

APPROVED

MUNICIPAL UTILITIES AUTHORITY
TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

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In the Matter of:

PUBLIC RATE HEARING,
REGULAR MEETING AGENDA,
WORK SESSION AGENDA

TRANSCRIPT OF
PUBLIC HEARING

Raritan Township
Municipal Utilities Authority
365 Old York Road
Flemington, New Jersey
Thursday, December 19, 2013
Commencing at approx. 5:00 p.m.

B E F O R E:

MUNICIPAL UTILITY AUTHORITY COMMISSIONERS

MR. MICHAEL DEL VECCHIO, CHAIRMAN
DR. EDWARD DOUGHERTY, VICE CHAIRMAN
MR. JOHN T. KENDZULAK, JR., TREASURER
MR. PETER L. KINSELLA, SECRETARY

A L S O P R E S E N T:

MS. NANCY WOHLLEB, P.E., HATCH MOTT MACDONALD
MR. BRUCE P. MILLER, EXECUTIVE DIRECTOR
MR. GREGORY LA FERLA, CHIEF OPERATOR
MS. REGINA NICARETTA, EXECUTIVE SECRETARY

REPORTED BY: JOANNE L. SEKELLA, C.C.R.

SEKELLA REPORTING ASSOCIATES, LLC
Certified Court Reporters
49A School Road
Whitehouse Station, New Jersey 08889
(908)534-6072
(908)534-3768 Fax
sekella@gmail.com

1 A P P E A R A N C E S :

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WATTS, TICE & SKOWRONEK, ESQUIRES

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171 Main St

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Flemington, New Jersey 08822

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908-782-5315

BY: C. GREGORY WATTS, ESQUIRE

Appearing on behalf of the Authority

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1 (Whereupon, the following is
2 transcribed.)

3 CHAIRMAN DEL VECCHIO: All right,
4 let's call this meeting to order.

5 This meeting has been advertised in
6 accordance with the Open Public Meetings Act,
7 setting forth the time and Raritan Township
8 Municipal Utilities Authority as the place of said
9 meeting. A copy of the agenda has been posted on
10 the office bulletin board.

11 Roll call, Regina.

12 MS. NICARETTA: Mr. Del Vecchio?

13 CHAIRMAN DEL VECCHIO: Here.

14 MS. NICARETTA: Dr. Dougherty?

15 VICE CHAIRMAN DOUGHERTY: Here.

16 MS. NICARETTA: Mr. Kendzulak?

17 COMMISSIONER KENDZULAK: Here.

18 MS. NICARETTA: Mr. Kinsella?

19 COMMISSIONER KINSELLA: Here.

20 MS. NICARETTA: Mr. Tully?

21 (No response heard.)

22 CHAIRMAN DEL VECCHIO: Please stand
23 for the pledge of allegiance.

24 (Pledge to the flag.)

25 CHAIRMAN DEL VECCHIO: Okay, I guess

1 we have the public rate hearing, so.

2 EXECUTIVE DIRECTOR MILLER: Mr. Kiel,
3 if you want.

4 CHAIRMAN DEL VECCHIO: Do you want to
5 go through it?

6 MR. KIEL: Um, yeah, I guess I will
7 be -- do you want me to do the testifying now?

8 EXECUTIVE DIRECTOR MILLER: Yes.

9 MR. KIEL: My name is Timothy Kiel,
10 K-I-E-L. I am a manager at Bowman & Company. I
11 have been a consultant for the authority for about
12 four years now.

13 Today is the public hearing on the two,
14 two rate changes. One would be the rate change for
15 the user fees for sewage treatment, and two would be
16 the connection fee for a potential user to connect
17 to the system.

18 The first item I will go over is the
19 sewer fees, or the base user fee, and the
20 consumption user fee. The base user fee will have a
21 5 percent increase going from \$128 to \$134. The
22 user fee will have an increase going from \$494 to
23 \$519. These both represent a 5 percent increase.

24 The reason the authority is in need of
25 this increase is because of the debt that is going

1 to be paid in 2015. The authority is in an
2 aggressive capital program right now and they issued
3 NJEIT loans in this year and the prior year, and
4 they will be issuing NJEIT infrastructure loans
5 possibly in 2016 or 2017.

6 In order to accumulate sufficient funds
7 to make the payment on these NJEIT loans in 2015, a
8 rate increase will be needed for 2014, as the
9 payments are in the beginning of the 2015 fiscal
10 year. There is also current capital expenditures of
11 about \$75,000 that will be paid out of pocket in the
12 fiscal year 2014 budget.

13 And along with the normal cost of
14 living adjustments due to operating expenses,
15 healthcare, salaries, chemicals, we project that a
16 5 percent increase is needed. That appears to be
17 the minimum right now in order to cover the
18 operating costs.

19 In my opinion, the 5 percent increase
20 is sufficient and the authority will be able to meet
21 their operating needs for the 2014 year.

22 The second rate I will discuss is the
23 authority's connection fee. By statute, the
24 authority is required to calculate a connection fee
25 every year. This fee is based off of the entire

1 capital outlay of the authority since its
2 establishment. It then takes that entire
3 accumulation and divides it by the equivalent
4 dwelling units, or EDU's.

5 The calculation that is based off of
6 the fiscal year 2012 audit report results in an
7 average cost per EDU of \$4,225. This is actually a
8 \$91 decrease from the prior year's calculation.

9 The decrease this year results from the
10 change in the EDU's. The EDU's are based off an
11 average consumption, so as the average consumption,
12 specifically of the industrial user changes, the EDU
13 calculation will change. Depending on what time of
14 year you use for the average, the EDU calculation
15 could float up and down \$100. The EDU calculation
16 will also change as debt service is paid.

17 Because the authority has entered into
18 these NJEIT programs, we will project that this
19 calculation will increase in the following years as
20 they pay down their debts. However, this year, the
21 calculation comes down to a decrease of \$91. As I
22 said, it is \$4,225.

23 In my opinion, this agrees to the state
24 calculation and is sufficient to meet the
25 authority's needs. Thank you.

1 ATTORNEY WATTS: Now, the memo that I
2 did, there was some, some points that Tim and I went
3 back and forth with, really getting very fine tuned
4 over the statute. Basically, the thought occurred
5 that we could leave the connection fee the same this
6 year as it was last year, \$4,316, and Tim thought
7 maybe that would be something we could do.

8 But in my reading of the statute, even
9 though you have to recompute the connection fee each
10 year and, as Tim pointed out, the statute doesn't
11 mandate that you apply it, what the statute does
12 mandate, that it cannot exceed the actual cost of
13 the physical connection if we make it, which we
14 don't do it, that is what the homeowners do, plus
15 the, the calculation that Tim went through
16 statutorily.

17 So that is why I did the memo, to point
18 out in my opinion we have to reduce it to the \$4,225
19 for the upcoming fiscal year.

20 CHAIRMAN DEL VECCHIO: Any questions
21 from the commissioners?

22 COMMISSIONER KENDZULAK: Just with
23 regards to the connection fee, it is kind of odd
24 that it is going down, but I think the main reason
25 it is going down is because of Flemington's

1 contributions to capital costs.

2 MR. KIEL: The main reason it is going
3 down is strictly the EDU's. Your, your total
4 accumulated cost has gone up, yet the EDU's, which
5 is based off the consumption and your consumption
6 mainly is industrial. So if the industrial
7 customers' consumption in the prior year is down, it
8 is down one year, it is going to drive your EDU's
9 down, so then when you -- or up or down. So when
10 you do that division, it is going to change the
11 connection of the calculation.

12 So if you have your average consumption
13 go up, if you have an industry close, it is going to
14 drastically affect your EDU's when you do the
15 calculation. So that is strictly the reason.

16 I mean, by looking at your debt
17 service, I only projected going up from here, just
18 because as you pay down your NJEIT, that
19 accumulation of bond principal and bond interest
20 increases the value of your system, so that will
21 drive it up. But this year, the decrease is
22 strictly because of the decrease in EDU's, and that
23 just has to do with consumption and whatever you
24 determine is the average usage per household.

