

# Franklin Township Sewerage Authority

**APPROVED**

**Minutes of Meeting**

**February 5, 2019**

## **PRESENT**

Chairman Galtieri called the Monthly Meeting of the Township of Franklin Sewerage Authority to order at 6:34 PM. The following Commissioners were also present: Mr. Anbarasan, Ms. DeVeaux, Ms. Ford and Mr. Tiwari. Also, in attendance were Brian G. Regan, Executive Director; Apryl L. Roach, Administrative Manager; Scott Nocero, Operations Manager; Eric Bernstein, General Counsel; Joseph Gemmell and Howard Matteson, Consulting Engineers.

## **ROLL CALL**

Mr. Anbarasan	-	Aye
Ms. DeVeaux	-	Aye
Ms. Ford (Alt. #2)	-	Present
Mr. Jalloh	-	Absent
Mr. Tiwari	-	Aye
Chairman Galtieri	-	Aye

## **PLEDGE OF ALLIGIANCE**

**MOMENT OF SILENCE and COMMENTS** – In memory of the former Authority Vice Chairman Paul Bennett

## **CHAIRMAN'S STATEMENT:**

Chairman Galtieri stated that, in accordance with the provisions of Chapter 231 of the Open Public Meetings Act, all requirements had been met.

## **PUBLIC COMMENTS**

Mr. Tiwari moved to open the meeting for Public Comments, seconded by Ms. DeVeaux.

The members were polled by acclamation as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

Mr. Anbarasan moved to close the meeting for Public Comment, seconded by Ms. DeVeaux.

The members were polled by acclamation as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

### **REVIEW OF THE MINUTES – January 2, 2019**

Chairman Galtieri asked if there were any questions or concerns regarding the Working Session Minutes from January 2, 2019; the minutes were approved as written under the Chairman's Statement.

Mr. Anbarasan made a motion to accept the Regular Minutes this was seconded by Ms. DeVeaux.

A roll call was taken as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

## REVIEW OF MINUTES – Executive Session – January 2, 2019

Mr. Tiwari made a motion to accept the Executive Session Minutes, seconded by Ms. DeVeaux.

A roll call was taken as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

Copy #1 of the Minutes was retained by Mr. Bernstein.

## REPORTS

### EXECUTIVE SUMMARY – Presented by Brian G. Regan

#### *Legal*

- No major issues/concerns.
- Executive Session to address a Treatment Works Approval request and potential litigation

#### ***Marcy Street Sanitary Sewer Rehabilitation – Color: Yellow***

- Yellow -due to no target date for auth to advertise (still early)
- PER last month's status Financing options to be analyzed this month.
- Met with CME to review cost estimates on November 30, 2018:
  - Cost Estimates from 3 Million – 5.5 mill
  - Need to evaluate Funding options
    - Potential 2.7 million from Rodney Ave Loan A/Return to cash
    - 3 million avail from North Track and 1 million from unrestricted cash
    - Need to understand additional cash impacts to other projects
    - Will need to execute NWF Tool in February

#### ***Foxwood Drive Rehab – Color: Green***

- Color change back to Green. FTWU repaired major water main leak which was a significant contributor to infiltration.

- LCR (Service laterals) CIPP (mainline sewer) resumed week of January 28<sup>th</sup>.
- CIPP Lining 94% complete, LCR 31% complete, Grouting work delayed due to wet weather.
- Approved CO#1 which included sewer main lining on Churchill adjusting associates line item quantities without increasing contract price.
- Received estimate for changing LCR to MTH based upon infiltration analysis – CO2 March
- Payment Application #5 reviewed for your approval - \$203,483.48
- On Target for March 31<sup>st</sup> substantial completion

***Hamilton Street PS – Color: Green***

- Received Approval from the Union Soil Conservation District.
- Incorrectly reported NJDEP issued Approval to Advertise and Interim financing was approved last month.
- Still waiting for both. DEP requested 3 sets of Plans & Specs – being sent within a day or two.
- Advertise to Bid mid Feb 2019, Anticipated Bid Opening March 19
- Anticipated Contract Award April 2nd

***Somerset Street PS – Color: Green***

- On target/slightly ahead for Contract Completion 3/31/19
- Payment Application 5 submitted for your approval \$160,471.32/10.
- During the period, the electrical installation and wiring in-progress and was delayed by a technical difference of opinion between the Authority and the inspector. This was just resolve and expect the electrical work to be complete by 2/11/19.
- Awaiting confirmation of PSE&G electrical pole installation. Expecting work to be completed by 2/15/19, however, this date may slip.

***East Millstone Concept – Color: Green***

- CDM Smith submitted proposal Conceptual Design (\$27,500)
- I have authorized the Notice to Proceed based upon board approval in December meeting
- Will provide schedule at March meeting.

**CONSULTING ENGINEER - CME**

Mr. Regan presented and referenced the report dated January 30, 2019 as prepared by Joseph Gemell, CME Consulting Engineer.

## **Rodney Avenue Pump Station**

**Highlights from the report dated January 30, 2019 were as follows:**

### **I. Mile Run – Phase II**

- Hamilton Street Pump Station – COLOR: G
  - Approval from Soil Conservation District was received on December 28, 2019.
  - CME completed the response and associated revisions to the Plans & Specifications and submitted same to the DEP on December 20, 2018. The NJDEP has requested three sets signed and sealed final plans and specifications for issuance of the Authorization to Advertise.
  - Additional information requested by the NJDEP concerning the Allowance for Unknown Subsurface Conditions was provided on January 17, 2019.
  - The TWA Permit for the Pump Station requires a one-year extension. Information in this regard was provided to the FTSA Staff on January 17, 2019. The FTSA submitted the formal request to NJDEP on January 17, 2019. CME is available to assist with the extension request where necessary.
  - The 30-day notice (prior to advertisement) was submitted to the NJDEP Office of Equal Opportunity and Diversity on January 11, 2019 with a tentative bidding schedule.

