

APPROVED

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES

FEBRUARY 25, 2021

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. Kendzulak, Jr.	Here
Mr. Mangin	Here
Mr. Reiner	Here
Mrs. Robitzski	Here (5:05)
Mr. Tully	Absent

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

3. **PLEDGE OF ALLEGIANCE**

4. **APPLICATIONS:**

None

Mr. Kendzulak, Jr. – The first order of business, we are going to have Mr. Louis Reiner sworn in as a commissioner of the Raritan Township Municipal Utilities Authority.

Mr. Reiner – Thank you Mr. Chairman.

Senator Doherty – Before I swear him in, I wanted to say thank you for having me, commissioners. Mr. Reiner did a fantastic job as a member of the Raritan Township Committee for many years and he is a man of the people. He thinks first and foremost what is good for Raritan Township; the families, the businesses, and the taxpayers. We need more public officials like Mr. Reiner.

Senator Doherty commenced swearing Mr. Reiner in.

5. **RESOLUTIONS:**

Resolution #2021 – 07 Resolution of Appreciation to Gary M. Hazard for Service to Raritan Township Municipal Utilities Authority

Mr. Kendzulak, Jr. reads the resolution in its entirety.

Mr. Hazard – Thank you.

Mr. Kendzulak, Jr. – We also have a plaque for you.

Mr. Hazard – Thank you. What I didn't realize, as an elected official, I was never really involved with RTMUA at all. I recognize how critical it is to a community and more importantly I realize how critical the people here are to serve in the community and I really want to thank you and that is everyone down at the plant, Mr. Frank, everybody. There is a tremendous amount of work that gets done here and people in our community have no idea how important it is. As we move forward, I will continue to be involved with the C1. The Utilities Authority, that is the growth point, or the choking point and we want smart growth here in this town but right now we have no growth. This is all about thanking you and you will still see me around, in my capacity as Mayor, I will be working with you guys. We have a lot of things going on with COVID; I was on the phone today for an hour with the Governor's office, there is only so much municipalities can do. We were talking today about getting equity, making sure our Spanish population gets vaccinated and it is amazing how there is no data to go find people. A lot of interesting things going on there, but I am very happy RTMUA wise; you have Mr. Mangin here who works down at the state, he might not have all of the connections but if he doesn't know, he can find somebody who does, and I think that is something we're missing here and that's why I wanted to put him on. Then Mr. Reiner, he came off the Committee this year and he is a tremendous voter and is an advocate of the people of the Township, so Mr. Reiner will be a great addition.

Mr. Watts – We are going to take our call in now. I want to explain because the members don't know anything about this. This just came up the past two days and I can summarize it before we have the developer on the phone. We have a developer who owns a piece of property in the Township, it is the old Aldrich property, that has a significant amount of sanitary wastewater treatment capacity reserved to it. The same developer is contracting to buy another parcel located on Pennsylvania Avenue, the Barbiche Tract, that has a certain amount of capacity allocated to it. The developer wants to develop both properties but would need to transfer capacity from the Aldrich site, which has a lot, to the Barbiche site which has less. Now, the only thing we know about the development is that it is Industrial

Flex. I talked to Mr. Madden, our engineer, and we have no idea how much capacity it would need. It was represented to me by the developer that if they could do this, they will have capacity leftover which they are willing to return to the Authority, which is critical to us, but the members also need to understand that we have a prohibition against transferring of capacity between properties. The only way, if you saw fit to do it, would be to differentiate this by saying "the properties are owned by the same person", because the transfer would not take place until he got title to the second property, and it's coupled with a give back of capacity. Then I think you would be safe in approving it. We are so early into it; we don't know any of the facts. I am going to get them on the line, and we'll let them do their presentation. I do not believe the Authority will be in any position to make any decisions and I think Mr. Madden is going to need more information because we need to know exactly what the development is and how much capacity they will need. Okay, let me get them on the line. Hello everyone, this is Greg Watts, General Counsel to the RTMUA. I have you on speaker and we have all of the members of the RTMUA here. If each of you could identify yourself.

Mr. Radici – I'm Richard Radici and I am the owner of the property 324 Route 202 and also 180 Pennsylvania Avenue.

Mr. Mannino – This is John Mannino, I am the applicant's architect from Cerminara Architect.

Mr. Schack – I am Martin Schack, I work with Mr. Radici.