25 Your average household, if the usage

1 goes down -- if the economy drops, sometimes people
2 conserve. So if your usage is going down, now you
3 don't have meters in everybody's house, but you know
4 how much is coming in, and as that, the amount of
5 inflow drops, your EDU's drop. So that will have an
6 effect on it.

7 So that is what happened this year and
8 that is where it is. The EDU's are the same EDU's
9 that we use in computing the user rates, same EDU's
10 used in the state budget.

11 COMMISSIONER KENDZULAK: Okay, this is
12 the first time I ever remember it going down.

13 CHAIRMAN DEL VECCHIO: Any other
14 questions?

15 COMMISSIONER KINSELLA: No.

16 CHAIRMAN DEL VECCHIO: Okay, we will
17 move onto the resolutions, which 2013-67,
18 Establishment of Connection Fee.

19 Is there anybody from the public that
20 has any questions?

21 (No response heard.)

22 CHAIRMAN DEL VECCHIO: Okay, back to
23 the resolution. 2013-67, Establishment of
24 Connection Fee, and on this we will fill in, I
25 guess, the highlighted box at 4,225.

1 Motion to approve?

2 VICE CHAIRMAN DOUGHERTY: So moved.

3 COMMISSIONER KINSELLA: Second.

4 CHAIRMAN DEL VECCHIO: Any comments?

5 Roll call vote, Regina.

6 MS. NICARETTA: Mr. Del Vecchio?

7 CHAIRMAN DEL VECCHIO: Yes.

8 MS. NICARETTA: Dr. Dougherty?

9 VICE CHAIRMAN DOUGHERTY: Yes.

10 MS. NICARETTA: Mr. Kendzulak?

11 COMMISSIONER KENDZULAK: Yes.

12 MS. NICARETTA: Mr. Kinsella?

13 COMMISSIONER KINSELLA: Yes.

14 CHAIRMAN DEL VECCHIO: 2013-68,

15 Establishment of Sanitary Sewer User Fees, which we
16 have just heard will be at \$519 per year or \$134 per
17 EDU.

18 Motion to approve?

19 VICE CHAIRMAN DOUGHERTY: So moved.

20 COMMISSIONER KINSELLA: Second.

21 CHAIRMAN DEL VECCHIO: Any comments?

22 Roll call vote, Regina.

23 MS. NICARETTA: Mr. Del Vecchio?

24 CHAIRMAN DEL VECCHIO: Yes.

25 MS. NICARETTA: Dr. Dougherty?

1 VICE CHAIRMAN DOUGHERTY: Yes.

2 MS. NICARETTA: Mr. Kendzulak?

3 COMMISSIONER KENDZULAK: No.

4 MS. NICARETTA: Mr. Kinsella?

5 COMMISSIONER KINSELLA: Yes.

6 CHAIRMAN DEL VECCHIO: 2013-64,

7 Approval and Authorization to Execute Labor

8 Agreement between Raritan Township Municipal

9 Utilities Authority and Teamster Local 469.

10 Motion to approve?

11 COMMISSIONER KINSELLA: Move.

12 VICE CHAIRMAN DOUGHERTY: Second.

13 CHAIRMAN DEL VECCHIO: Any comments?

14 Roll call vote, Regina.

15 MS. NICARETTA: Mr. Del Vecchio?

16 CHAIRMAN DEL VECCHIO: Yes.

17 MS. NICARETTA: Dr. Dougherty?

18 VICE CHAIRMAN DOUGHERTY: Yes.

19 MS. NICARETTA: Mr. Kendzulak?

20 COMMISSIONER KENDZULAK: No.

21 MS. NICARETTA: Mr. Kinsella?

22 COMMISSIONER KINSELLA: Yes.

23 CHAIRMAN DEL VECCHIO: 2013-69,

24 Designation of Affirmative Action Compliance

25 Officer. Bruce?

1 EXECUTIVE DIRECTOR MILLER: That is
2 me. That is every year we do this.

3 CHAIRMAN DEL VECCHIO: Motion to
4 approve?

5 COMMISSIONER KINSELLA: Move.

6 VICE CHAIRMAN DOUGHERTY: Second.

7 CHAIRMAN DEL VECCHIO: Any comments?
8 All those in favor signify by saying aye.

9 (Ayes heard.)

10 CHAIRMAN DEL VECCHIO: The ayes have
11 it.

12 2013-70, resolution of the Raritan
13 Township Municipal Utilities Authority Concerning
14 Review of Findings and Recommendations of the Local
15 Finance Board Made at a Meeting of Said Board on
16 November 13, 2013 in Accordance with NJSA 40A:55A-6
17 and NJSA 58:11B-9(a).

18 Bruce, do you want to explain, go
19 through this?

20 EXECUTIVE DIRECTOR MILLER: Yes.
21 Chris?

22 MR. LANGHART: Good evening,
23 commissioners.

24 This is a resolution regarding our
25 approval by the local finance board. We were

1 approved on November 13, 2013. We received a
2 resolution through the local finance board of that
3 approval, and by statute, we are required to accept
4 that resolution and review it and sign an affidavit
5 to that effect. That is what this resolution is.

6 Regina has the affidavit page. She
7 will have each commissioner sign it and we will be
8 in compliance of the resolution.

9 We are also required after the bond
10 sale to give them a summary of the terms for bond
11 sale. We do that for you and that will happen at a
12 closing in May 2014.

13 CHAIRMAN DEL VECCHIO: Any questions?

14 EXECUTIVE DIRECTOR MILLER: At this
15 point, we are still not committed to anything.

16 MR. LANGHART: We are not committed to
17 going forward if we don't want to. We can still
18 back out of the program.

19 CHAIRMAN DEL VECCHIO: Motion to
20 approve?

21 VICE CHAIRMAN DOUGHERTY: So moved.

22 COMMISSIONER KINSELLA: Second.

23 CHAIRMAN DEL VECCHIO: Roll call vote,
24 Regina.

25 MS. NICARETTA: Mr. Del Vecchio?

1 CHAIRMAN DEL VECCHIO: Yes.

2 MS. NICARETTA: Dr. Dougherty?

3 VICE CHAIRMAN DOUGHERTY: Yes.

4 MS. NICARETTA: Mr. Kendzulak?

5 COMMISSIONER KENDZULAK: Yes.

6 MS. NICARETTA: Mr. Kinsella?

7 COMMISSIONER KINSELLA: Yes.

8 CHAIRMAN DEL VECCHIO: This is

9 2013-71, Amendment of Resolution 2013-41. Approval
10 and Authorization to Execute Wastewater Treatment
11 Capacity Transfer Agreement and Agreement For
12 Reservation of Wastewater Treatment Capacity
13 Flemington Trade Center to West Essex Management,
14 Inc., Block 36.02, Lot 19. Bruce?

15 EXECUTIVE DIRECTOR MILLER: They had
16 asked for a huge amount of capacity and now they are
17 asking for less, but I still think it is too much,
18 but we will let them go with it as it is. And Greg
19 and I have to talk about this. Not this, but
20 Mr. Feld's questions later.

21 CHAIRMAN DEL VECCHIO: So in
22 actuality, they are giving capacity back based on
23 what they will --

24 EXECUTIVE DIRECTOR MILLER: They will
25 be, yes.

1 ATTORNEY WATTS: Flemington Trade
2 Center has, has leftover capacity and part of, part
3 of winding up of this last lot being sold is an
4 agreement by Flemington Trade Center to give back
5 the remaining capacity.

6 CHAIRMAN DEL VECCHIO: Okay.

7 ATTORNEY WATTS: 60 EDU or something
8 like that, Bruce?

9 EXECUTIVE DIRECTOR MILLER: It is 60
10 EDU's. The real problem is the cash involved,
11 13,000, which is out there. We will deal with that.

