

**TOWNSHIP OF FRANKLIN SEWERAGE AUTHORITY**

**REGULAR MEETING**

**MAY 7, 2013**

**PRESENT:**                    **The Regular Meeting of the Township of Franklin Sewerage Authority was called to order by Vice Chairman Habrukowich at 7:37 pm. The following Commissioners were present: Mr. Howard, Mr. Seskin, Mr. Taub and Mr. Warner, Mr. Cohen and Mr. Stevens were absent. Also in attendance were Soulmaz Khojasteh, Executive Director; Rita Vadimski, Administrative Manager; William Goodheart, Superintendent and Paul Swanicke, General Counsel.**

**CHAIRMAN'S STATEMENT:**                    **Vice Chairman Habrukowich stated that in accordance with the provisions of Chapter 231, of the "Open Public Meetings Act", all requirements had been met.**

**Mr. Warner moved to open for public hearing on the Approved Budget, seconded by Mr. Taub.**

**The members were polled the vote being as follows:**

<b>VOTE:</b>	<b>Mr. Cohen</b>	<b>-</b>	<b>Absent</b>
	<b>Mr. Habrukowich</b>	<b>-</b>	<b>Aye</b>
	<b>Mr. Howard (1<sup>st</sup> Alt.)</b>	<b>-</b>	<b>Aye</b>
	<b>Mr. Seskin</b>	<b>-</b>	<b>Aye</b>
	<b>Mr. Taub (2<sup>nd</sup> Alt.)</b>	<b>-</b>	<b>Aye</b>
	<b>Mr. Warner</b>	<b>-</b>	<b>Aye</b>
	<b>Chairman Stevens</b>	<b>-</b>	<b>Absent</b>

**Mr. Warner moved to close the public hearing on the Approved**

Budget and re-open the business portion of the meeting, seconded by Mr. Seskin.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

MINUTES OF  
AGENDA  
MEETING  
APRIL 2, 2013:

Mr. Warner moved to dispense with the reading of the minutes of April 2, 2013 and approve as written. Mr. Taub, seconded the motion.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

MINUTES OF  
REGULAR  
MEETING  
APRIL 2, 2013:

Mr. Warner moved to dispense with the reading of the minutes of April 2, 2013 and approve as written. Mr. Taub, seconded the motion.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1st. Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

The resolution approving Payroll Expense Fund Requisition #560, in the amount of \$110,118.47 was moved by Mr. Seskin, seconded by Mr. Taub.

The members were polled the vote being as follows:

VOTE:	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

The resolution approving Operating Expense Fund Requisition #616 in the amount of \$1,282,815.92 was moved by Mr. Warner, seconded by Mr. Seskin.

The members were polled the vote being as follows:

VOTE:	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1stAlt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

The resolution approving the General Fund Requisition #453, in the amount of \$ 152,908.68 was moved by Mr. Seskin, seconded by Mr. Warner.

The members were polled the vote being as follows:

VOTE: Mr. Cohen - Absent  
 Mr. Habrukowich - Aye  
 Mr. Howard (1<sup>st</sup> Alt.) - Aye  
 Mr. Seskin - Aye  
 Mr. Taub (2<sup>nd</sup> Alt.) - Aye  
 Mr. Warner - Aye  
 Chairman Stevens - Absent

**ESCROW  
 FUND:**

The following resolution was moved by Mr. Seskin,  
 seconded by Mr. Warner.

**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 Escrow Fund.

Somerset Elizabeth 1, LLC	Refund Partial Escrow Balance	2,217.42
Law Office of Paul Swanicke	Princeton Highlands – Deed Transfer	48.00
FTSA Revenue Fund	Avalon Bay – Inspections	100.00
	Canal Walk – Inspections	200.00
	Voorhees Station – Inspections	437.50
	Summerfield – Inspections	125.00
	<b>TOTAL</b>	<b><u>\$3,127.92</u></b>

The members were polled the vote being as follows:

VOTE: Mr. Cohen - Absent  
 Mr. Habrukowich - Aye  
 Mr. Howard (1<sup>st</sup> Alt.) - Aye  
 Mr. Seskin - Aye  
 Mr. Taub (2<sup>nd</sup> Alt.) - Aye  
 Mr. Warner - Aye  
 Chairman Stevens - Absent

The following resolution was moved by Warner, seconded by

Mr. Howard.

