
RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES

FEBRUARY 21, 2019

365 Old York Road, Flemington, New Jersey
(908) 782-7453 Office

(908) 782-7466 Fax

1. **MEETING CALLED TO ORDER AT 5:00 PM**

The meeting of the Raritan Township Municipal Utilities Authority (RTMUA) was called to order stating that the meeting had been advertised in accordance with the Open Public Meetings Act setting forth the time with the RTMUA office as the place of said meeting. It was further stated that a copy of the Agenda was posted on the RTMUA office bulletin board.

2. **ATTENDANCE ROLL CALL:**

Mr. Grand	Here
Mr. Hazard	Here
Mr. Kendzulak, Jr.	Here
Mrs. Robitzski	Absent
Mr. Tully	Here

Also present were Ray Frank, RTMUA Chief Operator; Regina Nicaretta, RTMUA Executive Secretary; Daniel Madden, PE, Johnson, Mirmiran & Thompson; C. Gregory Watts, Esquire, Watts, Tice & Skowronek.

3. **PLEDGE OF ALLEGIANCE**

4. **APPLICATIONS:**

- a) Application for Sewer Service Class II – A, 263 Route 202, LLC (Harbor Freight Tools) (Block 66 Lot 1)

5. **RESOLUTIONS:**

REORGANIZATION

Mr. Watts - At this point in the meeting, we will conduct our Reorganization. I will open up to the members the nomination for the position of Chairperson.

Resolution #2019 - 12 Appointment of Chairperson

Mr. Tully made a motion to nominate Mr. Kendzulak, Jr., Mr. Hazard seconded the motion. All were in favor. Mr. Kendzulak, Jr. abstained.

Resolution #2019 – 13 Appointment of Vice - Chairperson

Mr. Hazard made a motion to nominate Mrs. Robitzski, Mr. Grand seconded the motion. All were in favor.

Resolution #2019 - 14 Appointment of Secretary

Mr. Grand made a motion to nominate Mr. Tully, Mr. Kendzulak, Jr. seconded the motion. All were in favor. Mr. Tully abstained.

Resolution #2019 – 15 Appointment of Treasurer

Mr. Hazard made a motion to nominate Mr. Grand, Mr. Tully seconded the motion. All were in favor. Mr. Grand abstained.

Resolution #2019 – 16 Appointment of Assistant Secretary / Assistant Treasurer

Mr. Kendzulak, Jr. made a motion to nominate Mr. Hazard, Mr. Tully seconded the motion. All were in favor. Mr. Hazard abstained.

Resolution #2019 – 17 Establishment of Meeting Dates

Mr. Grand made a motion to approve Resolution #2019 – 17, Mr. Tully seconded the motion. All were in favor.

Resolution #2019 – 18 Designation of Depositories

Mr. Grand made a motion to approve Resolution #2019 – 18, Mr. Tully seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2019 – 19 Designation of Official / Legal Newspapers

Mr. Hazard made a motion to approve Resolution #2019 – 19, Mr. Grand seconded the motion. All were in favor.

Resolution #2019 – 20 Appointment of Certifying Officer

Mr. Tully made a motion to approve Resolution #2019 – 20, Mr. Grand seconded the motion. All were in favor.

Appointment of Professionals

Resolution #2019 – 21 Appointment of Auditor
(Contract not to Exceed \$49,500.00)

Mr. Grand made a motion to approve Resolution #2019 – 21, Mr. Tully seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2019 – 22 Appointment of Bond Counsel
(Contract not to Exceed \$8,000.00)

Mr. Hazard made a motion to approve Resolution #2019 - 22, Mr. Tully seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2019 – 23 Appointment of Legal Counsel
(Contract not to Exceed \$55,000.00)

Mr. Tully made a motion to approve Resolution #2019 – 23, Mr. Grand seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2019 – 24 Appointment of Special Counsel
(Contract not to Exceed \$45,000.00)