12 CHAIRMAN DEL VECCHIO: So we may have
13 to give them 13,000?

14 EXECUTIVE DIRECTOR MILLER: Yeah, I
15 don't know.

16 ATTORNEY WATTS: No, there is money
17 that was, that was, that was deposited by, many
18 years ago toward connection fees, and normally it is
19 very clear that whatever money is not used out of
20 that comes back to the authority. But because
21 Flemington Trade Center is sort of an anomaly, we
22 have some very old agreements that are a little
23 confusing.

24 So I think our position is we are
25 entitled to it, but the developer may take issue

1 with that so we will see what happens.

2 CHAIRMAN DEL VECCHIO: Okay, any
3 questions?

4 COMMISSIONER KINSELLA: This is the
5 last lot on, on Royal Road, right?

6 ATTORNEY WATTS: Yes.

7 CHAIRMAN DEL VECCHIO: Okay, motion to
8 approve?

9 COMMISSIONER KINSELLA: Moved.

10 COMMISSIONER KENDZULAK: Moved.

11 CHAIRMAN DEL VECCHIO: All those in
12 favor signify by saying aye.

13 (Ayes heard.)

14 CHAIRMAN DEL VECCHIO: Ayes have it.

15 2013-72, Renewal of Insurance Services.

16 Bruce?

17 EXECUTIVE DIRECTOR MILLER: Okay, this
18 is just renewing with the JIF and New Jersey
19 Utilities JIF for \$188,669.23. We will be making
20 two payments, one in January of 94 and change, and
21 one in May, split it out.

22 And it is slightly less than last year,
23 we think. But certainly less than 2012, which was
24 195,000. So we are heading in the right direction.

25 VICE CHAIRMAN DOUGHERTY: How is it

1 going overall in terms of losses this year in light
2 of the problems?

3 EXECUTIVE DIRECTOR MILLER: They are
4 doing fairly well. The utilities authority JIF
5 didn't insure a lot of the big losses, apparently
6 because they are, every meeting I go to, they are
7 always saying we are glad we are not in the other
8 JIF. And I don't know which one that is. But they
9 are not hurting.

10 VICE CHAIRMAN DOUGHERTY: So we are
11 okay?

12 EXECUTIVE DIRECTOR MILLER: Yes.

13 VICE CHAIRMAN DOUGHERTY: Thanks.

14 COMMISSIONER KINSELLA: So would we
15 have benefitted from this arrangement?

16 EXECUTIVE DIRECTOR MILLER: So far.
17 We will benefit more as time goes on, because I
18 think it is two or three years out, two they start
19 to look at, but three definitely. If there is a
20 surplus, they return it.

21 For instance, this year they had a
22 million dollars, and they returned all 74 members
23 and they split that up. And it is whatever it is.
24 We get money back on it, so. And it has
25 consistently been the last three or four years

1 800,000 to a million three or four that they, and
2 there are 70, we are the 73rd member of the JIF, so
3 you can see how many there are. And --

4 ATTORNEY WATTS: Lambertville and
5 Clinton Township have been members for at least ten
6 years now, and they have done very well, gotten
7 refunds every year.

8 VICE CHAIRMAN DOUGHERTY: Good move.

9 EXECUTIVE DIRECTOR MILLER: That is
10 what it appears. I didn't see -- historically, I
11 didn't see any years in which they did not give a
12 refund.

13 ATTORNEY WATTS: Nope, every year
14 there is a refund.

15 CHAIRMAN DEL VECCHIO: Okay, motion to
16 approve?

17 COMMISSIONER KENDZULAK: Moved.

18 CHAIRMAN DEL VECCHIO: Regina, roll
19 call vote.

20 MS. NICARETTA: Mr. Del Vecchio?

21 CHAIRMAN DEL VECCHIO: Yes.

22 MS. NICARETTA: Dr. Dougherty?

23 VICE CHAIRMAN DOUGHERTY: Yes.

24 MS. NICARETTA: Mr. Kendzulak?

25 COMMISSIONER KENDZULAK: Yes.

1 MS. NICARETTA: Mr. Kinsella?

2 COMMISSIONER KINSELLA: Yes.

3 CHAIRMAN DEL VECCHIO: Approval of
4 last meeting's minutes. Hopefully, everybody went
5 through them. Anybody have any comments?

6 (No response heard.)

7 CHAIRMAN DEL VECCHIO: Okay, all those
8 in favor of approval signify by saying aye.

9 (Ayes heard.)

10 CHAIRMAN DEL VECCHIO: The ayes have
11 it.

12 Okay, treasurer's report?

13 COMMISSIONER KENDZULAK: For motion to
14 approve payment of bills in the amount of
15 \$663,339.23. I went through it. All the bills
16 appear to be in order.

17 One of the concerns that I had is if
18 you look and just turn to the pink page in the
19 report here, this takes us through the end of our
20 2013 fiscal year, November 30th. The pink page is
21 the capital, and I had a discussion with Chris
22 earlier about the concern about what were the
23 projects that we are looking to fund through the
24 NJEIT.

25 There is a \$195,000 expenditure, and

1 Chris had indicated at the last meeting that we
2 would be able to recoup costs within a 60-day limit.
3 He has, you know, basically clarified that as far as
4 our engineering fees, that we will be able to recoup
5 all of those, all of those fees, so we are not going
6 to get, you know, stuck with having to eat that. I
7 mean, obviously, we have to pay it through, through
8 debt, but it is not cash that we are not going to
9 have to cough up at this point here.

10 And this isn't done, but preliminarily
11 we are about 87 percent of last year's budget. Pam
12 had indicated there is going to be additional
13 expenditures and reconciliations that go on through
14 the audit, and I would project that that would be,
15 put us at somewhere around 90 something percent, 91,
16 92 percent, but that remains to be seen until the
17 audit is complete.

18 Going to the last dark green page,
19 basically what that reflects is the expenditures
20 during, so far during the month of December. And
21 you see that we have expended about 7 percent of our
22 budget. You know, if you do the math, we are kind
23 of on budget, a little bit below budget, but, you
24 know, pretty much where we should be. That is
25 pretty much it.

1 CHAIRMAN DEL VECCHIO: Any questions?
2 Motion to approve?

3 COMMISSIONER KINSELLA: Move.

4 VICE CHAIRMAN DOUGHERTY: Second.

5 CHAIRMAN DEL VECCHIO: Roll call vote,
6 Regina.

7 MS. NICARETTA: Mr. Del Vecchio?

8 CHAIRMAN DEL VECCHIO: Yes.

9 MS. NICARETTA: Dr. Dougherty?

10 VICE CHAIRMAN DOUGHERTY: Yes.

11 MS. NICARETTA: Mr. Kendzulak?

12 COMMISSIONER KENDZULAK: Yes.

13 MS. NICARETTA: Mr. Kinsella?

14 COMMISSIONER KINSELLA: Yes.

15 CHAIRMAN DEL VECCHIO: Citizens'

16 Privilege, anybody comment?

17 (No response heard.)

18 CHAIRMAN DEL VECCHIO: Okay, I don't
19 think we need to go into closed session for
20 anything.

21 Motion to adjourn from the regular
22 meeting?

23 COMMISSIONER KENDZULAK: Move.

24 COMMISSIONER KINSELLA: Second.

25 CHAIRMAN DEL VECCHIO: All those in

1 favor signify by saying aye.

2 (Ayes heard.)

3 CHAIRMAN DEL VECCHIO: The ayes have
4 it.

5 Now we will move into the work session.
6 Correspondence, I don't think we have any.

7 EXECUTIVE DIRECTOR MILLER: No.

8 CHAIRMAN DEL VECCHIO: It has been
9 kind of quiet.

10 Old business, I don't see anything in
11 old business. There is nothing there.

12 Reports. Your holiness?

13 ATTORNEY WATTS: No report.

14 CHAIRMAN DEL VECCHIO: I was so
15 looking forward to something.

16 ATTORNEY WATTS: One day.

17 CHAIRMAN DEL VECCHIO: Once every ten
18 years.

19 ATTORNEY WATTS: That's right.

20 CHAIRMAN DEL VECCHIO: What do we have
21 from our engineer?

22 ENGINEER WOHLLEB: Again, I apologize.

23 CHAIRMAN DEL VECCHIO: Not a problem.

24 ENGINEER WOHLLEB: The only thing I
25 have just as a little update is on the interceptor

1 project, we were authorized last month to help Greg
2 and the line crew out with review of video work and
3 making sure we are getting good video.