**Hamilton Street Pumping Station**

Hamilton Street Pumping Station							* Project Status: G
Milestone	Initial		Revised		Actual		Comments
	Start	End	Start	End	Start	End	
Finalize Construction Documents for FTSA Review	01/02/18	02/06/18	01/02/18	02/06/18	01/02/18	04/03/18	
FTSA Review / Comments	02/07/18	02/27/18	02/16/18	04/30/18	02/16/18	05/01/18	Plans were submitted to FTSA on 2/16/18. Specification submission on 4/3/18.
Township Final Approval	04/03/17	06/02/17	04/03/17	02/07/18	04/03/17	04/03/18	
Final County Approval	04/03/17	06/02/17	04/03/17	06/29/18	04/03/17	06/26/18	County plan approval on June 26, 2018. Performance Guarantee waiver submitted on 7/18/18 was denied on 8/14/18.
NJDEP TWA Permit Extension	01/31/18	02/09/18	01/31/18	02/09/18	01/31/18	02/08/18	New expiration date is 2/8/19.
Soil Erosion Certification	02/08/18	03/01/18	08/17/2018	12/28/18			Submission to Somerset Soils on 9/19/18. Minor comments addressed, resubmission made on 11/29/18. Approval received.
Finalize Plans / FTSA Final Review	02/27/18	03/09/18	04/06/18	08/01/18	05/01/18	08/01/18	Review meeting with FTSA Staff held on 8/1/18.
Attorney Specification Review	09/03/18	09/28/18			09/05/18	09/19/18	Attorney comments addressed in final Specifications.
Advertise for Bids	06/19/18	07/31/18		02/10/19			Subject to NJDEP Authorization to Advertise - Revised date.
Receive Bids / Award Contract	07/31/18	08/07/18	03/12/19	04/02/19			
Construction	08/08/18	09/08/19	05/03/19	05/03/20			
<b>NJIT Funding</b>							
Planning Document	02/26/2018	03/15/2018	04/06/2018	05/06/2018	04/06/2018	05/16/2018	FTSA Submission to H2Loans - 6/12/18
Letter of Intent	03/01/2018	03/15/2018	04/06/2018	05/06/2018	04/06/2018	05/16/2018	FTSA Submission to H2Loans - 6/12/18
Design Document Submission & DEP Review	03/15/2018	03/22/2018	08/10/2008	01/31/2019	08/10/2018		Based on NJDEP LOI & Planning Document submission (7/27/18). Documents uploaded to H2Loans on 7/2/18. DEP comments received 11/13/18, response submitted 12/3/18.
Permit Submission	03/15/2018	03/22/2018		07/01/2018		07/02/2018	Submit approved TWA Permit (H2Loans upload).
Stage 1 Environmental Investigation	03/22/2018	06/30/2018	03/22/2018	11/09/2018	03/22/2018	11/14/2018	Environmental Review Complete.
Cultural Resources Investigation	07/05/2018	09/11/2018	08/17/2018	10/05/2018	08/31/2018	10/19/2018	DEP requested Stage 1 AVB Survey, proposals acquired. FTSA retained RGA, work is complete. DEP approval 10/19/18.
Office of Equal Opportunity Approval	03/15/2018	03/22/2018	08/13/2008	09/10/2018	08/20/2018	10/02/2018	Utilization Plan Approved
Environmental Decision Document	05/25/2018	06/08/2018	08/16/2018	11/30/2018	08/16/2018	11/13/2018	NJDEP issued EDD.
Authorization to Advertise	06/12/2018	06/19/2018	01/02/2019	02/11/2019			Date revised based on DEP anticipated ATA date.
<b>Financing</b>							
Bond Resolution		12/04/2018				12/04/2018	Resolutions passed at FTSA Meeting on 12/4/18.
Interim Financing Approval- NJWB		01/15/2019		02/11/2019			
Construction Phase NJWB Reimbursement	01/15/2019	06/01/2020					Based on 18 Month Construction Period
Permanent NJWB Financing		12/31/2019					Permanent Financing initiated at 80% +/- project completion (\$ basis) in following May or November.

\* Project Status Color Codest:

- R - Red - Project is in jeopardy of missing general availability (GA) date.
- Y - Yellow - Project has some challenges, but a plan is in place to meet general availability (GA)
- G - Green - All good for general availability

## II. **Foxwood Drive Sanitary Sewer Rehabilitation Project – COLOR: G**

- Grouting of leaking pipe joints in areas of proposed CIPP was initiated during the week of October 22, 2018. The work is complete except for any incidental grouting needed prior to lateral lining work.
- Service lateral lining (Lateral Connection Repair – LCR) was initiated on October 24, 2018. This LCR work was temporarily suspended during December, resumed in January and is approximately 31% complete with 79 units completed. Remaining work may be subject to temporary suspension due to freezing weather conditions.
- CIPP (mainline sewer) was initiated on October 29, 2018 is nearly complete. Approximately 11,516 LF of CIPP lining has been completed representing 94% of the revised contract quantity. CIPP had been previously suspended on Appleman due to groundwater conditions caused by water main leakage in the vicinity of the sewer rehabilitation work. Work in this area is scheduled to resume the week of January 28, 2019.
- A progress meeting was held on January 10, 2019.
- CME is evaluating the impact of changing a number of LCRs to MTHs. The change is needed due to additional defects being observed in the lateral connection not present during earlier inspections.
- CME prepared a change order (no additional cost) to formalize additional rehabilitation work on Churchill Avenue and adjustment of contract quantities. No net change of Contract Price results from this change order.
- Work on the project is progressing and is approximately 50 % complete and on schedule for a March completion.





### III. Marcy Street Sanitary Sewer Rehabilitation – Color: Y

- Project plans to be updated based on available funds.
- Bid phase schedule to be established after confirmation of funding availability (IMPIA and supplemental funding source(s)) based on construction cost estimate for the recommended rehabilitation

Marcy Area Sanitary Sewer Rehabilitation							
							* Project Status: Y
Milestone	Initial		Revised		Actual		Comments
	Start	End	Start	End	Start	End	
Design Phase							
CCTV & Report Review	2/6/18	- 3/16/18			2/6/18	- 3/16/18	
Site condition assessment - Field Survey	3/16/18	- 4/28/18	3/16/18	- 6/12/18	3/16/18	- 6/12/18	Review findings with FTSA. Review meeting scheduled for 6/12/18.
Alternate techniques / Pipe & cleanout replacements	3/16/18	- 4/28/18	3/16/18	- 6/1/18	3/16/18	- 6/12/18	
Review meeting with FTSA	4/28/18	- 5/3/18		6/12/18		06/12/2018	Review rehabilitation recommendations.
Plans & Specification Preparation	3/16/18	- 4/28/18	6/13/18	- 2/27/19	6/13/18	-	Revised date; based on revised rehabilitation plan TBD.
Review meeting with FTSA						11/29/18	Review rehabilitation recommendations and associated costs. Additional funding source(s) required for project.
Attorney Specification Review	7/20/18	- 8/10/18	2/15/19	- 2/22/19			
Final review meeting @ 100 %	4/16/18	- 4/21/18		2/22/19			FTSA Comments to CME by 2/18/19.
Finalize Documents based on FTSA Comment	5/1/18	- 5/12/18	02/18/2019	- 02/22/2019			Final project scope to be confirmed based on funding availability.
Coordination with Attorney re: IMPIA Fees	2/6/18	- 3/16/18	4/4/18	- 02/22/2019	4/4/18	-	Project to be funded by IMPIA Fees. Advertisement to be authorized at March 2019 (Tentative) Meeting.
Advertisement		TBD					Project to be partially funded by IMPIA Fees. Advertisement to be authorized after funding source determination.
* Project Status Color Codes:							
R - Red - Project is in jeopardy of missing general availability (GA) date.							
Y - Yellow - Project has some challenges, but a plan is in place to meet general availability (GA)							
G - Green - All good for general availability							

**CONSULTING ENGINEER - CDM**

Mr. Regan presented the highlights of the report dated January 31, 2019 as prepared by Howard S. Matteson, P.E., BCCE /Senior Project Manager.

**ENGINEER'S REPORT FOR JANUARY 2019**

This report covers the following work activities through the month of January 2019.

This report covers the following work activities through the month of January 2019.

**ENGINEERING SERVICES SUMMARY**

A. Somerset Street Pumping Station Construction Services

**ENGINEERING SERVICES DETAIL**

A. *Somerset Street Pumping Station Construction Services*

**GREEN**

During the period, Grade Construction (Grade) continued the installation of electrical conduit, wire, and equipment. Grade also installed the remainder of the valves on Brookline Avenue and installed the revised blow-off manhole at Sta 2+94 to accommodate concrete encased sewer. During the period, Grade finalized installation of the grinder and pump with rails in the wet well. Grade made good progress removing approximately 2/3 of the remaining material. Grade has advised all remaining material will be moved within the coming week.

Issues/Blockers

- Grade has struggled in coordinating with the Franklin Township Building Department regarding the requirements of the electrical permit. There was some confusion regarding the interpretation of the code requirements on the part of the electrician. The issues are being worked out and FTSA and CDM Smith will be providing clear direction to the contractor once we have coordinated with the Building Department ourselves.
- Grade has made the request to PSE&G to set the new electrical pole. We have advised Grade they should plan for power alternatives (generator or temporary power from existing pole, etc.) if placement of the new electrical pole extends much past the end of January 2019.

Activities During the Period and Discussion

CDM Smith's activities during the period are summarized below:

- Provided field observation of construction activities during the period.
- Coordinated with Grade to resolve issues and questions related to processing and administration of the project.