Mr. Grand made a motion to approve Resolution #2019 – 24, Mr. Tully seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2019 – 25 Appointment of Consulting Engineer
(Contract not to Exceed \$173,000.00)

Mr. Tully made a motion to approve Resolution #2019 – 25, Mr. Grand seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2019 – 26 Appointment of Special Projects Engineer
(Contract not to Exceed \$30,000.00)

Mr. Tully made a motion to approve Resolution #2019 – 26, Mr. Grand seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

END OF REORGANIZATION

Resolution #2019 – 27 Approval of Sanitary Sewer Service Class II – A, 263
Route 202, LLC (Harbor Freight Tools) (Block 66 Lot 1)

Mr. Grand made a motion to approve Resolution #2019 – 27, Mr. Tully seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2019 – 29 FDS Realty, LLC (Block 16.01 Lot 40)

Mr. Tully made a motion to approve Resolution #2019 – 29, Mr. Grand seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2019 – 30 Return of L & E Escrow

Mr. Grand made a motion to approve Resolution #2019 – 30, Mr. Tully seconded the motion.

Roll Call Vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

6. **Approval of Minutes:** Minutes of January 17, 2019

Mr. Tully made a motion to approve the minutes from the January 17, 2019 meeting. Mr. Kendzulak, Jr. seconded the motion. All were in favor. Mr. Hazard abstained.

7. **Treasurer's Report / Payment of Bills:**

Mr. Kendzulak, Jr. – Do you want me to do this for you, Mr. Grand? The bills totaled \$537,953.97. All appears to be in order. If you go to the last pink page; we're at about 21% and that's basically where we were last year at this time. We're not quite three months into the year, three months would be 25% so we're pretty much on budget. I'm comfortable with where we are and recognizing this number will come down when the audit is done and also recognizing that we front pay some big bills like insurance.

Mr. Grand made a motion to approve the payment of bills. Mr. Tully seconded the motion.

Roll call vote:	Mr. Grand	-	Yes
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

8. **Citizens' Privilege:**

None

9. **Adjourn into Closed Session by Motion, if Needed**

10. **Adjournment of Regular Meeting:**

Mr. Tully made a motion to adjourn the Regular Meeting. Mr. Hazard seconded the motion. All were in favor.

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
WORK SESSION MINUTES

FEBRUARY 21, 2019

365 Old York Road, Flemington, New Jersey
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-
1. **The Work Session** of the Raritan Township Municipal Utilities Authority will be called to order upon the adjournment of the Regular Meeting.

Mr. Kendzulak, Jr. – We're going to go into Closed Session but before we do that, let's go to Magna - Power so Mr. Pitel can be on his way. I'll turn this over to Mr. Madden in regards to the analysis that he went through and the determination he came up with. Mr. Madden, if you could give a general overview from a historic perspective. I know you, Mr. Tully and Mr. Hazard visited the site.

Mr. Madden – After visiting the site, we could clearly see that this should be, without a doubt, considered a factory / warehouse and should be categorized as such. Going back through the records, it may have been listed as an office and that has a different parameter in terms of DEP criteria for allocated flow. With that said, they were asking to increase their operations by two hundred people. Based on what we saw there, it's clear to me that this factor should be applied to the number of employees and not the square footage. In reviewing that, we found that their existing allocation is 18.75 EDUs and with the application of this criteria it would require 16.7 EDUs so they are under based on that so we feel that there is no reason they shouldn't be able to proceed with their project.

Mr. Kendzulak, Jr. – So, what I'm hearing is there's no need for additional capacity allocation because based on your analysis, they have it so they can plow forward with their expansion at this point here. That's good news because we don't have to go through a Point System Allocation, not that we have capacity to do that.

Mr. Pitel – Is there anything we have to do on our end to get us reclassified as warehouse / factory?

Mr. Madden – No.

Ms. Nicaretta – We will approve the Application administratively and then give you a Connection Permit, and at the end of the project a Certificate of Compliance but with no additional EDUs.