4 I have spoken with, you know, Greg and
5 Chuck, and we will be starting up after the holiday.
6 You know, when it was extremely cold, it is
7 difficult to accomplish the video work. The camera
8 fogs up. So there was no point in doing it in the
9 extreme cold weather.

10 So we will see what the weather is like
11 in January, but if it has been how it's, hopefully,
12 hopefully getting in the next couple days, it should
13 be okay to get that effort going.

14 But other than that, I think everything
15 is as I have summarized in the report.

16 COMMISSIONER KENDZULAK: Nancy, this
17 is, I guess the last building to come down is the
18 house over here? I see pieces of equipment out
19 there.

20 ENGINEER WOHLLEB: Yeah. Well, both,
21 both buildings are, are demoed. There is a garage
22 structure that is still there.

23 COMMISSIONER KENDZULAK: Okay.

24 ENGINEER WOHLLEB: That is going to
25 remain.

1 COMMISSIONER KENDZULAK: Oh, that is
2 going to -- okay.

3 ENGINEER WOHLLEB: Yes, that is going
4 to remain. So really that job is, I mean, we will
5 have to see in the springtime, there may be some
6 seeding and, you know, minor restoration, but they
7 have to, when the snow melts, do a little backfill
8 work and some finish grading, but the demo work is
9 done.

10 COMMISSIONER KENDZULAK: Okay.

11 CHAIRMAN DEL VECCHIO: Any other
12 questions for Nancy?

13 Okay, Bruce, anything exciting in your
14 report?

15 EXECUTIVE DIRECTOR MILLER: Nope,
16 nothing in addition.

17 CHAIRMAN DEL VECCHIO: Any questions
18 for the commissioners? Greg, anything from you?

19 MR. LA FERLA: Nothing else, no, just
20 what is in there.

21 CHAIRMAN DEL VECCHIO: Anything from
22 the commissioners?

23 COMMISSIONER KINSELLA: Just a
24 question.

25 CHAIRMAN DEL VECCHIO: Yes.

1 COMMISSIONER KINSELLA: How is
2 everything going on in Trenton with the weather
3 facility?

4 MR. LA FERLA: With what? I didn't
5 hear.

6 COMMISSIONER KINSELLA: The weather
7 facility. Didn't you guys go down to Trenton and
8 DEP?

9 ATTORNEY WATTS: Yes, we had a
10 meeting. I don't think Greg went.

11 MR. LA FERLA: No.

12 COMMISSIONER KENDZULAK: Shouldn't
13 that be discussed in closed, though, or...

14 ATTORNEY WATTS: I don't think there
15 is a lot going on. I know there, there is a, there
16 is a telephone conference. Did that occur yet or
17 not?

18 EXECUTIVE DIRECTOR MILLER: It did.

19 ATTORNEY WATTS: With the politicians.
20 We did have a meeting with the representatives from
21 DEP and as well as the deputy attorney generals, the
22 two attorneys assigned to the case, and they are
23 technical people. They are looking for ways to
24 help, but I did not get a positive feeling from it.

25 In other words, you know, it is not a

1 secondary treatment plant. There is nothing in the
2 rules and regulations that allow for that type of
3 facility. So they are really hamstrung.

4 They, they seem to want to help us, but
5 they don't seem very positive. So that is why it
6 was, was sort of agreed after that meeting that,
7 that we have to go up a level and speak to the
8 higher ups of DEP.

9 So I know there was a telephone
10 conference that I did not participate in with George
11 Tyler and Margaret Carmeli, and I don't know if Jim
12 was involved in that. Probably not.

13 ENGINEER WOHLLEB: I am not sure.

14 ATTORNEY WATTS: So that occurred, and
15 I don't know the sum and substance of that call.

16 EXECUTIVE DIRECTOR MILLER: The sum
17 and substance was it was a summarization of
18 everything that went on in Trenton. It was Senator
19 Bateman and Jack Ciattarelli, Assemblyman
20 Ciattarelli and Assemblywoman Simon, and they just
21 basically said, "Here is where we stand and this is
22 what the problem is." And it was very high level.
23 George Tyler did the presentation and it was, it
24 probably lasted 20 minutes. And Senator Bateman
25 said, "I understand. We will just go forward with

1 this then," and that was it. He is very much on
2 board with it.

3 Oh, and the mayor of Flemington was on
4 the call also.

5 ENGINEER WOHLLEB: And if Greg
6 remembers, the only thing that I do recall that was,
7 and I don't know how, if it will get us anywhere,
8 but the technical staff at DEP felt that I guess
9 Tyler and Carmeli's request that if it made any
10 sense to put some technical people in a room, such
11 as a specialist from my office who handles your
12 permit, you know, like a Jim Coe, and one or two of
13 the DEP people. If there is any way to pick at some
14 of the issues to, you know, pick over and pour over
15 data, I think there was an interest in really having
16 the opportunity to find some detailed calculations,
17 some of these input parameters that go into how deep
18 he writes the permit.

19 I think that request was made at the
20 meeting. I am not sure if it came up in Bruce's
21 call today, but that was something that showed some
22 slight, you know, glimmer of light that they could
23 offer at this point. But pretty much, as Greg said,
24 it was felt that you weren't going to get much, much
25 more than that.

1 ATTORNEY WATTS: Some, some of the
2 contaminants that are excedents, one is copper. And
3 we really made a strong case for the existence of
4 background copper in this area, Copper Mill, Copper
5 Mine Village. There is a lot of copper. And also
6 there appears to be another type. I can't pronounce
7 it. Jim can't pronounce it either, but --

8 ENGINEER WOHLLEB: It is a
9 plasticizer. It has a scientific IUPAC name, but it
10 is BEHP. It is a plastic.

11 ATTORNEY WATTS: Right. Is that what
12 seems to be coming from the DOT site?

13 ENGINEER WOHLLEB: No. Actually, that
14 is the one that could be the lab contaminant. It is
15 the one, BETC is a compound you find in say dry
16 cleaning, but that is the one that they feel could
17 be sourced from the --

18 ATTORNEY WATTS: There seems to be a
19 high level throughout the borough. They have
20 scrubbers and they have things in all their wells to
21 remove that from their drinking water.

22 ENGINEER WOHLLEB: So DEP felt that
23 some of those background levels may play into some
24 of how they are computing what limits are, but
25 again, not much detail or promise, you know, at the

1 meeting. But I guess the thought was that if a
2 technical meeting could occur, they may be able to
3 crunch numbers in a certain way and resolve
4 something.

5 EXECUTIVE DIRECTOR MILLER: One of the
6 things the DEP folks did not realize was a reason
7 the scrubbers were on all the wells is because NJDOT
8 has pretty well contaminated that site. They have
9 on 31 just north of American Legion and they were,
10 oh, that was their reaction when they found it was,
11 basically it is theirs.

12 COMMISSIONER KENDZULAK: What about
13 the financial impact analysis? I thought that was
14 the big argument that we were making is that the,
15 you know, what that would do to the folks in borough
16 as well as Raritan Township.

17 ENGINEER WOHLLEB: I mean, that was
18 definitely brought up. You know --

19 ATTORNEY WATTS: I think, I think, I
20 don't think it is wise to get too deeply involved in
21 those technical and legal issues, unless you want to
22 go into them more deeply, we should go into closed
23 session.

24 COMMISSIONER KENDZULAK: No.

25 CHAIRMAN DEL VECCHIO: We can, if we

1 want to, we can do that afterward.