The following schedule reflects certain activities are "Pending" or "On Hold" pending resolution of the issues indicate above.

Milestone	Initial Start Date	Rev Start Date	End Date / Milestone	Comments
Survey			3/13/14	
Appraisal			2/10/14	
Initiate Land Acquisition			7/31/14	
BODR 10% Design	4/7/14		5/5/14; 5/29/14	
60% Design	6/1/14		8/31/14	
Final Design	9/1/14		10/20/14	
TWA Permit Submit to NJDEP			10/28/14	
Submit DLUR Application			10/28/14	
TWA Permit Approval	10/28/14		2/2/15 2/2/17 2/2/18	Approved Feb 2, 2015 and valid for 2 years; One-year time extension approved Feb 23, 2018 through Feb 2, 2019.
Receive DLUR Decision			11/24/14	Applicability Determination – Flood Hazard Area Individual or General Permit not required. Valid for 5 years.
Property Transfer Complete			10/27/14	Refers to property title. Will follow completion of land acquisition
Adv & Bid	12/31/14	4/10/17	6/13/17	
Receive Bids	3/31/15	6/13/17	6/13/17	
Award			8/1/17	
Preconstruction Meeting			2/27/18	
Notice to Proceed			3/6/18	
Submittals			7/4/18	Complete
Mobilization/Start Construction	6/30/18	8/13/18 (A)	8/13/18 (A)	Complete
Force Main	7/25/18	8/20/18 (A)	9/30/18 (A)	Complete
Gravity Sewer	9/3/18	10/22/18 (A)	11/08/18 (A)	Complete
Wet Well & Grinder Vault	10/17/18	10/17/18 (A)	11/08/18 (A)	Complete
Pumping Station	11/21/19	12/15/18 (E)	2/15/19 (E)	Start date revised; Revised estimate for End Date from 1/15/18 based on slower progress and allowance for holidays.
Substantial Completion	1/1/19	1/15/19 (E)	2/15/19 (E)	Contract requires by 3/1/2019
Final Completion	2/15/19	2/15/19 (E)	3/15/19 (E)	Contract requires by 3/31/2019
(A) Actual; (E) Estimated				

**GENERAL COUNSEL** - Eric M. Bernstein Esquire

Mr. Regan presented the highlights of the report dated January 21, 2019 as prepared by Eric Bernstein, Esq.

1. Hamilton Street Pump Station: We have reviewed and commented on the draft bid specifications. We are continuing to work with the Authority and its professionals to move the project forward.
2. Somerset Street Pump Station: The project is moving forward with more legal and administrative oversight necessary. As the Project moves forward, we anticipate issues needing to be addressed on an ongoing basis, including, but not limited to, a potential tort claim action by a neighbor.
3. Rodney Avenue Pump Station: This project is "DONE"; well, almost done, there are still some odds and ends "close out" items/"punch list" items.
4. Sewer Inspections: Speaking to Authority on ongoing basis about this issue.
5. Developer Agreements: Review proposed developer agreements between the individual developments and the Authority.
6. City of New Brunswick: Ongoing negotiations as to longstanding agreement regarding hookups for certain properties on the border between the two (2) municipalities.
7. Handling advice and assistance issues with ED and staff on contracts and policies, as well as applicability on new State laws/regulations, and complying with OPRA/OPMA issues.
8. Handling the coordination of a sewer improvement plan as to Marcy Avenue. Parties are continuing to work to move this plan to fruition.
9. Foxwood Drainage Area: This is an ongoing project involving the FTSA and this office, which we are coordinating with all professional and staff parties.
10. Elizabeth Avenue Sanitary Sewer Installation: Working with Authority and its professionals to move the Project to fruition.
11. Employment Issues. We continue to work with the Executive Director and his staff on various employment issues to Union and non-union staff, including insurance reimbursement.
12. General assistance as to bid specs and review and related financial issues.

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. Regan presented his report as follows:

**JANUARY 2019**

**1. Revenue Report**

- Attached

**2. Expense Report**

- Attached

**3. Cash Position**

- Attached

**4. Discussion Items**

- Federal Employees shutdown
- New Brunswick Sewer Charges
- Billing System Upgrades
  - o Integrated Metered Billing
  - o Connection fee
- Digital Permit Log

**5. Resolutions**

**Standard**

- Payroll Account
- Operating Expense Account
- General Fund
- Renewal and Replacement
- North Tract Crossing

**Additional**

- a) Authorizing pre-payment of PSE&G invoices
- b) Authorizing the Executive Director to approve and authorize the hiring of both union staff members and office staff for positions that are included in a previously approved Authority budget without any further action by this Board of Commissioners, but not including the Administrative Manager, the Operations Manager and any other Staffing position so designated by the Board of Commissioners.

- c) Salary increase for the Bookkeeper effective January 18, 2019
- d) Rate, Rule and Regulation update (Appendix B) Per P.L. 2018, c.74 effective 8/10/2018
- e) Agreement between the Authority and McManimon, Scotland & Baumann, LLC., Attorneys-at-Law with offices at One Riverfront Plaza, Newark, New Jersey, hereinafter designated as “Bond Counsel”

## 6. Other Items

- AEA Recommendations/ Commissioner Orientation
  - o Ordered AEA Handbook – a good overview of Commissioner’s responsibilities
- Developer’s Agreement Communication
  - o Updated Draft reviewed by legal and revised comments incorporated.
  - o Significant addition is a maintenance bond/fee for deeded Pump Stations \$26000 x 15 = 390,000. Cost based upon BOE.
- AEA 2019 Spring March 12-13<sup>th</sup>, Atlantic City

## 7. Closed session

Number of items

## OPERATIONS REPORT

Copies of the Operations report were provided as follows:

### JANUARY 2019

#### Pump Stations

Routine pump station maintenance including valve exercising, wet well cleaning, alarm testing and pump lubrications were performed.

All emergency generators were exercised in accordance with the States’ Air Quality Program.

**Griggstown P.S.:** During the month, we had to have two (2) natural gas unit heaters repaired due to failed Draft Inducer Motors and one (1) failed Control Board. Work was performed by an outside HVAC vendor.

**Rodney Ave P.S.:** Our maintenance staff repaired the brackets for the Bubbler Level Control tubing inside both Wet Well 1 & 2, the screws had come loose leaving the tubing loose from the wall. This month FTSA has found deficiencies related to the Rodney Ave Project which has been given to CME for follow up with the Contractor under our

Maintenance Bond, (Leaking MH, Fence is coming apart and the generator enclosures roof has a crack leaking water, along with water inside the exterior wall mounted light fixture not working.

**School Ave P.S.:** During the month, we had PCS (vendor) come out to troubleshoot the Flow Totalizer, during routine inspection we found the screen had gone blank, we tried troubleshooting over the phone but to no success. Totalizer needed to be reset through the program.

**East Millstone P.S.:** This month we gathered and provided CDM SMITH with pump operating information for the future upgrade project.

### **Odor Control**

EVOQUA performed their monthly service and inspection of our odor and corrosion control systems, all of our sites with the higher daily feed rates received a reduction due to the colder temperatures. EVOQUA's maintenance staff performed additional service that I requested to clean out the tanks, and replace tubing and pump parts as necessary to three (3) sites.

### **Developer's Related Issues**

During the month, our staff performed various inspections for Canal Walk, and other developers connecting to the sanitary sewer including Final C of O's (Certificate of Occupancy)

### **Collection System Related Issues**

**Gravity Sewer Flushing (2-Year Twp. Wide Program)** During the month our staff flushed and cleaned 57,562' of main sewer lines as part of our ongoing preventive maintenance program. We performed the cleaning all along Easton Ave. as well as all the intersecting streets utilizing our own crews to perform traffic control, this work was scheduled along with public notifications through the Townships website, the NIXEL Notification Alert System, FTPD Facebook page as well the FTSA website. This has brought our overall goal to 100% for this project. Our Staff has already begun the start of our new goal of flushing the sanitary sewers throughout the town. Est. 3% of our overall goal.