**ADOPTION OF  
APPROVED  
BUDGET:**

WHEREAS, the Local Finance Board has certified that the Approved Budget complies with the requirements of law and the rules and regulations of the Local Finance Board, and

WHEREAS, a Public Hearing was held on the Budget May 7, 2013

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township of Franklin Sewerage Authority in the County of Somerset that the Budget approved by the State of New Jersey Department of Community Affairs, Local Finance Board for fiscal year June 1, 2013 ending May 31, 2014 as attached hereto and made a part hereof, be and is hereby adopted.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

**AWARD BIOXIDE  
CONTRACT:**

The following resolution was moved by Mr. Warner,

seconded by Mr. Seskin.

WHEREAS, Siemens Water Technologies, Corporation of Tallevast, Florida was the only qualified bidder,

NOW THEREFORE, BE IT RESOLVED by the Township of Franklin Sewerage Authority in the County of Somerset that the contract

for Bioxide at a cost of \$2.36 per gallon, not to exceed \$350,000.00 is hereby awarded to Siemens Water Technologies, Corporation, 2650 Tallevast Road Sarasota, Florida 34243 and

**BE IT FURTHER RESOLVED** that the Chairman and Secretary are authorized and directed to execute the contract with the aforementioned company.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

**PURCHASE OF  
TWO PICK-UP  
TRUCKS:**

The following resolution was moved by Mr. Seskin, seconded by Mr. Warner.

**BE AND IT IS HEREBY RESOLVED** by the Township of Franklin Sewerage Authority in the County of Somerset two2013 4wd GMC Pick-up Trucks be purchased from Beyer Brothers, Corp. of 109 Broad Avenue, Fairview, NJ 07022 for a price not to exceed \$62,300 dollars.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

**EASEMENT  
37 COOPER AVE:**

The following resolution was moved by Mr. Warner,  
seconded by Mr. Taub.

**WHEREAS**, N.J.S.A. 40:14A-7(5) authorizes a public sewerage authority to acquire real property or interest in real property, by purchase, gift, condemnation or otherwise in the matter provided by N.J.S.A. 20:3-1 et seq.; and

**WHEREAS**, the Township of Franklin Sewerage Authority, Somerset County, New Jersey, (the "Authority") has deemed it necessary to acquire certain property in the Township of Franklin ("Township"), known as 37 Cooper Avenue, Somerset, New Jersey and shown and designated as lot 26, block 189 on the tax maps of the Township; and

**WHEREAS**, the Authority's engineer has opined that it is necessary and appropriate for the Authority to acquire a 10-foot wide sanitary sewer easement along the westerly boundary line of the property as shown in a plan entitled "Sketch of Proposed Easement No. 1 to be Acquired Through Block 189, Lot 26 Prepared for Franklin Township Sewerage Authority dated March 17, 2006," which easement is legally described in Schedule A attached to this Resolution (herein, the "Easement Parcel"); and

**WHEREAS**, An appraisal of the property was completed on or about April 1, 2010, setting forth the fair market value of the property as of April 1, 2010; and

**WHEREAS**, the Authority hereby approves the appraisal report and the fair market value of the Easement Parcel property as of said date and authorized the issuance of an "offer letter" to the record owners of the property to purchase the Easement Parcel for the full fair market value as of April 12, 2010 in the amount of \$2,235.00, subject to the satisfaction of appropriate contingencies with respect to the inspection of the premises; and

**WHEREAS**, the Authority sent the appraisal to the record owner of the property together with its offer letter dated July 26, 2010 in an attempt to acquire the Easement Parcel through *bona fide* negotiations; and

**WHEREAS**, the Authority also sent another offer letter to the record owner of the property February 6, 2013 in an attempt to acquire the easement parcel through *bona fide* negotiations; and

**WHEREAS**, the record owner of the property has not responded to any of the Authority's offers to acquire the Easement Parcel at the appraised value; and

**WHEREAS**, the Authority has determined that public's interest will be served by the acquisition of the Easement Parcel for the construction of a sanitary sewer line; and

**WHEREAS**, the Authority desires to formerly authorize the acquisition of the Easement Parcel and the institution of eminent domain proceedings, if necessary, in order to acquire title to the Easement Parcel.