2 ATTORNEY WATTS: Right.

3 EXECUTIVE DIRECTOR MILLER: I don't
4 have anything.

5 ATTORNEY WATTS: It is not critical,
6 it is not critical at this juncture, but that report
7 was submitted. They did a very thorough report. It
8 did show that if we had to turn the wet weather
9 facility into a pumping station and bring all the
10 flow over here that the rates by which the
11 Flemington user fees would increase would exceed the
12 limit that it would -- it would increase
13 Flemington's user fees by so much, that it is an
14 argument against making us do that.

15 And our problem was it was never
16 acknowledged that the report was read, received and
17 considered.

18 COMMISSIONER KENDZULAK: Right.

19 ATTORNEY WATTS: So that was
20 reiterated at our last meeting.

21 EXECUTIVE DIRECTOR MILLER: And that
22 seems to be the major turning point with the
23 politicians, they want to know the financial impact,
24 and that is when Senator Bateman said, "Oh, okay, we
25 are going to go forward."

1 COMMISSIONER KENDZULAK: Okay.

2 COMMISSIONER KINSELLA: Just a
3 question. Does the fact that the, you know, we did
4 that micro screening, micro screen and some other
5 improvements over there, does that show intent on
6 our part to improve the facility or does that just
7 fall on deaf ears down there?

8 ATTORNEY WATTS: We, we explained that
9 to them, and we had charts showing over the life of
10 the facility, how much more infrequently it runs
11 because of all the work that Flemington did and
12 because of improvements at the site, the quality of
13 the effluent, but it doesn't matter. They can't fit
14 it into a little box because it, there is nothing in
15 the rules that allows for it.

16 CHAIRMAN DEL VECCHIO: Maybe I am
17 missing something here.

18 They have permitted the facility all
19 these years, so did the box change or is it a matter
20 that someone suddenly discovered it doesn't fit into
21 the box? And is there a way they can grandfather
22 the facility such that it has been permitted all
23 these years, even though it doesn't fit in the box?

24 ATTORNEY WATTS: Well, the problem now
25 is they have had us testing for different parameters

1 that we never were requested to test for before.

2 ENGINEER WOHLLEB: It has just been
3 this closing in.

4 ATTORNEY WATTS: Now we are picking up
5 things that shouldn't be in your effluent if you
6 have a secondary treatment plant.

7 But, again, they are not that great and
8 they are in for a short time. You know, that
9 Bushkill Creek is dry most of the time, and when
10 there is a rain event, there is a huge flush out and
11 then it is gone, so. But we made all those
12 arguments.

13 But that is the problem, because over
14 the last one or two permit cycles that they have had
15 us start testing for things they didn't have us test
16 for, so if they didn't have us test for it, we would
17 still be fine.

18 VICE CHAIRMAN DOUGHERTY: It
19 eventually comes here anyway? No?

20 ATTORNEY WATTS: No.

21 ENGINEER WOHLLEB: This is the, this
22 is the flow --

23 ATTORNEY WATTS: This is the discharge
24 into the --

25 VICE CHAIRMAN DOUGHERTY: I got you.

1 CHAIRMAN DEL VECCHIO: Anything else?
2 Okay, discussion. I guess the letter from you on
3 the point system.

4 ATTORNEY WATTS: Yeah, I didn't really
5 have a chance to discuss it more with Bruce, but
6 this is, this is, this is a matter that came up
7 before, and it was the position of the authority
8 that we wanted to force these people that had, that
9 were conditionally awarded capacity and the last
10 time we did a point system, but didn't have all the
11 information to us for their projects.

12 One of those people is Voorhees
13 Associates, and you can see the letter that I sent
14 back in May and you see their response. I guess the
15 question is should, should we go ahead and finalize
16 their allocation based upon their letter, and, you
17 know, that is really the issue before us now.
18 Because there was an issue with the lot line
19 adjustment, so.

20 COMMISSIONER KINSELLA: This is the
21 site behind the, by the JP Case School and behind
22 the Greek church?

23 EXECUTIVE DIRECTOR MILLER: They are
24 playing around with it. It is really the site
25 towards Flemington from the Greek church.

1 COMMISSIONER KINSELLA: Right.

2 EXECUTIVE DIRECTOR MILLER: Small
3 piece.

4 COMMISSIONER KINSELLA: The O2 zone.

5 EXECUTIVE DIRECTOR MILLER: Yes,
6 right.

7 ATTORNEY WATTS: But if the lot line
8 adjustment is done and they have the backup for the
9 requested capacity, there is no reason why it can't
10 be, shouldn't be allocated. I mean, we have a lot
11 of capacity, but those are the two things that, that
12 I would need to make sure.

13 I want to see proof of the lot line,
14 and we would like Nancy to take a look at what the
15 request is and see if it matches up to what they
16 requested. I would say we could have a resolution
17 for the next meeting.

18 VICE CHAIRMAN DOUGHERTY: Makes sense.

19 CHAIRMAN DEL VECCHIO: Kind of brings
20 up another issue, but, you know, at some point do we
21 need to think about having another, I don't know who
22 else is going to be coming to us looking for
23 allocations.

24 EXECUTIVE DIRECTOR MILLER: Have we
25 had any letters, Regina?

1 MS. NICARETTA: No.

2 EXECUTIVE DIRECTOR MILLER: I keep
3 telling people to call me, send one in if they are
4 interested.

5 COMMISSIONER KENDZULAK: Do we, is it
6 the trade center just gave back capacity?

7 EXECUTIVE DIRECTOR MILLER: They will
8 be.

9 COMMISSIONER KENDZULAK: Do we have a
10 count on how much capacity has been turned back?

11 ATTORNEY WATTS: That is 60 some EDU's
12 that will come back from the --

13 COMMISSIONER KENDZULAK: Right, but on
14 top of that? Since, since the last allocation, or
15 that is the only one?

16 ATTORNEY WATTS: That is all that is
17 coming back to us, yeah.

18 COMMISSIONER KENDZULAK: All right.

19 CHAIRMAN DEL VECCHIO: Whatever
20 happened with the remediation site that was pumping?

21 ATTORNEY WATTS: Tenneco?

22 CHAIRMAN DEL VECCHIO: Tenneco.

23 EXECUTIVE DIRECTOR MILLER: Tenneco.

24 CHAIRMAN DEL VECCHIO: They were
25 supposedly looking to get their reinjection permit.

1 EXECUTIVE DIRECTOR MILLER: They never
2 did anything with it. They prefer to pay us to
3 process clean drinking water. Fine by me.

4 COMMISSIONER KENDZULAK: Anything
5 happening on the Case Boulevard site?

6 COMMISSIONER KINSELLA: U.S. Bronze?

7 COMMISSIONER KENDZULAK: No.
8 Pennsylvania Avenue, Case Boulevard, I can't think
9 of the name of it. You know what I am talking
10 about? The residential development.

11 A VOICE: Across from the hockey rink?

12 COMMISSIONER KENDZULAK: Yes.

13 ATTORNEY WATTS: We have a Court
14 Reporter so just be careful that one person speak at
15 a time.

16 COMMISSIONER KENDZULAK: Yes, that
17 site.

18 EXECUTIVE DIRECTOR MILLER: Nothing.

19 COMMISSIONER KENDZULAK: So that --

20 EXECUTIVE DIRECTOR MILLER: What is it
21 called? It is, someone help me, what we call that?
22 Lake Equities. Lake Equities. Nothing.

23 COMMISSIONER KENDZULAK: Okay.

24 COMMISSIONER KINSELLA: They have
25 their planning board approval and there it sits.

1 CHAIRMAN DEL VECCHIO: I think they
2 are just trying to sell it.

3 ATTORNEY WATTS: They have a general
4 development plan, which is good for a number of
5 years, but they are not really moving forward beyond
6 that at this point, but we have all the capacity
7 back and that is all behind us.