Mr. Hazard – The tour meant a lot and having our engineer with us. It's an awesome facility and awesome job creator.

Mr. Madden – There's very little if any process water, I think they recycle most of it, I didn't see any floor drains.

Mr. Grand – What do you do there?

Mr. Pitel – We're an electronics manufacturer; we make power supplies for all over the world. Tesla's factories have our power supplies, we have the largest selection of power supplies in the world. We build everything custom.

Chair Kendzulak, Jr. – At this point I'd like to go into Closed Session for purposes of discussing ongoing litigation over the FWWF, also an update on the Rules and Regulations that are being discussed by DEP which will affect us contractually and personnel discussion with regard to health care benefits and we don't anticipate taking any formal action at the conclusion of Closed Session.

Mr. Tully made a motion to adjourn into Closed Session for the above stated purpose and Mr. Grand seconded the motion. Closed Session was from 5:25 pm – 6:39 pm.

2. **Correspondence:**

None

3. **Unfinished Business:**

None

4. **New Business:**

None

5. **Professional Reports:**

a) Attorney - None

b) Engineer –

Mr. Madden – We had a meeting yesterday with the County. Flemington was represented there with their engineer and this is regarding that study that is being done by the County for the Wastewater Management Plan (WMP). I'll be sending a memo regarding that meeting. They did request that we invite somebody from the Township to the next meeting which is scheduled for March 12, 2019. I don't know if Township means MUA or the Township itself or both.

Mr. Kendzulak, Jr. – As far as killing two birds with one stone, either Mr. Tully or Mr. Hazard would be the better to go.

Mr. Madden – As a side note, what came out of the meeting, was they already did some digging on the Flemington side and they found they have a big redevelopment plan and they're mining out some of the potential increases there or changes there. They have a list; they're talking about a future 1,772 luxury apartments, 171,000 square feet of retail / restaurant, all over a bunch of different

places, nobody knows. Bottom line is the way they're calculating the WMP, is based on the one component that is because Flemington is an urban center, it's projected on population so part of the flow is projected on population and what they had in their first go around was an increase of sixty – five people, over twenty years. I said "this doesn't make any sense if you're adding 1,700 apartments." The reason was there are commercial things being replaced with other things and that is what Flemington is hanging their hat on. They came up with their total number and it's going to be 1.06 MGD.

Mr. Kendzulak, Jr. – The 1.08 MGD that they have, so basically, they're maxing it out.

Mr. Madden – I bring it up because it's a red flag to me. With the issues we're having, I just think this is a big issue. That's really the big thing. There's also a report in here; for the past year we did a review of all the pump stations and things like that, I met with Mr. Frank yesterday and went over a few things. We're thinking if you pick a point to look at something, the most beneficial thing to study would be Woodside Farms. There's 12,000 feet of pipe there, yet that pump station has five times amount of flow during wet weather events. If we can figure out what is going on there, there might be an easier solution, a more cost-effective solution to pull that out than try to search the rest of everything.

Mr. Kendzulak, Jr. – What happened with Pump Station #1 with those instantaneous spikes? Where do we stand with that?

Mr. Madden – We still get those spikes, but they're nothing like that storm in 2016, in that August storm, where we had seven inches of rain and all three pumps were running. We've never seen that again, in all of the data we saw, last year, even with all that rain, we maintained with just two pumps running.

Mr. Kendzulak, Jr. – When it rains, does that pump station react very quickly?

Mr. Madden – It's quick but it's not as quick and it's a combination, we think, of sump pumps and there might be some inflow.

Mr. Kendzulak, Jr. – Have we found anything that...we did find some areas.

Mr. Madden – Mr. Frank can tell you that they did fix that place on South Main Street. They put one of those sleeves in there. At some point you may see some of these things start to show up and it does show but there's so many others to chase.

Mr. Kendzulak, Jr. – You're buying these sleeves? I know they're fairly expensive. How many have we put in so far?

Mr. Frank – I don't know but maybe three or four, I really don't know.