**NOW THEREFORE, BE IT RESOLVED**, by the Township of Franklin Sewerage Authority, Somerset County, New Jersey as follows:

**SECTION 1.** The Authority through its members, consultants, agents, employees, and professionals, as may be necessary and appropriate, shall be and is hereby authorized to pursue all lawful means of acquiring the Easement Parcel being part of 37 Cooper Avenue, being lot 26, block 189 on the tax maps of the Township of Franklin, Somerset County, New Jersey, through negotiation and/or condemnation proceedings pursuant to N.J.S.A. 40A:14A-1 et seq. and N.J.S.A. 20:13-1 et seq., including the filing of a Declaration of Taking, the filing of a Condemnation Complaint and all other proceedings related thereto.

**SECTION 2.** The Authority hereby confirms its approval of the appraisal of fair market value of the property as of April 1, 2010. The Authority's attorney is authorized to obtain such updates to the referenced appraisal as he deems necessary and proper in connection with the condemnation proceedings to be instituted.

**SECTION 3.** In conjunction with said acquisition, the Authority reserves and shall reserve any rights it may have had or may recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of condemnation and/or removal of solid waste and/or sanitary land fill closures that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of the Easement Parcel in the name of the Authority.

**SECTION 4.** In conjunction with said acquisition, the Authority reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Easement Parcel in accordance with applicable state and federal statutory and regulatory provisions or to remove solid waste or carry out closure of a sanitary landfill if located on the subject property. The Township is not and shall not be liable for the clean-up and removal costs of any discharge, which occurred or began prior to the Authority's ownership.

**SECTION 5.** The members of the Authority and such other officials, consultants, agents, employees and professionals of the Authority as may be necessary and appropriate are hereby authorized and directed to take any and actions necessary to effectuate the purposes of this Resolution.



**SECTION 6.** This Resolution shall take effect immediately upon final passage, approval and publication as required by law.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

**JOB DESCRIPTION  
CLERK/RECEPTIONIST:**

The following resolution was moved by Mr. Warner, seconded by Mr. Howard.

**BE AND IT IS HEREBY RESOLVED,** by the Township of Franklin Sewerage Authority in the County of Somerset that the Board of Commissioners authorize the Executive Director to make changes to the Authority's Clerk/Receptionist job description in accordance with the attached document

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

**AMEND CONSTRUCTION  
PHASE FOR CME  
WESTON CANAL P/S  
RE: FLOOD PROOFING  
IMPROVEMENTS:**

The following resolution was moved by Mr. Warner, seconded by Mr. Howard.

**BE AND IT IS HEREBY RESOLVED BY THE TOWNSHIP**

OF FRANKLIN SEWERAGE AUTHORITY in the County of Somerset  
that the existing contract for the above mention project be increased by  
\$6,450.00 due to changes to the construction phase.

The members were polled the vote being as follows:

VOTE:	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

CONSTRUCTION PHASE  
FOR CME - REGARDING  
WILSON ROAD P/S  
UPGRADES:

The following resolution was moved by Mr. Warner,  
seconded by Mr. Howard.

BE AND IT IS HEREBY RESOLVED BY THE TOWNSHIP  
OF FRANKLIN SEWERAGE AUTHORITY in the County of  
Somerset that the Construction Phase Services for CME Associates  
regarding the Wilson Road Pump Station Upgrades be adopted at  
a cost not to exceed \$59,187.00.

The members were polled the vote being as follows:

VOTE:	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

Mr. Warner moved to open the public portion of  
the meeting seconded by Mr. Seskin.

Mr. Warner moved to open the public portion of the meeting seconded by Mr. Seskin.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

Mr. Warner moved to close the public portion of the meeting seconded by Mr. Seskin.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

Mr. Warner moved to adjourn the meeting, seconded by Mr. Seskin.

The members were polled the vote being as follows:

<b>VOTE:</b>	Mr. Cohen	-	Absent
	Mr. Habrukowich	-	Aye
	Mr. Howard (1 <sup>st</sup> Alt.)	-	Aye
	Mr. Seskin	-	Aye
	Mr. Taub (2 <sup>nd</sup> Alt.)	-	Aye
	Mr. Warner	-	Aye
	Chairman Stevens	-	Absent

The meeting was adjourned at 7:47 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "W. J. Howard, Jr.", enclosed within a hand-drawn oval.

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William J Howard, Jr. Secretary – Treasurer