8 CHAIRMAN DEL VECCHIO: Okay. You are
9 on again. Woodside Farms Pump Station
10 Rehabilitation.

11 ATTORNEY WATTS: I think, I think
12 Nancy has to talk a little bit about this, too.

13 VICE CHAIRMAN DOUGHERTY: Do we need
14 closed session?

15 ATTORNEY WATTS: Excuse me?

16 VICE CHAIRMAN DOUGHERTY: Is that
17 contractual with them?

18 ATTORNEY WATTS: No, the issue, it is
19 not contractual. The issue is because of the
20 rehabilitation of the pump station, we discovered
21 that part of our driveway lies outside of the
22 easement, so.

23 ENGINEER WOHLLEB: I brought a bigger
24 map.

25 ATTORNEY WATTS: I think Nancy brought

1 a better map. And during the course of requesting
2 the change, they have now come back and asked for a
3 lot.

4 VICE CHAIRMAN DOUGHERTY: I thought we
5 responded to them before about what we said we would
6 do.

7 Nancy, didn't we respond to them
8 before? It started with the gate idea.

9 ENGINEER WOHLLEB: Yeah, yeah.

10 VICE CHAIRMAN DOUGHERTY: And we didn't
11 want to get into that legal situation?

12 ENGINEER WOHLLEB: Right, we had the
13 discussion in September.

14 VICE CHAIRMAN DOUGHERTY: Right.

15 ENGINEER WOHLLEB: And then Bruce, I
16 guess, was going to actually prepare a follow-up,
17 but I guess in discussion with Bruce and Greg, we
18 thought it should be more formally identified, you
19 know, what the issues are before we, you know,
20 respond to them.

21 So I guess, if I could, just to explain
22 the site, I am sure -- if you are not familiar,
23 there is Case Boulevard. JP Case will be
24 approximately here. Here is Woodside Lane heading
25 into the Woodside Farms development. (Indicating.)

1 Acorn Road, the municipal right-of-way
2 ends here. And then just at this point right here
3 is the location of the homeowners' association gate,
4 which prevents people from further entering their
5 open space tract. This gate -- also, only the
6 homeowners have access, as well as the authority.

7 To head to the RTMUA pump station, once
8 you pass the gate, you have to hang a right down the
9 driveway, head towards the pump station.

10 (Indicating.)

11 The map that is enclosed that shows
12 your raw pump station site is here, so this is a
13 blowup of, you know, the pump station and what we
14 found in identifying all of the various easements
15 that are associated with the authority, and also
16 overall utility and other right-of-way access.
17 This, which shows on your maps as green, but this
18 gray area here is what is approximately 440 square
19 feet of area that is outside of your easement.

20 We are proposing to pave this section,
21 and then beyond into this station of the driveway
22 right now. (Indicating.)

23 Right now, it is basically two tire
24 ruts that are sort of gravel at this point. And
25 then the remainder of the driveway is gravel, moving

1 back towards where the common gate is.

2 But since we are making this
3 improvement and overall since we are conducting this
4 project and likely there will be a gas utility and
5 probably a telephone line run through here, the
6 state is requiring that the authority's attorney
7 provide a written legal document that is proof that
8 we actually either have, you know, full rights,
9 access and/or own the property for which we will be
10 improving.

11 So that is what has prompted, you know,
12 close coordination with the homeowners' association,
13 in addition to the fact that we generally had a
14 practice of just letting them know what is going on.

15 So, as it is stated in the e-mail that
16 is in your packet, this came up in September that
17 the board seemed willing, the homeowners'
18 association board seemed willing to offer to adjust
19 the easement line. It would be somewhat logical to
20 come around and get back into the easement, which
21 you are really not seeing here is the vegetated
22 area. We have to go back to the state and say we
23 are disturbing more vegetated area and, you know,
24 that is at an additional cost to the authority. We
25 have to re-grade this area.

1 Seemingly, with the homeowners'
2 association's cooperation, it seemed relatively easy
3 just to make the adjustment. This is pretty much
4 where the driveway is. It makes sense, why change
5 it?

6 So the e-mail that they sent, they came
7 back to me and what they had requested, again, was
8 this fence, they wanted it replaced. They wanted
9 something along the lines of an ornamental iron
10 fence. They wanted essentially policing of the gate
11 during construction. They had also wanted some
12 paving in this area.

13 Based on my inspection of the paving
14 and just kind of getting a sense that all the
15 construction activity coming in and out, I figured
16 already that this site would, we would probably have
17 to pave this much anyway, that would get damaged by
18 the contractor. So I figure to give them a little
19 more apron, that wouldn't be unreasonable.

20 But the other two issues that I
21 mentioned regarding the fence, and placement of the
22 fence, policing of the fence, the paving of this
23 area and then some landscaping improvements at the
24 gate, that is what the homeowners' association is
25 requesting.

1 So I guess that is pretty much the
2 summary of what, what is being requested and why we
3 also need something from them.

4 VICE CHAIRMAN DOUGHERTY: What do we
5 need from them?

6 ATTORNEY WATTS: We need to expand the
7 easement area.

8 VICE CHAIRMAN DOUGHERTY: I know that.
9 I remember going through this in September, but we
10 had a question about that gate and about being
11 responsible for it, for property we don't own and
12 the liability that goes along with it, God forbid.
13 There are kids going in and out of there all the
14 time. There is nothing to keep them from taking a
15 car or an ATV or something around the outside of the
16 gate, right?

17 ENGINEER WOHLLEB: Right.

18 VICE CHAIRMAN DOUGHERTY: We are just
19 having a couple bushes there. What type of
20 liability does it put us in?

21 ATTORNEY WATTS: Well, we can't police
22 it. The question is are we going to want to pay for
23 a gate and to have an issue with access for our
24 people and have it locked, and how do we handle
25 that?

1 ENGINEER WOHLLEB: Bear in mind our
2 actual pump station itself, it shows on the map, is
3 now and will be contained in its own fence and in
4 its own gate. This gate, literally, Greg, correct
5 me if I am wrong, doesn't give you --

6 MR. LA FERLA: Doesn't do anything for
7 us. It is more of a pain. We have to stop, get
8 out, open it, you know. I mean, not that it is a
9 big deal, but...

10 CHAIRMAN DEL VECCHIO: What is, the
11 alternative is just going around it?

12 ENGINEER WOHLLEB: The alternative
13 would be going around it, but that means I actually
14 would have to go back to the state. I don't know
15 that it would be, you know, the end of the world,
16 but I would have to go through a couple of, since we
17 have wetlands, wetlands transition area --

18 VICE CHAIRMAN DOUGHERTY: The costs of
19 the engineering fees.

20 ENGINEER WOHLLEB: There is some
21 engineering and some modifications that would have
22 to be made. And you have some construction costs
23 because you have some, in this green area, the
24 driveway takes a nice drop. (Indicating.) It is at
25 least a 14 or 15 percent drop in there. I am trying

1 to flatten out the driveway grade in there to keep
2 it around, I think, 8 percent or so.

3 But to bring it around, it is possible.
4 It is just more, it is more engineering and it will
5 probably add some construction costs that is not
6 getting you a better pump or, you know.

7 COMMISSIONER KINSELLA: Have they
8 proposed a rendition of the gate?

9 ENGINEER WOHLLEB: I only was told
10 that it was looking something like a black
11 ornamental iron fence.

12 COMMISSIONER KINSELLA: Is it going to
13 be the entrance to JR Ewing's house?

14 ENGINEER WOHLLEB: Yeah, kind of
15 like --

16 VICE CHAIRMAN DOUGHERTY: -- RTMUA --

17 COMMISSIONER KENDZULAK: What is the
18 value of that easement? Has anyone, I don't know,
19 you know, not to go as far as saying appraised it,
20 but what is the value of that, of that portion, of
21 that area for easement purposes?

22 ATTORNEY WATTS: You would have to get
23 it appraised, but it would be minimal. But you are
24 talking about getting a couple of appraisals,
25 starting condemnation and a lot of expense.