Mr. Kendzulak, Jr. – Have we been TV'ing?

Mr. Frank – We haven't been because of the weather. We'll start smoke testing again when the weather breaks.

Mr. Madden – They are way ahead on the smoke testing. I think this year we're focused on what's tributary to Flemington because that's what's going to be part of your Administrative Consent Order (ACO) so that should be the area we TV this year.

6. RTMUA REPORTS:

a) ADMINISTRATIVE / OPERATIONS REPORT

1. Chief Operator / Director's Report

Mr. Kendzulak, Jr. – Mr. Frank is there anything you want to go over in your report here? I saw that the FWWF went online five times which is quite a bit for the month of January. I saw this also from DEP.

Mr. Frank – Yes, I had two inspections this month; one at the FWWF with Mr. Speeney and I had one for the Main Treatment Plant with Mr. Bolka. Mr. Speeney's inspection of the FWWF went back to I think it was January 2017 and we had, I believe, four exceedances in fecal violations over the course of thirteen or fourteen months. One was substantial and it is going to generate a fine of approximately \$1,000.00.

Mr. Kendzulak, Jr. – Could it have been prevented or how could it have been prevented? What do we do next time to make sure it doesn't happen?

Mr. Frank – Some of it is just flow, we're getting slammed with a flow that even though we have a residual it's not getting the detention time that it needs to get a proper kill because the plant is rated at 3.5 MGD and we're hammering sometimes at 5 or 6 MGD through there; it's not sized to be able to handle that kind of flow. Some of it was operator error, they used a dirty dipper to take a sample, I've since been on top of that and that's been corrected. In going forward I've initiated a new procedure where when we wash down the plant after everything is all said and done, there's two tanks, one where the filter is and one is just prior to the filter. We've purchased granular chlorine and we're chlorinating both of those tanks so that when we do get an event, it's not stagnant water sitting in there because sometimes it was two or three weeks prior to getting a discharge and that water was just sitting there stagnating. By chlorinating it, we're hoping to correct that problem. As far as the main plant was concerned, everything went smooth with Mr. Bolka. We had no violations and everything else looked good. Mr. Speeney did bring up the issue that he thought the ACO was no longer in effect for FWWF and after speaking with Ms. Carmeli I got the feeling that it was a modified ACO but I didn't push it

with him.

Mr. Kendzulak, Jr. – I see we have \$300,000.00 for the equalization tank, Mr. Madden? What is this here?

Mr. Madden – That's the rehabbing of it.

Mr. Kendzulak, Jr. – Where do we stand with it? I saw something about cracks?

Mr. Madden – The plans have already been done and I need to look over the matching set of specs.

Mr. Frank – We have to go out to bid for it.

Mr. Kendzulak, Jr. – The clarifier project, what's going on with that?

Mr. Madden – We're still in the process of getting the shop drawings reviewed. I talked to the contractor the other day, he's planning on really starting in earnest in May. They'll have to dewater the tank, probably before May and then start rehabbing after that. He's hoping to do two of them this year, hoping and praying that the weather isn't like last year.

- a) Overtime Recap
- b) Septage / Greywater Recap
2. Laboratory Summary
3. Maintenance Summary
4. Readington Flows

b) COMMISSIONERS' COMMENTS

Mr. Kendzulak, Jr – Ms. Gallos was here at the last meeting and I gave her dates of March 15th, 18th and 22nd for AEA to come in and start the audit. I haven't heard back from her. Certainly, if there's any commissioners interested in being a part of that by all means, jot those dates down. Mr. Hazard, what I did was just stuck with Mondays and Fridays. Mr. Frank, I see our numbers are down for septage and greywater, I take it that is Phillipsburg is online.

Mr. Frank – No, we were closed for two weeks; greywater went up. We weren't accepting septage because ACUA shut down.

Mr. Kendzulak, Jr. - Phillipsburg is taking septage?

Mr. Frank – I don't know.