Mr. Watts – I read through the information your attorney submitted and I have given a brief background to the Authority members. It is my understanding however, that title to the Pennsylvania Avenue tract is still under contract, is that correct?

Mr. Radici – Yes, we are contract purchasers.

Mr. Watts – Your request, as I understand it, is to transfer some capacity from the Route 202 site to the Pennsylvania Avenue site so both sites can be developed.

Mr. Radici – The 202 site is approximately eleven acres and the other site is more like twelve and the 202 site has, I think, 43 EDUs and the other site has 7 EDUs and the seven is a little different for what we are looking to do there which is conforming to the zoning but for some reason, the gallonage or the way it converts, is not really adequate enough to allow us to do in conformance with the zoning.

Mr. Watts – We need to start from the premise that the Authority does not permit transfer of capacity between sites. That's the first item. However, in this case, if the second site will be owned by the same person and if there would be capacity that could be returned to the Authority, which I think I read in your attorney's letter, the Authority might be willing to consider such a transfer but before we get to that point, our engineer really needs to know the development

plans for both sites and how much capacity will be needed and how much capacity will be available for return.

Mr. Radici – I don't know the amount of the gallonage or quantity that will be needed but we did do some calculations and I think between the two properties we'd have what we need.

Mr. Watts – I think you're engineer needs to submit something to the Authority which shows the proposed development because I guess you said you have a site plan filed. So, therefore, we need to see how much capacity will be needed at each site and whether it's viable to even entertain the request for a transfer. I'm not sure we can go much further today without having that information. Can you're engineer or architect submit some information to us, and we can get it to our engineer, and we can talk about it more at the next meeting.

Mr. Mannino – Are you looking for full development plans? Plans for each site development have been provided to RTMUA in order to obtain the Will Serve letters that we received on both developments. Are you looking for additional information?

Mr. Watts – No, we need to know the size of the building, the proposed use and then we go by NJDEP Guidelines so there should not be any dispute on the amount of capacity required for the development.

Mr. Mannino – I think that is where we are looking for some guidance from RTMUA. Both developments are proposed as an industrial flex type of development, meaning you could have various uses of various size, potentially in the same building or in the case of one of our developments, we have two buildings and on the other development there are three buildings. We understand in looking at the how the EDUs are allocated based on usage, it does vary depending on the type of use for example whether it be office space versus say, a warehouse space. Both are viable for both of our proposed developments, though the way EDUs are allocated are far different when you are looking at just warehouse versus just office.

Mr. Watts – At some point, we will have to know when you are going to transfer capacity, we're going to have to know how much needs to be transferred.

Mr. Mannino – I think that's where we need a little bit of guidance in terms of how we would go about establishing that because there are so many variables that one may have in the development at one time; it could be that 100 percent warehouse, it could be 60 / 40, it could be a 10% office, 40% warehouse and 50% manufacturing. It could be a number of things not uncommon to what you see throughout Raritan Township on Minneakoning Road and those type of developments, so we are a little unsure what information we need to do or calculation to come back to you for some of that guidance.

Mr. Watts – We will need you to contact Daniel Madden our consulting engineer and he can tell you exactly what he needs to see, and we can go from there.

Mr. Mannino – Do you want to provide that contact information over the phone or, I know you've been in contact with the attorney, do you want to do it through a letter?

Mr. Watts – The RTMUA will email your attorney's office the contact information for Mr. Madden.

Mr. Mannino – The next step will be to discuss with him, what he needs from us on each development so a determination can be evaluated and see what can be transferred. Understanding, the way you started the call, that it's not something that is permissible and / or done but knowing we have one owner for both properties has then been something in the past, in a similar situation, that has been able to be followed through with.

Mr. Watts – No, this has never come up before. Let's start with our engineer and then we'll go from there.

Mr. Radici – I appreciate you keeping an open mind on it and working with us and we'll get you the information that you need with your consultant and hopefully we can work something out. The one site just seems to be very light on the gallonage so if we can put something together and show you what we need and hopefully you guys will consider letting us share the use from one spot to the other.

Mr. Watts – Check with your attorney and she will have the contact information for Mr. Madden.

Mr. Mannino – If I may add, has it ever happened over the course of time where additional EDUs of capacity may be come available that could either be purchased or acquired by someone for a specific use?