Industrial Monitoring which includes sampling and reading of both water meters and effluent meters for the quarterly billing cycle was performed by our staff.

During the month, our staff responded to a faulty E-ONE Grinder pump at 25 Stockton Ave. in the Griggstown section of the town where we swapped out the faulty unit for an operating pump, we then followed through with repairs in our shop.

This month FTSA was asked to assist the BOE with stoppages at two (2) different schools, Hillcrest School was an internal problem that we were able to clear using our High-Pressure Lateral Cleaning Hose and a shop vac, this work needed to be done early in the morning before school started at 9 O'clock, the other was at Sampson G. Smith School where we cleared the blockage from an access MH in the rear of the property. During the month a repair was made to a broken sewer service lateral at 104 A & B Van Cleef Road that was gushing water & infiltrating our system, I had contacted the owner of the property & provided them with video of our findings with and explanation of why this needs to be repaired, the owners were very understanding and scheduled these repairs with FTSA and the Township Plumbing Dept. performing inspections.

### **Complaint and Alarm Dispositions**

During the month, our crews responded to several concerns for slow draining sewers most cases we found the stoppage to be on the property side of the service, there were two (2) cases where FTSA was able to clear the blockage from an access clean-out at the curb.

### **Safety**

There were no accidents or injuries for the month of January.

During the month all fire extinguishers from the main facility, pump stations and vehicles had their annual inspections with some units being replaced due to their age.

All overhead hoist at the pump stations had their annual OSHA inspection performed with some minor repairs needed, parts are being ordered and the repairs will be schedule accordingly.

### **Connections**

Current Months Connections:	3.50
Total to Date:	37.50
Anticipated to Date:	520

\*The .50 connection is from an Affordable Housing Unit, which by law, there is a 50% reduction in the connection charge cost (25A MARWILLOW WAY)

## **COMMITTEE REPORTS:**

### **NEGOTIATIONS / PERSONNEL COMMITTEE**

Nothing to report.

### **MUNICIPAL LIAISON COMMITTEE**

Nothing to report.



**CONSTRUCTION COMMITTEE**

Nothing to report.

**SAFETY COMMITTEE**

Nothing to report.

**APPROVAL OF RESOLUTIONS**

The Approval of the resolutions will be done by “Consent Agenda”

Chairman Galtieri said that all of the items listed below are considered to be of a routine nature, thereby requiring one (1) motion and one (1) second for all items.

If any member wishes to remove an item from the Consent Agenda, please advise (the Chair) at this time which resolution(s) need to be handled separately and they will be addressed and voted on separately.

**Payroll Account \$ 171,239.78**

**Operating Expense Account \$ 2,104,534.11**

**General Fund \$ 184,423.00**

**Renewal and Replacement \$ 479,001.55**

**North Tract Crossing \$ 1,407.25**

Mr. Anbarasan made a motion to approve the Consent Agenda, seconded by Ms. DeVeaux.

A roll call was taken as follows:

Mr. Anbarasan	-	Aye
Ms. DeVeaux	-	Aye
Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
Mr. Jalloh	-	Absent
Mr. Tiwari	-	Aye
Chairman Galtieri	-	Aye

**ADDITIONAL RESOLUTIONS**

**RESOLUTION  
02052019 - 6**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY TO MAKE PRE-PAYMENTS TO PSEG ON BEHALF OF THE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY**

**WHEREAS**, the Sewerage Authority of the Township of Franklin, a public body corporate and politic of the State of New Jersey, was created pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et. seq. for the purposes of managing, operating, maintaining and improving certain sewerage facilities and apparatus located in the Township of Franklin (hereinafter referred to as the “Authority”); and,

**WHEREAS**, the Authority has budgeted funds for the payment of utilities, including those payments made to the Public Service Enterprise Group, also known as PSEG; and,

**WHEREAS**, the bills for payment to PSEG occasionally arrive out of time for placement on the next available list of bills and claims for the Authority, thereby inadvertently placing these bills and mailings in arrears because of the schedule of the Authority’s monthly meeting; and,

**WHEREAS**, the Authority’s Executive Director and Authority Attorney have advised that the governing body may provide for the pre-payment of these items, so that they may be paid in a timely manner without penalty.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Franklin Township Sewerage Authority in the County of Somerset, State of New Jersey that the Executive Director be and is hereby authorized and directed to make a pre-payment of the utility bill to PSEG prior to the same appearing on the next meeting’s list of bills and claims.

Offered by: Mr. Tiwari

Seconded by: Mr. Anbarasan

The members were polled the vote being as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

### RESOLUTION

02052019 - 7

#### **RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO APPROVE AND AUTHORIZE THE HIRING OF STAFF FOR POSITIONS THAT ARE INCLUDED IN AN APPROVED BUDGET ON BEHALF OF THE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY**

**WHEREAS**, the Sewerage Authority of the Township of Franklin, a public body corporate and politic of the State of New Jersey, was created pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et. seq. for the purposes of managing, operating, maintaining and improving certain sewerage facilities and apparatus located in the Township of Franklin (hereinafter referred to as the “Authority”); and,

**WHEREAS**, the Authority has budgeted funds for the payment of salaries for Authority staffing, including both employees that are part of the Union and those employed as office staff (hereinafter collectively referred to as “Staffing”); and,

**WHEREAS**, it is the standard process and procedure of the Authority that the Executive Director recommends the hiring of new Staffing to the Board of Commissioners; and,

**WHEREAS**, the Board of Commissioners believes it is in the interest of public to follow the recommendations of the Executive Director in order to provide for adequate Staffing; and,

**WHEREAS**, the Board of Commissioners believe that it is the best interest of the Authority to authorize the Executive Director to approve and authorize the hiring of Staffing for positions that are included in a previously approved budget without the need for any further action by the Board of Commissioners.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Franklin Township Sewerage Authority, County of Somerset and State of New Jersey, that the Executive Director is hereby authorized to approve and authorize the hiring of both union staff members and office staff for positions that are included in a previously approved Authority budget without any further action by this Board of Commissioners, but not including the Administrative Manager, the Operations Manager and any other Staffing position so designated by the Board of Commissioners.

**RESOLUTION**  
02052019 - 8

**SALARY INCREASE FOR BOOKKEEPER**

**WHEREAS**, the Commissioners of the Franklin Township Sewerage Authority in the County of Somerset have decided to increase the Bookkeeper Salary

**NOW, THEREFORE, BE IT RESOLVED** that Jenny Knapp's salary shall be adjusted effective January 18, 2019.

Offered by: Mr. Tiwari

Seconded by: Ms. DeVeaux

The members were polled the vote being as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

**RESOLUTION**

02052019 - 9

**FTSA RATES, RULES AND REGULATIONS – UPDATE**

**BE AND IT HEREBY RESOLVED**, by the Township of Franklin

Sewerage Authority in the County of Somerset that the attached Rates, Rules and Regulations Appendix B is hereby approved.

Offered by: Mr. Anbarasan

Seconded by: Ms. DeVeaux

The members were polled the vote being as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

**RESOLUTION**

02052019 – 10

**APPOINTMENT OF BOND COUNSEL**

**WHEREAS**, there exists a need for Bond Counsel services, and

**WHEREAS**, the amount of the retainer in the contract is with respect to the attached Agreement, and

**WHEREAS**, funds are available and have been budgeted for said services, and

**WHEREAS**, local public contracts law (N.J.S.A. 40A: 11-1 et. seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED** by the Township of Franklin Sewerage Authority in the County of Somerset, as follows:

1. The Chairperson and Secretary are hereby authorized and directed to execute the attached contract with McManimon, Scotland & Baumann, LLC Attorneys at Law with offices at One Riverfront Plaza, Newark, New Jersey hereinafter designated as "Bond Counsel".

