

Special Meeting - Agenda

Wednesday, February 11, 2015

4:00 PM

EHTMUA 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

- Bond Counsel
- 2015/2016 Bonding

Other Business (not listed on the Agenda)

Closed Session (If Necessary)

Adjournment

Formal action may or may not be taken.

Egg Harbor Township Municipal Utilities Authority

3515 Bargaintown Road
Egg Harbor Township, NJ 08234

February 11, 2015
Special Meeting Minutes

Chairman Davis read the Opening Statement pursuant to the Open Public Meetings Act and called the meeting to order at 4:00 PM.

Roll Call:	Nathan Davis, Chairman	present
	Michael Duffy, Vice-Chairman	absent
	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.

Mr. Michael Duffy was excused from this meeting due to a previous commitment.

Mr. Schwemm provided a brief update on the status of the Washington Avenue and FAA Pump Station projects and the potential for funding through the Environmental Infrastructure Trust Program (EIT) for the 2015 and/or 2016 year. Mr. Schwemm motioned to continue pursuing the funding through the EIT. This was seconded by Mr. Pfrommer and all voted yes.

~Resolution #6 – 2015

The Authority has explored the possibility of refunding the 2007 Bond Issue. In order to proceed with that, it is necessary to appoint Bond Counsel. The proposal received by Fleishman Daniels Law Offices is in the amount of \$22,500. This proposal was solicited through the Non-Fair and Open process. All required documents were received from Fleishman Daniels Law Offices on January 28, 2015, more than 10 days in advance of this meeting, as required. Additionally, the Authority Treasurer has determined and certified in writing that the value of the contract will exceed \$17,500. The Authority has complied with and will further comply with all requirements contained within the New Jersey Pay to Play regulations. A motion was made by Mr. Schwemm, seconded by Mrs. Prendergast to award this contract to Fleishman Daniels Law Offices. All voted yes.

Resolution #7 – 2015

Proposals were solicited in 2014 for Bond Counsel for the initial filing of the Environmental Infrastructure Trust application. That contract was awarded on September 17, 2014 to Fleishman Daniels Law Offices in the amount of \$18,500. As there has been a modification to the original funding application due to various issues with the state's deadlines as well as when financing will be available, it was determined that

additional bond counsel services may be required, if the project is delayed until the 2016 EIT financing year. Therefore, a motion was made by Mr. Schwemm and seconded by Mrs. Prendergast to amend the original contract if there is a need to extend the financing into 2016. The increase to the contract is \$10,000. All voted yes.

~ Resolution 8 – 2014

Due to the possible refunding of the 2007 Bond Issue, it is necessary to engage the services of a financial advisor. A proposal in the amount of \$15,000 was received by Phoenix Advisors. Mr. Schwemm made a motion to authorize the execution of this contract. All voted yes.

A motion to adjourn the meeting was made by Mr. Schwemm, seconded by Mrs. Prendergast at 4:15 pm. All voted yes.

Theresa Prendergast, Secretary

Prepared by Elaine Super, Authority Clerk

Date Approved

EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

RESOLUTION # 6 – 2015

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 has 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 submitted a proposal January 27, 2015 indicating they will provide the services necessary to serve as Bond Counsel for the \$22,500; and

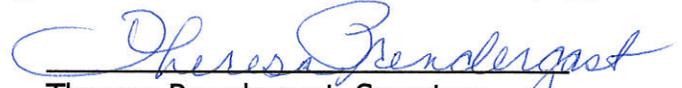
WHEREAS, Fleishman ▪ Daniels Law Offices has completed and submitted a Business Entity Disclosure Certification which certifies that Fleishman, Daniels Law Offices, LLC has not made any reportable contributions to a political or candidate committee in the in the Township of Egg Harbor in the previous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

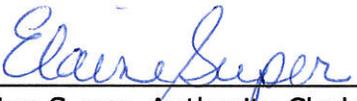
NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Egg Harbor Township Municipal Utilities Authority, County of Atlantic and the State of New Jersey as follows:

- ❖ 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 special meeting of the Egg Harbor Township Municipal Utilities Authority held the 11th day of February, 2015 at the offices of the Egg Harbor Township Municipal Utilities Authority, located at 3515 Bargaintown Road, Egg Harbor Township, New Jersey at 4:00 p.m.


Theresa Prendergast, Secretary

Attest: 
Elaine Super, Authority Clerk

**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	February 11, 2015
Resolution #	6 - 2015
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

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR ALTERNATIVE AND OPEN CONTRACTS
 Required Pursuant To N.J.S.A. 19:44A-20.8
EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the **FLEISHMAN DANIELS LAW OFFICES, LLC** has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding **January 1, 2016** to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the **EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY** as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

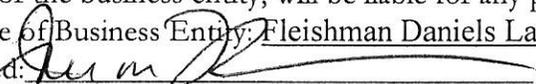
- Partnership
 Corporation
 Sole Proprietorship
 Subchapter S Corporation
 Limited Partnership
 Limited Liability Corporation
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address
Joel M. Fleishman	313 Wabash Avenue, Linwood, New Jersey 08221

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Fleishman Daniels Law Offices, LLC

Signed:  Title: Sole Member

Print Name: Joel M. Fleishman Date: January 28, 2015

Subscribed and sworn before me this 28th day of January, 2015.