7. Discussion:

- a) Look First Quote – Cyber Security

Mr. Frank – After going to my professional development class, we had a discussion on Evesham Township, who has their own IT department, and

their guy gave a long discussion on cyber ware, cyber technology, and it was brought up that JIF just got done paying a \$350,000.00 claim for a cyber ware event. Bringing that back, I spoke with Mrs. Struening and we spoke to our IT people to bring us up to speed to prevent that kind of thing from happening here. He did recommend having a class and anyone who has access to our internet to go through cyber training so they know what to look for when they have specific emails sent to them that look legit, they ask you to open different links and some of them have malware attached to them. We were going to go ahead and do that and he also recommended upgrading some of the things we have. We back up to the cloud, I believe it's once a day and we were looking at doing it maybe every twelve hours, this way if we do get hit with something, it's easier to reconstruct and put everybody back online. Part of that was looking at what the JIF would cover. They have certain criteria that we have to meet to be able to lessen our deductible. I put part of that in the package. First was the security alert threat, the starting deductible is \$10,000.00 and you can lower it to \$2,500.00 by meeting the different criteria. I think we're pretty close to meeting it already, with the addition of this piece of equipment and the things First Look spelled out for us, I think we would be in a 100% compliance with getting the deductible lowered to that \$2,500.00 range instead of the \$10,000.00. We are going to go ahead with the training for everybody, we're they'll send out different emails and if people open them, it won't have a payload it'll just say "you shouldn't have opened this" and it reports back and then we can do further training for certain employees who continually break the standards.

Mr. Tully – We have something like that at the Township.

Mr. Kendzulak, Jr. – This is something to move forward with and we'll have a resolution at the next meeting.

b) Ubel (Block 41 Lot 34)

Mr. Kendzulak, Jr. – Mr. Ubel was here last month with regards to inquiring about connecting his home in case his septic failed. He's actually outside of the Sewer Service Area (SSA). We had told him we would look into it. Mr. Madden, you had some discussion with Mr. Bogen and this is not an easy thing; there are different entities that would be involved. Can you briefly go over it?

Mr. Madden – If someone wants to do this, get into the SSA, they have to do a Site-Specific Amendment to the WMP. The bigger part of that besides filling out all of the paperwork and the fact that it takes months to review because they only have one person, is they need sign off by the County and the Township as to approval and endorsing this connection.

Mr. Kendzulak, Jr. – The County and the Township or the County and RTMUA?

Mr. Madden – It says “municipality”. It’s an approval thing. It can be done but it is not an easy process; they would have to supply a bunch of surveys, shape files, get the approvals.

Mr. Kendzulak, Jr. – Mrs. Ubel had reached out to Ms. Nicaretta wondering what the status was and what was going on with that and Ms. Nicaretta told her we’d discuss further and get back to her. If it’s septic now and it could be replaced with septic, then so be it.

Mr. Tully – The County is not going to change the WMP for one user and it would take a year easy with a lot of extra work. They’ll just make them build a mounded system somewhere else in their yard and abandon the one that’s there. They’ll end up granting all sorts of variances and wavers for the design constraints because the lot isn’t that big. The County almost has to take lead because they’re the ones approving the septic and if they say they can’t treat their effluent then we’re almost forced to make an accommodation.

Mr. Kendzulak, Jr. – So, the response will be the Authority won’t entertain this.

Mr. Watts – I think they should be referred to the County. It’s got to go through the County anyway.

Mr. Tully – They control the septic review and the WMP.

Ms. Nicaretta – I’ll send the Mr. and Mrs. Ubel a letter.

c) Magna – Power (Block 36.02 Lot 21)

Previously discussed.

d) 2018 Pump Station Data Review

Previously discussed.

8. **Adjourn into Closed Session by Motion, if Needed**

Previously discussed.

9. **Adjournment of Work Session:**

Mr. Grand made a motion to adjourn the Work Session. Mr. Tully seconded the motion. All were in favor. The Meeting ended at 7:03 pm.