2. This contract is awarded without competitive bidding as a "Professional Service", in accordance with N.J.S.A. 40A:11-5 (1) (a) Local Public Contracts Law because the services contained in the contract are specialized and qualitative in nature, requiring expertise and extensive training which are to be performed by individuals who have a prudent reputation in the particular field of endeavor and cannot be reasonably described by written specifications and are to be performed by persons licensed to practice their profession by the State of New Jersey.

3. A notice of this action shall be printed once in the Courier News.

Offered by: Mr. Anbarasan

Seconded by: Mr. Tiwari

The members were polled the vote being as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

Mr. Bernstein announced that the Authority will go into Executive Session for purposes pursuant to N.J.S.A. 10:4-12b (7) and (8) under negotiations other than collective bargaining attorney-client privilege.

Mr. Bernstein said there may be formal action taken at the conclusion of the Executive Session.

WHEREAS, items on the agenda fall under paragraphs 7 and 8 of the Open Public Meeting Act of New Jersey N.J.S.A. 10:4-12(b) and the Public shall be excluded from this portion of the meeting. Public disclosures will be made available upon resolution of these matters and confidentiality is no longer necessary.

Chairman Galtieri asked for a motion to go into Executive Session.

Mr. Anbarasan made a motion to go into the Executive Session at 7:57 PM, seconded by Ms. DeVeaux.

A Roll Call was taken by acclamation as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

The parties then commenced in Executive Session.

Mr. Tiwari made a motion to come out of the Executive Session, seconded by Ms. DeVeaux at approximately 8:40 P.M.

A Roll Call was taken by acclamation as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

Mr. Bernstein made the following statement as the Board reentered for Open Session.

Mr. Bernstein stated, let the record reflect that all members of the Board of Commissioners present prior to going into the Executive Session were present at the recommencement of the Executive Session as well as the Executive Director, the Operations Manager, the Administrative Manager, General Counsel, and the Consulting Engineer from CME was present during a portion of the Executive Session. Mr. Bernstein said there was an update given relative to an ongoing potential tort claim notice regarding 83 Brookline Drive and no formal action needs to be taken.

Mr. Bernstein said there was a discussion relative to an ongoing negotiation between a prospective developer and the Sewerage Authority regarding permits and related items. Mr. Bernstein said the Executive Director and General Counsel are working towards a possible resolution of the matter that may or may not come before the Board at a future time period.

Mr. Bernstein said there was a discussion regarding a possible litigation issue involving a recently retired employee and insurance premium payments and the direction is General Counsel is seeking direction from the Authority Auditor and will come back to the Board hopefully at the March meeting.

Mr. Bernstein said there was an additional discussion regarding another recently retired employee and it pertains to a worker's compensation claim that is being handled by the JIF and there was an update on such.

Mr. Bernstein said there was a discussion regarding South Bound Brook and an inter-local services agreement with them and no formal action needs to be taken.

Mr. Bernstein said the Governing Body has before them the Minutes of Meeting from the January 2, 2019 Executive Session meeting for adoption.

Mr. Tiwari made a motion to adopt the Executive Session minutes, seconded by Ms. DeVeaux.



A Roll Call was taken by acclamation as follows:

VOTE:	Mr. Anbarasan	-	Aye
	Ms. DeVeaux	-	Aye
	Ms. Ford (Alt. #2)	-	Not Voting (ineligible)
	Mr. Jalloh	-	Absent
	Mr. Tiwari	-	Aye
	Chairman Galtieri	-	Aye

Chairman Galtieri asked for a motion to adjourn.

Ms. DeVeaux made a motion to adjourn the meeting at 8:52 PM, seconded by Mr. Tiwari.

All Commissioners present voted "Aye".

Respectfully submitted,

*Apryl L. Roach*

Apryl L. Roach, MSHRM, PHR, SHRM-CP, Q.P.A., R.P.P.S.  
Administrative Manager

**RESOLUTION**

02052019 - 1

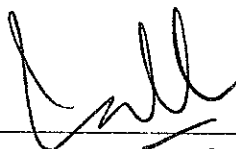
**BE AND IT IS HEREBY RESOLVED**, by the Township of Franklin Sewerage Authority in the County of Somerset, that Requisition #629 of the Payroll Account Fund per Bond Resolution dated August 28, 1989 for the amount of \$ 171,239.78 be authorized and approved for payment, and

**BE IT FURTHER RESOLVED** that a Certified Copy of the RESOLUTION together with Requisition #629 of the Payroll Account Fund be forwarded to the Bank of New York – Mellon, New Jersey Trustee.

Offered by: Mr. Anbarasan

Seconded by: Ms. DeVeaux

<b>VOTE:</b>	Mr. Anbarasan	- Aye
	Ms. DeVeaux	- Aye
	Ms. Ford (Alt.)	-
	Mr. Jalloh	- Absent
	Mr. Tiwari	- Aye
	Chairman Galtieri	- Aye



\_\_\_\_\_  
SECRETARY / TREASURER

  
\_\_\_\_\_  
CHAIRPERSON

Adopted: February 5, 2019

**RESOLUTION**

02052019 - 2

**BE AND IT IS HEREBY RESOLVED**, by the Township of Franklin Sewerage Authority in the County of Somerset, that Requisition #685 of the Operating Expense Fund per Bond Resolution dated August 28, 1989, for the amount of \$ 2,104,534.11 be authorized and approved for payment, and

**BE IT FURTHER RESOLVED** that a Certified Copy of the RESOLUTION together with Requisition #685 of the Operating Expense Fund be forwarded to the Bank of New York – Mellon, New Jersey Trustee.

Offered by: Mr. Anbarasan

Seconded by: Ms. DeVeaux

<b>VOTE:</b>	Mr. Anbarasan	- Aye
	Ms. DeVeaux	- Aye
	Ms. Ford (Alt.)	-
	Mr. Jalloh	- Absent
	Mr. Tiwari	- Aye
	Chairman Galtieri	- Aye



\_\_\_\_\_  
SECRETARY / TREASURER

  
\_\_\_\_\_  
CHAIRPERSON

Adopted: February 5, 2019

**RESOLUTION**

02052019 - 3

**BE AND IT IS HEREBY RESOLVED, by the Township of Franklin Sewerage Authority in the County of Somerset, that Requisition # 499 of the General Fund per Bond Resolution dated August 28, 1989 for the amount of \$ 184,423.00 authorized and approved for payment, and BE IT FURTHER RESOLVED that a Certified Copy of the RESOLUTION together with Requisition # 499 of the General Fund be forwarded to the Bank of New York – Mellon New Jersey, Trustee.**

**Offered by: Mr. Anbarasan**

**Seconded by: Ms. DeVeaux**

<b>VOTE:</b>	<b>Mr. Anbarasan</b>	-	Aye
	<b>Ms. DeVeaux</b>	-	Aye
	<b>Ms. Ford (Alt.)</b>	-	
	<b>Mr. Jalloh</b>	-	Absent
	<b>Mr. Tiwari</b>	-	Aye
	<b>Chairman Galtieri</b>	-	Aye

  
\_\_\_\_\_  
**SECRETARY / TREASURER**

  
\_\_\_\_\_  
**CHAIRPERSON**

**Adopted: February 5, 2019**

**RESOLUTION**

02052019 - 4

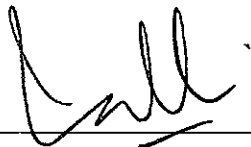
**BE AND IT IS HEREBY RESOLVED**, by the Township of Franklin Sewerage Authority in the County of Somerset, that Requisition # 094 of the Renewal and Replacement Account per Bond Resolution dated August 28, 1989 for the amount of \$ 479,001.55 hereby be authorized and approved for payment, and

**BE IT FURTHER RESOLVED** that a Certified Copy of the RESOLUTION together with Requisition # 094 of the Renewal & Replacement be forwarded to the Bank of New York – Mellon New Jersey, Trustee.

