

The regular meeting of the Little Egg Harbor Municipal Utilities Authority was held on September 10, 2013 at 5:00 P.M. at the Authority headquarters, 823 Radio Road, Little Egg Harbor Township, New Jersey.

MEMBERS PRESENT: Joseph Koptic, Vice Chairman; Margaret DePergola, Secretary; Richard Crea; Earl Miller, Treasurer; Richard Robins; Marie Skelly

MEMBERS ABSENT: Joseph Mezzina

OTHERS PRESENT: David V. Johnson, Executive Director; Michael DiFrancia, Superintendent; Colleen Kleinow, Administrative Assistant; Nicole Mezzina, Executive Secretary; Alan Dittenhofer and Felipe Contreras, Authority Engineers; Christopher Connors, Authority Attorney

OTHERS IN ATTENDANCE PER SIGN-IN SHEET: None

Mr. Koptic opened the meeting and led the Pledge of Allegiance.

Mrs. Kleinow read the following announcement:

In accordance with the Open Public Meetings Law, this meeting has been duly advertised in the Atlantic City Press and Asbury Park Press, also posted and filed in the Office of the Clerk of the Township of Little Egg Harbor.

#### APPROVAL OF PRIOR MINUTES

A motion was made by Mr. Robins, seconded by Mr. Miller to approve the minutes of the regular meeting held on August 13, 2013. Roll call vote, Earl Miller – yes, Richard Robins – yes, Margaret DePergola – yes, Richard Crea – yes, Joseph Koptic – yes.

#### TREASURER'S REPORT

A motion was made by Mr. Robins, seconded by Mrs. DePergola, to approve the Treasurer's Report as submitted. Roll call vote, Earl Miller – yes, Richard Robins – yes, Margaret DePergola – yes, Richard Crea – yes, Joseph Koptic – yes.

#### BILLS RESOLUTION

A motion was made by Mr. Robins, seconded by Mr. Crea to approve the operational account bills resolution. Roll call vote, Earl Miller – yes, Richard Robins – yes, Margaret DePergola – yes, Richard Crea – yes, Joseph Koptic – yes.

Mr. Koptic stated that since our Engineer has not yet arrived, the Engineer's Report will be held until his arrival and suggested we move on to the Executive Director's Report.

### EXECUTIVE DIRECTOR'S REPORT

1 – Mr. Johnson advised the Board that he sent a letter to the Mayor of Tuckerton regarding the interconnection, which is attached to his report.

2 – Mr. Johnson advised that a question was raised last meeting regarding a letter the Authority received from American Motorists Insurance Company with respect to Tall Timbers Section 5 aka Royal Timbers. Attached is a copy of the letter regarding the release along with a copy of the settlement check the Authority received at that time.

3 – Mr. Johnson stated that he met with Mr. Leonardis, the lienholder of 113 E. Delaware Drive, which is the Oswald property. They discussed the charges due the Authority from 2008 to current. Mr. Leonardis stated that he is willing to pay the principal if the Authority waives the interest, but he objected to paying the \$1,450.00 for the meter pit installed. Mr. Leonardis was told that the \$1,450.00 amount is what the Authority actually paid for it.

Mr. Johnson advised the Board that he asked Mr. Leonardis to submit a letter to the Authority requesting relief and stating the reasons for it.

Mr. Johnson stated that he advised Mr. Leonardis that his request would be presented to the Board for consideration. We have not received the letter as yet.

Mr. Miller inquired whether Mr. Leonardis made comment as to what he based his decision on and was advised by Mr. Johnson that the house hasn't been occupied since 1990.

Mr. Johnson stated that our Attorney had been directed to send Mr. Leonardis a letter about the remaining charges; however, since Mr. Leonardis came in to discuss the account, Mr. Connors was asked to hold up on sending the letter.

Mr. Johnson stated that since we haven't received the relief letter from Mr. Leonardis, he'll ask Mr. Connors to send the letter now.

4 – Mr. Johnson asked for authorization to bid for the sale of the Authority cellular site lease agreements.

A motion was made by Mr. Koptic, seconded by Mrs. DePergola authorizing the Executive Director to go out to bid for the sale of the Authority cellular site lease agreements. Roll call vote, Earl Miller – yes, Richard Robins – yes, Margaret DePergola – yes, Richard Crea – yes, Joseph Koptic – yes.

5 – Mr. Johnson advised the Board that our Attorney researched whether we are able to increase service fees for things outside our budget. We have a letter from our Attorney stating that we can, but a public hearing must be held before establishing or revising those fees. He, the Superintendent, and Budget Committee will meet to discuss the fees and make a recommendation to the Board.

Mr. Johnson stated that he had another item to bring to the Board that is not on his report. As everyone is aware, most of our vehicles were totaled due to the storm. We have been looking for a dump truck and found one that meets our needs. He is requesting authorization to go out to bid for a dump truck. It is in the \$75,000.00 to \$80,000.00 range. We will get \$22,000.00 from the insurance company, which is the value of the truck we have now.

