract, and

NOW, THEREFORE BE IT RESOLVED by the Commissioners of the Egg Harbor Township Municipal Utilities Authority, County of Atlantic and the State of New Jersey as follows:

- ❖ That Fleishman Daniels Law Offices be and hereby is appointed to provide legal services in regards to the refunding of bonds for the Authority, for the duration of the refunding transaction.
- ❖ That Fleishman Daniels Law Offices shall be available as consultant to the Commissioners of the Authority and render such assistance as may be necessary for all refunding issues.
- ❖ That a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services of the State of New Jersey.
- ❖ That a certified copy of this Resolution be published in The Press of Atlantic City and the Mainland Journal, as required by law within ten (10) days of its passage.
- ❖ That the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein.

- ❖ That the attached Business Entity Disclosure Certification and the Determination of Value are hereby attached and incorporated into this Resolution.

I, Theresa Prendergast, Secretary for the Egg Harbor Township Municipal Utilities Authority do hereby certify that the foregoing Resolution was duly adopted at a regularly scheduled meeting of the Egg harbor Township Municipal Utilities Authority held the 20th day of January, 2016 at the offices of the Egg Harbor Township Municipal Utilities Authority, located at 3515 Bargaintown Road, Egg Harbor Township, New Jersey at 5:30pm.

Theresa Prendergast, Secretary

Attest: _____
Elaine Super, Authority Clerk

RESOLUTION NO. 8a-2016

RESOLUTION OF THE EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AUTHORIZING THE FILING OF A REQUEST TO THE LOCAL FINANCE BOARD TO EXTEND THEIR PRIOR APPROVAL GRANTED PURSUANT TO N.J.S.A. 40A:5A-6

WHEREAS, the Egg Harbor Township Municipal Utilities Authority in the County of Atlantic, State of New Jersey (the “**Authority**”) intends to issue sewer revenue refunding bonds up to a maximum principal amount of \$3,850,000 (the “**Refunding Bonds**”) for the purposes of: (a) refunding and prepaying all of the callable portion of the sewer revenue bonds of the Authority dated December 28, 2007 (the “**2007 Bonds**”); (b) funding all debt service reserve requirements for the Refunding Bonds; and (c) paying the costs of issuance of the Refunding Bonds (the “**Refunding Transaction**”); and

WHEREAS, in February, 2015, the Authority previously filed an application with the Local Finance Board pursuant to *N.J.S.A. 40A:5A-6* requesting approval to adopt a supplemental bond resolution authorizing the Refunding Transaction and the issuance of the Refunding Bonds; and

WHEREAS, by Resolution dated March 11, 2015, the Local Finance Board approved the proposed Refunding Transaction and the issuance of the Refunding Bonds (the “**LFB Approval**”); and

WHEREAS, prior market conditions prevented the Authority from proceeding with the Refunding Transaction and prevented the issuance of the Refunding Bonds within twelve (12) months from the date of the LFB Approval; and

WHEREAS, the Authority now desires to proceed with the Refunding Transaction as the Authority can achieve the required minimum of three (3%) percent present value savings under current market conditions.

NOW THEREFORE, BE IT RESOLVED BY THE EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY as follows:

Section 1. The filing of a request to the Local Finance Board for an extension of the LFB Approval to permit the issuance of the Refunding Bonds by the Authority is hereby approved, and the Authority’s designated Bond Counsel and Financial Advisor, along with other representatives of the Authority, are hereby authorized to prepare and submit any and all documents as shall be required in connection with this request and to represent the Authority in all matters pertaining thereto.

Section 2. A copy of this Resolution shall be submitted to the Local Finance Board as part of the application process.

Section 3. The Local Finance Board is hereby respectfully requested to consider such reapplication and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Section 4. This Resolution shall take effect immediately.

Recorded Vote

	AYE	NO	ABSTAIN	ABSENT
Davis	X			
Duffy	X			
Schwemm	X			
Prendergast	X			
Pfrommer	X			
Moschetto				

~ no vote ~ alternation commissioner

The foregoing is a true copy of a Resolution adopted by the Authority on January 20, 2016.

Theresa Prendergast, Secretary