Offered by: Mr. Anbarasan

Seconded by: Ms. DeVeaux

<b>VOTE:</b>	<b>Mr. Anbarasan</b>	-	Aye
	<b>Ms. DeVeaux</b>	-	Aye
	<b>Ms. Ford (Alt.)</b>	-	
	<b>Mr. Jalloh</b>	-	Absent
	<b>Mr. Tiwari</b>	-	Aye
	<b>Chairman Galtieri</b>	-	Aye



\_\_\_\_\_  
SECRETARY / TREASURER

  
\_\_\_\_\_  
CHAIRPERSON

Adopted: February 5, 2019

**RESOLUTION**  
02052019 - 5

**RE: NORTH TRACT FUND PAYMENTS:**

**BE AND IT IS HEREBY RESOLVED, by the Township of Franklin Sewerage Authority in the County of Somerset, that the following payments be made from the North Tract Fund.**

<b>CME ASSOCIATES</b>	<b>1,407.25</b>
	<b><u>\$ 1,407.25</u></b>

**Offered by:** Mr. Anbarasan

**Seconded by:** Ms. DeVeaux

<b>VOTE:</b>	<b>Mr. Anbarasan</b>	-	Aye
	<b>Ms. DeVeaux</b>	-	Aye
	<b>Ms. Ford (Alt.)</b>	-	
	<b>Mr. Jalloh</b>	-	Absent
	<b>Mr. Tiwari</b>	-	Aye
	<b>Chairman Galtieri</b>	-	Aye

  
\_\_\_\_\_  
**SECRETARY / TREASURER**

  
\_\_\_\_\_  
**CHAIRPERSON**

**Adopted: February 5, 2019**

**FRANKLIN TOWNSHIP SEWERAGE AUTHORITY**

**RESOLUTION  
02052019 - 6**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY TO MAKE PRE-PAYMENTS TO PSEG ON BEHALF OF THE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY**

**WHEREAS**, the Sewerage Authority of the Township of Franklin, a public body corporate and politic of the State of New Jersey, was created pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et. seq. for the purposes of managing, operating, maintaining and improving certain sewerage facilities and apparatus located in the Township of Franklin (hereinafter referred to as the "Authority"); and,

**WHEREAS**, the Authority has budgeted funds for the payment of utilities, including those payments made to the Public Service Enterprise Group, also known as PSEG; and,

**WHEREAS**, the bills for payment to PSEG occasionally arrive out of time for placement on the next available list of bills and claims for the Authority, thereby inadvertently placing these bills and mailings in arrears because of the schedule of the Authority's monthly meeting; and,

**WHEREAS**, the Authority's Executive Director and Authority Attorney have advised that the governing body may provide for the pre-payment of these items, so that they may be paid in a timely manner without penalty.


**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Franklin Township Sewerage Authority in the County of Somerset, State of New Jersey that the Executive Director be and is hereby authorized and directed to make a pre-payment of the utility bill to PSEG prior to the same appearing on the next meeting's list of bills and claims.

**Offered by:** Mr. Tiwari

**Seconded by:** Mr. Anbarasan

**VOTE:**

<b>Mr. Anbarasan</b>	-	Aye
<b>Ms. DeVeaux</b>	-	Aye
<b>Ms. Ford (Alt.)</b>	-	
<b>Mr. Jalloh</b>	-	Absent
<b>Mr. Tiwari</b>	-	Aye
<b>Chairman Galtieri</b>	-	Aye

  
\_\_\_\_\_  
CHAIRMAN

  
\_\_\_\_\_  
ASSISTANT SECRETARY / TREASURER

**Adopted: February 5, 2019**



**FRANKLIN TOWNSHIP SEWERAGE AUTHORITY**

**RESOLUTION**

02052019 - 7

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO APPROVE AND AUTHORIZE THE HIRING OF STAFF FOR POSITIONS THAT ARE INCLUDED IN AN APPROVED BUDGET ON BEHALF OF THE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY**

**WHEREAS**, the Sewerage Authority of the Township of Franklin, a public body corporate and politic of the State of New Jersey, was created pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et. seq. for the purposes of managing, operating, maintaining and improving certain sewerage facilities and apparatus located in the Township of Franklin (hereinafter referred to as the "Authority"); and,

**WHEREAS**, the Authority has budgeted funds for the payment of salaries for Authority staffing, including both employees that are part of the Union and those employed as office staff (hereinafter collectively referred to as "Staffing"); and,

**WHEREAS**, it is the standard process and procedure of the Authority that the Executive Director recommends the hiring of new Staffing to the Board of Commissioners; and,

**WHEREAS**, the Board of Commissioners believes it is in the interest of public to follow the recommendations of the Executive Director in order to provide for adequate Staffing; and,

**WHEREAS**, the Board of Commissioners believe that it is the best interest of the Authority to authorize the Executive Director to approve and authorize the hiring of Staffing for positions that are included in a previously approved budget without the need for any further action by the Board of Commissioners.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Franklin Township Sewerage Authority, County of Somerset and State of New Jersey, that the

Executive Director is hereby authorized to approve and authorize the hiring of both union staff members and office staff for positions that are included in a previously approved Authority budget without any further action by this Board of Commissioners, but not including the Administrative Manager, the Operations Manager and any other Staffing position so designated by the Board of Commissioners.

**Offered by:** Mr. Anbarasan

**Seconded by:** Ms. DeVeaux

<b>VOTE:</b>	<b>Mr. Anbarasan</b>	- Aye
	<b>Ms. DeVeaux</b>	- Aye
	<b>Ms. Ford (Alt.)</b>	-
	<b>Mr. Jalloh</b>	- Absent
	<b>Mr. Tiwari</b>	- Aye
	<b>Chairman Galtieri</b>	- Aye

  
\_\_\_\_\_  
CHAIRMAN

  
\_\_\_\_\_  
ASSISTANT SECRETARY / TREASURER

**Adopted: February 5, 2019**

**RESOLUTION**

02052019 - 8

**RE: SALARY INCREASE FOR BOOKKEEPER**

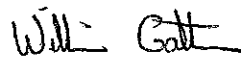
**WHEREAS, the Commissioners of the Franklin Township Sewerage Authority in the County of Somerset have decided to increase the Bookkeeper Salary**


**NOW, THEREFORE, BE IT RESOLVED that Jenny Knapp's salary shall be adjusted effective January 18, 2019.**

**Offered by: Mr. Tiwari**

**Seconded by: Ms. DeVeaux**

<b>VOTE:</b>	<b>Mr. Anbarasan</b>	- Aye
	<b>Ms. DeVeaux</b>	- Aye
	<b>Ms. Ford (Alt.)</b>	-
	<b>Mr. Jalloh</b>	- Absent
	<b>Mr. Tiwari</b>	- Aye
	<b>Chairman Galtieri</b>	- Aye

  
\_\_\_\_\_  
**CHAIRMAN**

  
\_\_\_\_\_  
**ASSISTANT SECRETARY / TREASURER**

**Adopted: February 5, 2019**

**RESOLUTION**

02052019 - 9

**Re: FTSA RATES, RULES AND REGULATIONS – UPDATE**

**BE AND IT HEREBY RESOLVED, by the Township of Franklin  
Sewerage Authority in the County of Somerset that the attached Rates, Rules  
and Regulations Appendix B is hereby approved.**