My Commission expires: 

_____ (Affiant)

_____ (Print name & title of affiant) (Corporate Seal)

ROSEMARIE M. FEDELI
NOTARY PUBLIC OF NEW JERSEY
ID # 2415691
 My Commission Expires 12/22/2016

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR ALTERNATIVE AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

“interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

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**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)





List of Agencies with Elected Officials Required for Political Contribution Disclosure  
N.J.S.A. 19:44A-20.26

County Name: Atlantic

State: Governor, and Legislative Leadership Committees

Legislative District #: 1, 2, & 9

State Senator and two members of the General Assembly per district.

County:

Freeholders

County Clerk

Sheriff

County Executive

Surrogate

Municipalities (Mayor and members of governing body, regardless of title):

Absecon City

Estell Manor City

Mullica Township

Atlantic City

Folsom Borough

Northfield City

Brigantine City

Galloway Township

Pleasantville City

Buena Borough

Hamilton Township

Port Republic City

Buena Vista Township

Hammonton Town

Somers Point City

Corbin City

Linwood City

Ventnor City

Egg Harbor City

Longport Borough

Weymouth Township

Egg Harbor Township

Margate City

Boards of Education (Members of the Board):

Absecon City

Folsom Borough

Mainland Regional

Atlantic City

Galloway Township

Mullica Township

Buena Regional

Greater Egg Harbor Regional

Northfield City

Egg Harbor City

Hamilton Township

Pleasantville City

Egg Harbor Township

Hammonton Town

Somers Point City

Estell Manor City

Longport

Weymouth Township

Fire Districts (Board of Fire Commissioners):

Buena Borough Fire District No. 1

Buena Borough Fire District No. 2

Buena Vista Township Fire District No. 1

Buena Vista Township Fire District No. 2

Buena Vista Township Fire District No. 3

Buena Vista Township Fire District No. 4

Buena Vista Township Fire District No. 5

**STOCKHOLDER DISCLOSURE CERTIFICATION**

**Name of Business:**

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

**OR**

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

**Check the box that represents the type of business organization:**

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

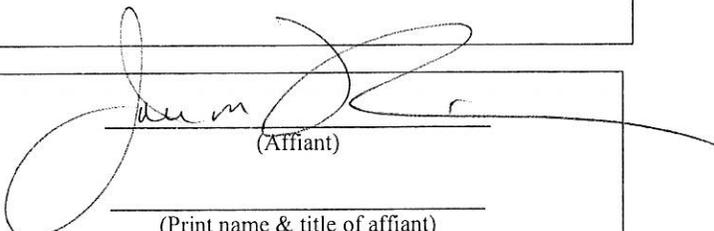
Limited Liability Partnership

Subchapter S Corporation

**Sign and notarize the form below, and, if necessary, complete the stockholder list below.**

Stockholders:

|                                                                 |               |
|-----------------------------------------------------------------|---------------|
| Name: Joel M. Fleishman                                         | Name:         |
| Home Address:<br>313 Wabash Avenue<br>Linwood, New Jersey 08221 | Home Address: |
| Name:                                                           | Name:         |
| Home Address:                                                   | Home Address: |
| Name:                                                           | Name:         |
| Home Address:                                                   | Home Address: |

|                                                                            |                                                                                      |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Subscribed and sworn before me this 28 <sup>th</sup> day of January, 2015. |  |
| (Notary Public) <b>ROSEMARIE M. FEDELI</b>                                 | (Affiant)                                                                            |
| <b>NOTARY PUBLIC OF NEW JERSEY</b>                                         | (Print name & title of affiant)                                                      |
| My Commission expires: <b>ID # 2415691</b>                                 | (Corporate Seal)                                                                     |
| <b>My Commission Expires 12/22/2016</b>                                    |                                                                                      |

**Egg Harbor Township  
Municipal Utilities Authority**

**CERTIFICATION OF AVAILABILITY  
OF FUNDS  
FOR  
AMENDMENT OF CONTRACT**

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

|                         |                                                                                                     |
|-------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Date</b>             | February 11, 2015                                                                                   |
| <b>Resolution #</b>     | 7 - 2015                                                                                            |
| <b>Contract #</b>       | Bond Counsel                                                                                        |
| <b>Vendor</b>           | Fleishman Daniels Law Offices                                                                       |
| <b>Amount</b>           | \$ 18,500 increased to \$ 28,500 for increased scope of work<br>Original contract awarded 9/17/2014 |
| <b>Reason</b>           | Bond Counsel – 2016 Environmental Infrastructure Trust                                              |
| <b>Time Period</b>      | Duration of 2016 EIT funding                                                                        |
| <b>Budget Line Item</b> | 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:

|                         |                             |
|-------------------------|-----------------------------|
| <b>Date</b>             | February 11, 2015           |
| <b>Resolution #</b>     | 8 - 2015                    |
| <b>Contract #</b>       | Financial Advisor           |
| <b>Vendor</b>           | Phoenix Advisors            |
| <b>Amount</b>           | \$ 15,000.00                |
| <b>Reason</b>           | Refunding of existing bonds |
| <b>Time Period</b>      | ASAP                        |
| <b>Budget Line Item</b> | Capital Expenses            |

\_\_\_\_\_  
Henry C. Schwemm, Treasurer

\_\_\_\_\_  
Theresa Prendergast, Secretary