Mr. Robins asked whether it is a new truck and was advised by Mr. Johnson that it is.

Mr. Robins also asked if that price is comparable to the truck we need.

Mr. Johnson stated that trucks with bigger engines are about \$115,000.00, but we do not need a bigger engine. Our Superintendent and our Operations and Maintenance Coordinator looked at the truck and found it to be suitable for our needs.

A motion was made by Mr. Robins, seconded by Mr. Crea authorizing the Executive Director to go out to bid for a new dump truck. Roll call vote, Earl Miller – yes, Richard Robins – yes, Margaret DePergola – yes, Richard Crea – yes, Joseph Koptic – yes.

Mr. Johnson advised that there are no performance guarantees due to expire. There are two maintenance guarantees due to expire. Our Engineer will inspect and provide a recommendation letter.

There were no further comments or questions on the report.

A motion was made by Mrs. DePergola, seconded by Mr. Robins to approve the Executive Director's Report as submitted. All in favor.

### ENGINEER'S REPORT

Mr. Dittenhofer advised the Board that he would like to address two items on the report under the General heading. The Redevelopment of Well #8 and Well #9 project is complete. The project is being closed out, and closeout documents are being prepared.

Mr. Dittenhofer advised the Board that the Electrical Repair at Various Locations project started and is ongoing.

Mr. Dittenhofer stated that was all he had to comment on unless there are any questions.

There were no questions on the report.

A motion was made by Mr. Miller, seconded by Mr. Robins to approve the Engineer's Report as submitted. All in favor.

#### SUPERINTENDENT'S REPORT

1 – Mr. DiFrancia stated that Mr. Dittenhofer already addressed this item with respect to Wells #8 and #9 on Center Street. Both wells are on line.

2 – Mr. DiFrancia advised the Board that Don Orpen of the DEP conducted an inspection of our facilities in July, and we passed with flying colors. He inspects our plants, our reports, and our lab samples. He found everything to be satisfactory as he has every other year.

Mr. DiFrancia stated that the report of leaks is as noted. There were 15 leaks this past month. Our personnel have been very busy and working very hard. He is proud of all of them. That is all he has unless there are questions.

Mrs. Skelly questioned whether the first two leaks listed were supposed to be East Potomac and was advised by Mr. DiFrancia that is correct. Those two leaks were on East Potomac, not West Potomac as noted on the report.

A motion was made by Mr. Robins, seconded by Mr. Crea to approve the Superintendent's Report with amendment. All in favor.

#### ATTORNEY'S REPORT

Mr. Connors advised that the only real update is Winding Run Estates. Apparently, the parties had an opportunity to conduct field inspections relative to punch list items. Judge Millard indicated he would like the process to move forward in an attempt to resolve amicably, but he set a time frame. If not resolved in mediation by the end of October, a settlement conference will be held October 28, 2013. If settlement not achieved, the Judge is permitting a limited period of discovery until the end of the year with trial commencing in January. He feels it could be resolved by then.

Mr. Connors advised the Board that he understands the lien holder for the Oswald property was in contact with the Authority office regarding payment of the arrearages accruing since the 2007 assignment sale, so those discussions are ongoing.

Mr. Johnson advised Mr. Connors that this matter was discussed under the Director's Report before Mr. Connors arrival. The letter Mr. Connors was asked to hold off sending to Mr. Leonardis about the outstanding arrears should now be sent and should mention the meeting between the Director and Mr. Leonardis.

Mr. Johnson advised Mr. Connors that after meeting with Mr. Leonardis that Leonardis was supposed to give the Authority a letter indicating he is willing to pay the principal if the Authority waives the interest. Leonardis also was going to request relief from paying the \$1,450.00 meter pit installation. As of today, we haven't received the letter.

There was nothing further for the Attorney's Report.

A motion was made by Mr. Robins, seconded by Mr. Crea to approve the Attorney's Report as submitted. All in favor.

Mr. Johnson advised the Board there is a report on storm related costs. The only change from the previous month is that we received a check for the pick-up trucks.

Mr. Johnson stated that we still have the F-350 that we haven't been paid for, but we haven't released the title yet. We haven't been paid for the backhoes yet, but we have been looking at them the past few months. We should go out to bid shortly for that.

A motion was made by Mr. Robins, seconded by Mrs. DePergola to approve the Storm Report. All in favor.

Mr. Koptic asked whether there were any other matters to come before the Board. There were none.

A motion was made by Mr. Miller, seconded by Mr. Robins to accept and file all correspondence. All in favor.

A motion was made by Mr. Robins, seconded by Mr. Miller to open this portion of the meeting to the public. All in favor.

There being no public present, a motion was made by Mr. Robins, seconded by Mr. Miller to close the public portion of the meeting. All in favor.

There being nothing further and no executive session matters, a motion was made by Mr. Miller, seconded by Mr. Robins to adjourn. All in favor.

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SECRETARY

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Approved on (date)