**Offered by: Mr. Anbarasan**

**Seconded by: Ms. DeVeaux**

**VOTE:**

<b>Mr. Anbarasan</b>	-	Aye
<b>Ms. DeVeaux</b>	-	Aye
<b>Ms. Ford (Alt.)</b>	-	
<b>Mr. Jalloh</b>	-	Absent
<b>Mr. Tiwari</b>	-	Aye
<b>Chairman Galtieri</b>	-	Aye

  
\_\_\_\_\_  
CHAIRMAN

  
\_\_\_\_\_  
ASSISTANT SECRETARY / TREASURER

**Adopted: February 5, 2019**

**RESOLUTION**  
**02052019 - 10**

**RE: APPOINTMENT OF BOND COUNSEL**

**WHEREAS, there exists a need for Bond Counsel services, and**

**WHEREAS, the amount of the retainer in the contract is with respect to the attached Agreement, and**

**WHEREAS, funds are available and have been budgeted for said services, and**

**WHEREAS, local public contracts law (N.J.S.A. 40A: 11-1 et. seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;**

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township of Franklin Sewerage Authority in the County of Somerset, as follows:**

**1. The Chairperson and Secretary are hereby authorized and directed to execute the attached contract with McManimon, Scotland & Baumann, LLC Attorneys at Law with offices at One Riverfront Plaza, Newark, New Jersey hereinafter designated as "Bond Counsel".**

**2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5 (1) (a) Local Public Contracts Law because the services contained in the contract are specialized and qualitative in nature, requiring expertise and extensive training which are to be performed by individuals who have a prudent reputation in the particular field of endeavor and cannot be reasonably described by written specifications and are to be performed by persons licensed to practice their profession by the State of New Jersey.**

**RESOLUTION - APPOINTMENT OF BOND COUNSEL CONTINUED:**

**3. A notice of this action shall be printed once in the Courier News.**

**Offered by:** Mr. Anbarasan

**Seconded by:** Mr. Tiwari

<b>VOTE:</b>	<b>Mr. Anbarasan</b>	- Aye
	<b>Ms. DeVeaux</b>	- Aye
	<b>Ms. Ford (Alt.)</b>	-
	<b>Mr. Jalloh</b>	- Absent
	<b>Mr. Tiwari</b>	- Aye
	<b>Chairman Galtieri</b>	- Aye

  
\_\_\_\_\_  
**CHAIRMAN**

  
\_\_\_\_\_  
**ASSISTANT SECRETARY / TREASURER**

**Adopted: February 5, 2019**

THIS AGREEMENT ("Agreement"), made as of this 05 day of February 2019 between FRANKLIN TOWNSHIP SEWERAGE AUTHORITY, a public body corporate and politic of the State of New Jersey, herein designated as the "Authority" and McMANIMON, SCOTLAND & BAUMANN, LLC, Attorneys at Law with offices at 75 Livingston Avenue, Roseland, New Jersey 07068, hereinafter designated as "Counsel":

WITNESSETH:

1. The Authority is authorized by law to undertake bond financing for a variety of projects as set forth in the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et. seq. and the Local Authorities Fiscal Control Law. The Authority desires to engage Counsel for specialized legal services in connection with the authorization and issuance of obligations for the various projects it determines to undertake.

2. Counsel, in consideration of the making and the signing of this Agreement, agrees to render the following services:

A. Counsel will meet with the members of the Authority and its representatives and advisors, including its attorney, engineers, financial advisors, underwriters or others, as often as necessary for the development of the financing plan in connection with a project. Counsel will review or draft all documents necessary to effectuate the plan, including the ordinance or the resolution establishing the Authority, if necessary, the General Bond Resolution, any Supplemental Bond Resolutions or Trust Indentures and other operative documents. In developing the plan of finance, Counsel will give advice with respect to tax law, securities law and state law consequences and will review the proposed use of bond proceeds in light of the Internal Revenue Code and the Regulations promulgated by the Treasury with regard to "Arbitrage Bonds" in order to ensure the Authority's ability to issue tax-exempt bonds.

B. Counsel will work with the attorney for the Authority in preparing or reviewing an initial draft of a Service Agreement with member or participating municipalities, if necessary. To the extent requested by the attorney for the Authority, Counsel will participate in the negotiation of such agreements with the municipalities. Since these agreements are important security for the bond issue, it is essential that Counsel work closely with the attorney for the Authority with regard to these matters.

C. Counsel will assemble a certified record of proceedings to evidence the establishment of the Authority, the appointment and the validity of its membership, the effectiveness of the General Bond Resolution, any Supplemental Resolutions, Trust Indentures or other Resolutions, the proper authorization and the effectiveness of the Service Agreements and the Bond Purchase Agreements, the enforceability of any covenants undertaken by the Authority for the protection of bondholders and the proper authorization and issuance of the obligations of the Authority.

D. Counsel will supervise the legal aspects of the sale of the bonds, whether at competitive or negotiated sale. Counsel will meet with the members of the Authority and the underwriters and will review such documents as underwriting agreements, bond purchase agreements and similar documents relating to the sale of the bonds. Counsel will review those portions of the official statement relating to the legal proceedings required to issue the bonds and will review drafts of the official statement in order to ensure compliance with law and substantial

adherence to generally accepted financial disclosure guidelines issued by the Municipal Finance Officers Association. Counsel services in this regard would not include a due diligence inquiry or the rendering of an opinion with respect to due diligence, which is generally provided by counsel to the underwriter. Counsel will attend meetings with the rating agencies as necessary to assist in obtaining a favorable credit rating for bond issues of the Authority. If requested, Counsel will attend and participate in information meetings deemed appropriate by the financial advisor or underwriter to acquaint the municipal bond market with new issues of bonds of the Authority.

E. Counsel will prepare or arrange for the preparation of the bonds for execution, will prepare and see to the execution of the necessary closing certificates and will establish the time and the place for delivery of the bonds to the Purchaser. Counsel will attend the closing with the appropriate officials, at which time the bonds will be delivered, payment will be made for the bonds, and Counsel will issue a final approving legal opinion with respect to the validity of the bonds and the various covenants undertaken by the Authority for the protection of its bondholders. This opinion will be in a form acceptable to the financial community and will be printed on the bonds.

F. With respect to temporary financings, Counsel will advise the Authority as to the manner in which to obtain temporary financing and will prepare the necessary resolutions and other papers to effectuate such temporary financings as directed by the Authority. Counsel will prepare or arrange for the preparation of the obligations and will arrange for the execution and the delivery of the obligations. At the time of delivery of such obligations, Counsel will issue an approving legal opinion with respect to the obligations and the various covenants undertaken by the Authority for the protection of its bondholders.

G. Throughout the course of these services, Counsel will be available for meetings and conversations with the members of the Authority, its attorney, engineers, financial advisors and underwriters and its other representatives, officials or professionals, and Counsel will be available to answer questions raised by members of the investment community with respect to the obligations of the Authority.

3. The Authority will make payment to Counsel for services rendered in accordance with the following schedule:

A. For all legal services with respect to the authorization and the issuance of a permanent bond issue involving the preparation of a General Bond Resolution or trust indenture and is publicly offered during the term of this Agreement, the fee will be \$45,000 plus \$1.10 per thousand dollars of bonds issued. If the financing consists of an issue of Additional Bonds pursuant to a supplemental bond resolution, the fee will be \$35,000 plus \$1.10 per thousand dollars of bonds issued. If the financing involves the issuance of a letter of credit or other credit enhancement (not including a standard insurance policy), an additional \$25,000 will be included in the fee.

B. For services rendered in connection with temporary financings, a fee equal to the hourly rates reflected in paragraph 3(D), with a minimum fee of \$1.00 per thousand dollars of obligations issued.