1 COMMISSIONER KENDZULAK: And all the
2 costs associated with that. But does it make sense
3 here to say, listen, the value of that is, is, is
4 minimal, but we would be willing to, because, you
5 know, if we go around it, obviously we would be
6 incurring engineering costs and maybe other
7 construction costs to go around that, is to say,
8 well, this is what we would be willing to make a
9 cash contribution toward that and let them deal with
10 the gate?

11 ATTORNEY WATTS: That would be one way
12 to handle it.

13 COMMISSIONER KENDZULAK: And with
14 that, though, we would have to have the approval of
15 the gate, so that you guys are comfortable in
16 getting in and out, because really we should have
17 it, I guess we can make the argument that we don't
18 think there should be a gate there because we have
19 an easement right across that.

20 ATTORNEY WATTS: But that is the price
21 for the easement. Maybe we would be better to
22 propose a type of gate that we can live with and we
23 can control the cost of and say this is what we are
24 willing to do, here is what it looks like and here
25 is how it will be maintained or locked. That would

1 be up to you, Greg. And just tell them this is what
2 we are willing to do.

3 VICE CHAIRMAN DOUGHERTY: Do you have
4 any ideas, Greg, on the gate?

5 MR. LA FERLA: I mean, right now, the
6 gate is just two pieces of pipe, basically. You
7 know, as far as what kind of gate --

8 ENGINEER WOHLLEB: What will happen in
9 construction is the guy, if we follow in one sense,
10 we are going to keep opening and closing the gate to
11 make sure absolutely no -- what they want is they
12 just don't want at the end of the day somebody to
13 close the gate. They literally want any time there
14 is a delivery, inspector comes in and out, you know,
15 guy goes out and gets a cup of coffee or gets lunch,
16 they have to keep this gate open and closed.

17 I can foresee this gate, No. 1, it is
18 not practical. No. 2, I can foresee the gate
19 falling apart on us in construction, and then the
20 guy is going to be holding it, saying what do I do
21 now? And usually the construction contracts are
22 such that if you break it, you pay for it.

23 So, you know, I am trying to avoid that
24 kind of situation as well.

25 CHAIRMAN DEL VECCHIO: I think the

1 first thing is you don't put the gate in until after
2 we finish construction.

3 ENGINEER WOHLLEB: This is the
4 existing gate, yeah, but I am saying --

5 ATTORNEY WATTS: One at a time,
6 please.

7 COMMISSIONER KENDZULAK: In that case,
8 I mean, then, then it is legitimate, there is a gate
9 there, that if the contractor, by using this or
10 beating it up, well, they should be entitled to at
11 least have the gate that they have today in the same
12 condition without our contractor beating it up.

13 ENGINEER WOHLLEB: Right.

14 COMMISSIONER KENDZULAK: Is there
15 something, a detail or a, without having the, you
16 know, the J.R. Ewing's estate, something that is
17 aesthetically pleasing? I think that is probably
18 what they are looking for, that we can live with,
19 that is simple and that could be installed at, you
20 know, obviously some pretty low cost.

21 CHAIRMAN DEL VECCHIO: Let me just say
22 there are three things they asked for. They asked
23 for the gate, they asked for shrubs and they are
24 asking for policing of the gate.

25 Now, you got cost of the gate and

1 shrubs, so there are two things there.

2 COMMISSIONER KENDZULAK: I mean,
3 shrubs, that is minimal costs. I mean, that is --

4 CHAIRMAN DEL VECCHIO: Yeah. And I
5 think on both of those, it is a matter of, I agree
6 with Greg, we should propose something and say, you
7 know, what we can do is base it on, you know, what
8 do we think this piece of property is, is worth and
9 say, you know, we are not going to spend, you know,
10 a whole -- you know, it is 440 square feet. You
11 know, based on the value of land here in the
12 township --

13 ATTORNEY WATTS: It is minimal.

14 CHAIRMAN DEL VECCHIO: I understand.

15 ATTORNEY WATTS: It is not even
16 developable.

17 CHAIRMAN DEL VECCHIO: I understand,
18 but you see what I am getting at. You say, guys, it
19 is 450 square feet, the value is X. We can go
20 through all this and condemn it and just take it if
21 we need to. We don't want to do that. We want to
22 try to help you out, but we are not going to
23 build --

24 COMMISSIONER KENDZULAK: That is why I
25 am just wondering, you know, you give them, there is

1 a value there. There are costs associated with us
2 if we go around it, if we had to. Just say, listen,
3 this is what our costs are. We will offer you X
4 dollars. You do with it what you want. If you want
5 to plant shrubs with it, you want to do whatever you
6 want to do, it is up to you, do it, and then we are
7 done with it.

8 CHAIRMAN DEL VECCHIO: It is actually,
9 well, the other question is it is not on our
10 property, correct?

11 ENGINEER WOHLLEB: Correct.

12 CHAIRMAN DEL VECCHIO: The gate. In
13 that respect, John's idea is, is somewhat of a
14 better idea in that in theory we are constructing a
15 gate that is not even on our property.

16 COMMISSIONER KENDZULAK: It would be
17 within our easement, though. Don't we have, we must
18 have some kind of easement that allows us to go
19 through that gate.

20 VICE CHAIRMAN DOUGHERTY: Who
21 maintains the property, the homeowners' association
22 or --

23 ENGINEER WOHLLEB: It is right on
24 the--

25 MR. LA FERLA: It is on the road.

1 ENGINEER WOHLLEB: It is right on the
2 road.

3 COMMISSIONER KENDZULAK: It is within
4 the public right-of-way?

5 ENGINEER WOHLLEB: Yes, it is right --

6 VICE CHAIRMAN DOUGHERTY: Does the
7 homeowners' association maintain the property? It
8 is a playing field.

9 ENGINEER WOHLLEB: Yeah.

10 VICE CHAIRMAN DOUGHERTY: So the town
11 has nothing to do with it at this point. When they
12 did that development, that was made open space.

13 COMMISSIONER KINSELLA: It is part of
14 their open space.

15 CHAIRMAN DEL VECCHIO: It is part of
16 their open space for the development.

17 ENGINEER WOHLLEB: And that is, yeah,
18 that's the thing. And that is why the gate is
19 there, because they don't want anybody that is not
20 living there.

21 COMMISSIONER KENDZULAK: That gate
22 should not be in, within the public right-of-way,
23 though, either. If it is on their property, I would
24 say that we have an easement to it, but if it is
25 within the public right-of-way, I don't think that

1 is --

2 ENGINEER WOHLLEB: I think it is just
3 behind it, you know.

4 MR. LA FERLA: It is right on the
5 edge.

6 COMMISSIONER KENDZULAK: I would think
7 perhaps there is a dollar value that we can come up
8 with that what we think it is worth. It is theirs.
9 They handle it. I don't know how you handle the
10 policing issue, though.

11 CHAIRMAN DEL VECCHIO: The policing
12 issue, I, I, I can just see no matter what you do is
13 a nightmare because, you know, I can understand, you
14 know, the contractor, I mean, he is going to be all
15 the way down here --

16 ENGINEER WOHLLEB: Right.

17 CHAIRMAN DEL VECCHIO: -- working and,
18 you know, he is going, you know, there is going to
19 be times where he is getting deliveries, workers
20 coming in.

21 ENGINEER WOHLLEB: Right. You want
22 him worrying about the construction. That is his
23 job. He is not --

24 ATTORNEY WATTS: Best thing we can do
25 is unlock it in the morning and lock it at night.

1 ENGINEER WOHLLEB: Yeah, I mean,
2 that's --

3 COMMISSIONER KENDZULAK: Now, is that
4 something that we can pass -- and I apologize here.
5 I am not used to this here.