C. In the event of a refunding bond issue consistent with the provisions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will be an additional fee of \$12,000.

D. Services rendered on an hourly basis, including but not limited to work on Service Agreements, leases or other similar documents, and litigation, will be billed at the blended hourly rate of \$215 per hour for attorneys and \$135 per hour for legal assistants. Services rendered in connection with any required filings with the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Dataport will be billed at a flat rate of \$250 per filing. Counsel shall not charge the Client for administrative work and services performed by secretarial staff.

E. Counsel's fee is usually paid at the closing of the bonds or notes, and Counsel customarily does not submit any statement until the closing unless there is a substantial delay in completing the financing. In the event that legal services described herein are provided in connection with a bond or note sale and the bond or note sale is not consummated or is completed without the delivery of Counsel's bond opinion as bond counsel, or this Agreement is terminated prior to the sale of bonds or notes, Counsel services will be billed at the hourly rates set forth in paragraph 3(D).

F. Reasonable and customary out of pocket expenses and other charges, including but not limited to, photocopying, express delivery charges, travel expenses, telecommunications, telecopy, filing fees, computer-assisted research, book binding, messenger service or other costs advanced on behalf of the Authority, shall be added to the fees referred to in this Agreement and shall be itemized in each invoice presented to the Client.

4. Upon execution of this Agreement, the Authority will be Counsel's client and an attorney-client relationship will exist between the Authority and Counsel. Counsel assumes that all other parties will retain such counsel, as they deem necessary and appropriate to represent their interests in the transactions contemplated hereby. Counsel's services are limited to those contracted for in this Agreement; the Authority's execution of this Agreement will constitute an acknowledgment of those limitations. Counsel's representation of the Authority will not affect, however, our responsibility to render an objective bond opinion. Counsel's representation of the Authority and the attorney-client relationship created by this Agreement will be concluded upon termination of this Agreement.

5. At the request of the Authority, papers and property furnished by the Authority will be returned promptly upon receipt of payment for outstanding fees and Authority charges. Counsel's own files, including lawyer work product, pertaining to the transactions contemplated hereby will be retained by Counsel. For various reasons, including the minimization of unnecessary storage expenses, Counsel reserves the right to dispose of any documents or other materials retained by Counsel after the termination of this Agreement.

6. Counsel and the Authority hereby incorporate into this contract the mandatory language of N.J.A.C. 17:27-3.4(a) and the mandatory language of N.J.A.C. 17:27-3.6(a) promulgated pursuant to N.J.S.A. 10:5-31 to 38 (P.L. 1975, c. 127, as amended and supplemented from time to time), and Counsel agrees to comply fully with the terms, the provisions and the

conditions of N.J.A.C. 17:27-3.4(a) and N.J.A.C. 17:27-3.6(a), provided that N.J.A.C. 17:27-3.4(a) shall be applied.

7. Counsel and the Authority hereby incorporate into this contract the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 USC §121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated thereunder.

8. The primary contact attorney for services performed pursuant to this Agreement shall be Edward J. McManimon, III.

9. Counsel hereby represents that it has filed with the Authority proof of professional liability insurance with coverage amounts acceptable to the Authority.

10. This Agreement shall be in full force and effect until such time as either party gives written notice to the other of termination.

#### POLITICAL CONTRIBUTION DISCLOSURE

This contract has been awarded to McManimon, Scotland & Baumann, LLC based on the merits and abilities of McManimon, Scotland & Baumann, LLC to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that the principals of McManimon, Scotland & Baumann, LLC controlling in excess of 10% of the company have neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded.

IN WITNESS WHEREOF, THE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY has caused this Agreement to be duly executed by its proper officers and has caused its corporate seal to be hereto affixed, and Bond Counsel has caused this Agreement to be duly executed by the proper party as of the day and year first above written.

FRANKLIN TOWNSHIP SEWERAGE AUTHORITY

ATTEST:

By: William Galtieri  
William Galtieri, Chairman

Surendra Tiwari  
Secretary / Treasurer  
Surendra Tiwari

McMANIMON, SCOTLAND & BAUMANN, LLC

By: Edward J. McManimon, III  
Edward J. McManimon, III, Esq.



**STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE**

**Taxpayer Name:** MCMANIMON, SCOTLAND & BAUMANN, LLC  
**Trade Name:**  
**Address:** 75 LIVINGSTON AVENUE #201  
ROSELAND, NJ 07068  
**Certificate Number:** 0075601  
**Effective Date:** January 03, 1988  
**Date of Issuance:** January 02, 2019

**For Office Use Only:**  
20190102132916689

# CERTIFICATE OF EMPLOYEE INFORMATION REPORT RENEWAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of **15-NOV-2018** to **15-NOV-2021**



**MCMANIMON, SCOTLAND & BAUMANN, LLC**  
**75 LIVINGSTON AVENUE, SUITE 201**  
**ROSELAND NJ 07068-5408**



*Elizabeth Maher Muoio*

**ELIZABETH MAHER MUOIO**  
State Treasurer

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
**FOR NON-FAIR AND OPEN CONTRACTS**  
 Required Pursuant To N.J.S.A. 19:44A-20.8  
**FRANKLIN TOWNSHIP**

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the firm of McManimon, Scotland & Baumann, 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, 2019 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of Franklin Township as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

<i>No reportable contributions have been made.</i>	

**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 Company     
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address
Glenn F. Scotland	95 Central Avenue, Montclair, NJ 07042
Joseph P. Baumann, Jr.	5 Delano Court, Morristown, NJ 07960
Richard D. Trenk	10 West Road, West Orange, NJ 07052

**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: McManimon, Scotland & Baumann, LLC

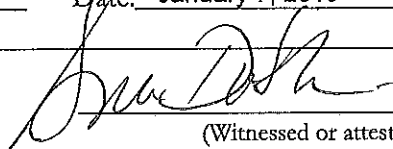
Signature of Affiant:   
 Printed Name of Affiant: Christopher B. Langhart

Title: Member  
 Date: January 7, 2019

Subscribed and sworn before me this 7 day of January, 2019.

My Commission expires:

**SONIA C. DASILVA**  
 A Notary Public of New Jersey  
 My Commission Expires February 1, 2022

  
 (Witnessed or attested by)

(Seal)



**STOCKHOLDER DISCLOSURE CERTIFICATION**

**Name of Business:** McManimon, Scotland & Baumann, LLC

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 Company

Limited Liability Partnership

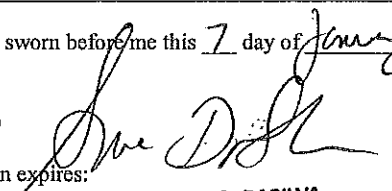
Subchapter S Corporation

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

Stockholders:

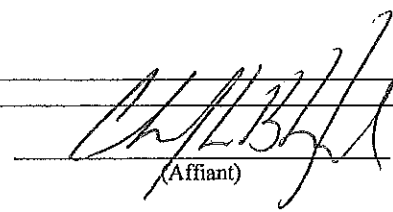
Name: Joseph P. Baumann, Jr. Home Address: 5 Delano Court Morristown, NJ 07960	Name: Glenn F. Scotland Home Address: 95 Central Avenue Montclair, NJ 07042
Name: Richard D. Trenk Home Address: 10 West Road West Orange, NJ 07052	Name: Home Address:
Name: Home Address:	Name: Home Address:

Subscribed and sworn before me this 7 day of January 2017.

(Notary Public) 

My Commission expires: \_\_\_\_\_

**SONIA C. DASILVA**  
A Notary Public of New Jersey  
My Commission Expires February 1, 2022.

  
(Affiant)  
**Christopher B. Langhart, Member**  
(Print name & title of affiant)  
(Corporate Seal)