6 Is that something that we ask Greg's
7 people to do, is to have them go out there in the
8 morning, unlock it and then at the end of the day --

9 MR. LA FERLA: No, no, the
10 contractors.

11 VICE CHAIRMAN DOUGHERTY: The
12 contractors could.

13 COMMISSIONER KENDZULAK: Do you trust
14 them?

15 COMMISSIONER KINSELLA: You know, why
16 don't we just sit down with these people. I mean,
17 we did it with Concord Ridge when we, you know, we
18 had a sit-down. We went to their, their, their
19 place. And we can work this out in no time. Just
20 give them the courtesy of saying we want to work
21 with you, spend an hour or two, get it done. Start
22 off on the right foot with these people in the
23 homeowners' association, and we should probably do
24 it.

25 CHAIRMAN DEL VECCHIO: I think before

1 you sit down with them, though, if we --

2 COMMISSIONER KINSELLA: Have some
3 numbers.

4 CHAIRMAN DEL VECCHIO: Determine the
5 value and say here is what, here is what we are
6 willing to offer.

7 COMMISSIONER KINSELLA: Yeah.

8 CHAIRMAN DEL VECCHIO: But I think, I
9 think the policing issue is a matter of, you know,
10 the only thing we can do is say we will open it on X
11 a.m. on a workday and it will be locked up on X p.m.
12 on a workday. We can't lock and unlock it
13 constantly all through the day. It is just --

14 COMMISSIONER KENDZULAK: I guess,
15 Nancy, you probably put that in the contract, that
16 the contractor shall be responsible for, you know,
17 blah, blah, blah. Now, whether he does it or not is
18 a different story.

19 ENGINEER WOHLLEB: Yeah. No, I mean,
20 and that's, that's the thing. I mean, you know, I,
21 I can't put the burden on him of being the police
22 because he will say, "Oh, great, I am, I have hired,
23 you know, so and so and, you know, this is the
24 cost."

25 So, but, you know, one thing, too, is,

1 you know, I guess it may be beneficial to even come
2 back to basics when we sit down with them to even
3 say, you know, the station serves the development
4 and these improvements, you know, have to be made to
5 keep that service going, so.

6 COMMISSIONER KINSELLA: Is there any
7 question from the homeowners' association regarding
8 the structure of the pump station itself?

9 ENGINEER WOHLLEB: No.

10 COMMISSIONER KINSELLA: Then they don't
11 know --

12 ENGINEER WOHLLEB: No, I walked the
13 site with them. They came here once in April, and
14 then I walked the site with them in the summer and,
15 you know, they were, you know, the way this one is
16 anyway, it is kind of in a gully in the middle of
17 nowhere. Nobody --

18 COMMISSIONER KINSELLA: Okay. You
19 don't see it.

20 ENGINEER WOHLLEB: Yeah.

21 ATTORNEY WATTS: We are talking
22 440 square feet. I am not good at math, but it is
23 about 100th of an acre, and even if you assigned a
24 hundred thousand dollars to it, it would be a
25 thousand dollars at most.

1 VICE CHAIRMAN DOUGHERTY: I will buy
2 it.

3 ATTORNEY WATTS: It is not a whole lot
4 of money.

5 CHAIRMAN DEL VECCHIO: You know, but
6 if you know what that number is and say, okay, it is
7 100th of an acre, here is the value of the land.
8 You know, and say all right, look, we are willing to
9 give, and if we can take a look at what a, you know,
10 simple fence --

11 COMMISSIONER KINSELLA: Gates sound
12 better all the time now.

13 CHAIRMAN DEL VECCHIO: You know, say
14 all right, we will give you X and you guys put in
15 the fence. You guys put in whatever bushes you want
16 for that number. You have to give us a key to the
17 lock because we still need to be able to get in and
18 out of it, but then you guys can choose whatever you
19 want.

20 I mean, that way if they want to make
21 it look like Tara, they can add more of their money
22 and make it look like Tara.

23 COMMISSIONER KENDZULAK: The only
24 thing I would say is, is that we have an opportunity
25 that Greg is comfortable with the kind of gate they

1 are putting in, that it is not, you know --

2 CHAIRMAN DEL VECCHIO: Well, it has to
3 be big enough to let our vehicles in and everything
4 else. You know, we will need the right to look at
5 what they are putting in.

6 VICE CHAIRMAN DOUGHERTY: Just one
7 comment, point of order, or point of information,
8 sir, it is a turnpike. You know what it is? It is
9 two poles and it is a pike. It is not even a gate.
10 You know, we brought this up last time, so I think
11 it is a time to sit down, use some common sense. I
12 would be glad to sit with them and talk with them,
13 along with one of our administrators, or whoever you
14 want to do it, and see if we can't negotiate this
15 out and put it to rest because we got to get this
16 project moving.

17 ENGINEER WOHLLEB: Yeah.

18 CHAIRMAN DEL VECCHIO: All right,
19 anything else?

20 EXECUTIVE DIRECTOR MILLER: I have one
21 other thing. There is a meeting on --

22 CHAIRMAN DEL VECCHIO: One moment.

23 EXECUTIVE DIRECTOR MILLER: Okay.

24 ATTORNEY WATTS: We should decide how
25 you are going to handle it, whether you want to have

1 them in at a work session or just with one member
2 and what staff and with Greg, or do you want them to
3 wait and come to the next meeting?

4 COMMISSIONER KINSELLA: After the
5 holidays.

6 ATTORNEY WATTS: I would suggest they
7 come prior to the next meeting, so then at the next
8 meeting, we can, hopefully, ratify what we can agree
9 upon.

10 COMMISSIONER KINSELLA: So you want
11 them to come here?

12 ATTORNEY WATTS: And meet with, with
13 the board, you know, one or two commissioners and
14 Bruce and Greg and Nancy.

15 EXECUTIVE DIRECTOR MILLER: You are in
16 contact with them now, Nancy?

17 ENGINEER WOHLLEB: I am, but --

18 EXECUTIVE DIRECTOR MILLER: I will put
19 it between the two of us.

20 ENGINEER WOHLLEB: Yeah.

21 EXECUTIVE DIRECTOR MILLER: Okay.

22 There is a meeting on the 9th of January at
23 9 o'clock, and it is to discuss possibly sewerage up
24 the Forest View Estates.

25 If you remember the last meeting, Mike

1 Mangin was here, the mayor. And it was two
2 meetings, now it is two meetings ago, but we tried
3 to get something going, and folks in Flemington we
4 couldn't get on board, so Jamie Sunyak and, and Tony
5 Hajjar were going to meet with them on the 9th at
6 9 o'clock. You were cc'd on the memo. You probably
7 got it already. Anyone else --

8 COMMISSIONER KINSELLA: I will be
9 there.

10 CHAIRMAN DEL VECCHIO: This is to
11 figure out basically the parameters what we would
12 need to do.

13 EXECUTIVE DIRECTOR MILLER: Parameters
14 of what we would need to do to sewer, to run a sewer
15 line up there. It is perhaps a mile and a half, two
16 miles. That is what we are going to discover.

17 COMMISSIONER KINSELLA: It would also
18 affect other, other subdivisions along the way.

19 EXECUTIVE DIRECTOR MILLER: Yes,
20 specifically Raritan Gardens, Broad Acres, Horseshoe
21 Drive and whatever little houses backup to that
22 stream. My philosophy is start at Dory Dilts, at
23 the manhole that used to be a pump station, and just
24 go up the stream, just go until you run out of
25 graft, for lack of a better word.

1 CHAIRMAN DEL VECCHIO: Okay. Anything
2 else? Motion to adjourn.

3 COMMISSIONER KINSELLA: Moved.

4 COMMISSIONER KENDZULAK: Second.

5 CHAIRMAN DEL VECCHIO: All those in
6 favor?

7 (Ayes heard.)

8 (Whereupon, the proceeding is
9 adjourned at 5:59 p.m.)

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C E R T I F I C A T E

I, JOANNE L. SEKELLA, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the hearing as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee, nor attorney or counsel to any of the parties involved; that I am neither related to nor employed by such attorney or counsel, and that I am not financially interested in the outcome of the action.

Notary Public of the State of New Jersey



JOANNE L. SEKELLA, C.C.R.
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My Commission expires: August 3, 2016