Mr. Watts – Not for the last ten years or so. We are really at capacity, so right now the only capacity that is available would be 1 EDU / 300 gallons per day ("gpd"). You are limited by the reservations you hold for the two properties. I don't think there is a reasonable expectation that more will be available in the near term.

Mr. Mannino – If Mr. Madden were to determine or a decision were to be made that a transfer of EDUs is not a consideration that the RTMUA wants to proceed with, would he be the one we could still work with to assist in determining the allocation for the site on how the 7 EDUs could be utilized within that capability, because the local town board has brought up the question. It really ties back to occupancy, how many people could be on site; I as the architect will ultimately be concerned, when I submit drawings for the building permit, if I'm going to be limited in saying how many occupants may or may not be able to occupy a specific space or building because of it.

Mr. Watts – That is information that Mr. Madden can help you with.

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 #2021 - 08 Appointment of Chairperson

Mr. Reiner made a motion to nominate John P. Tully; Mr. Kendzulak, Jr. seconded the motion. All were in favor.

Resolution #2021 – 09 Appointment of Vice - Chairperson

Mr. Kendzulak, Jr. made a motion to nominate Valerie E. Robitzski; Mr. Mangin seconded the motion. All were in favor. Mrs. Robitzski abstained.

Resolution #2021 - 10 Appointment of Secretary

Mr. Kendzulak, Jr. made a motion to nominate Michael D. Mangin; Mr. Reiner seconded the motion. All were in favor. Mr. Mangin abstained.

Resolution #2021 – 11 Appointment of Treasurer

Mr. Mangin made a motion to nominate John T. Kendzulak, Jr.; Mrs. Robitzski seconded the motion. All were in favor. Mr. Kendzulak, Jr. abstained.

Resolution #2021 – 12 Appointment of Assistant Secretary / Assistant Treasurer

Mr. Kendzulak, Jr. made a motion to nominate Louis C. Reiner; Mr. Mangin seconded the motion. All were in favor. Mr. Reiner abstained.

Resolution #2021 – 13 Establishment of Meeting Dates

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 – 13, Mrs. Robitzski seconded the motion. All were in favor.

Resolution #2021 – 14 Designation of Depositories

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 – 14, Mrs. Robitzski seconded the motion. All were in favor.

Resolution #2021-15 Authorization of Signatories

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021-15, Mrs. Robitzski seconded the motion. All were in favor

Resolution #2021 – 16 Designation of Official / Legal Newspapers

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 – 16, Mrs. Robitzski seconded the motion. All were in favor.

Resolution #2021 – 17 Appointment of Certifying Officer

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 – 17, Mrs. Robitzski seconded the motion. All were in favor.

Appointment of Professionals

Resolution #2021 – 18 Appointment of Auditor
(Contract not to Exceed \$50,000.00)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 – 18, Mr. Mangin seconded the motion.

Roll Call Vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	Yes
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Absent

Resolution #2021 – 19 Appointment of Bond Counsel
(Contract not to Exceed \$8,000.00)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 - 19, Mr. Mangin seconded the motion.

Roll Call Vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	Yes
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Absent

Resolution #2021 – 20 Appointment of Legal Counsel
(Contract not to Exceed \$42,500.00)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 – 20, Mrs. Robitzski seconded the motion.

Roll Call Vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	No
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Absent

Resolution #2021 – 21 Appointment of Special Counsel
(Individual Contracts not to Exceed \$16,500.00 & \$21,000.00)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 – 21, Mrs. Robitzski seconded the motion.

Roll Call Vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	Yes
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Absent

Resolution #2021 – 22 Appointment of Consulting Engineer
(Contract not to Exceed \$256,000.00)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 – 22, Mrs. Robitzski seconded the motion.

Roll Call Vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	Yes
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Absent

Resolution #2021 – 23 Appointment of Special Projects Engineer
(Contract not to Exceed \$10,000.00)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 – 23, Mrs. Robitzski seconded the motion.

Roll Call Vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	Yes
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Absent

END OF REORGANIZATION

Resolution #2021 – 24 Amendment to Agreement for Reservation of
Wastewater Treatment Capacity, Rendale's, LLC
(Block 16 Lot 67.01)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 - 24, Mrs. Robitzski seconded the motion.

Roll Call Vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	Yes
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Absent

6. **Approval of Minutes:** Minutes of January 21, 2021

Minutes were carried to the March 18, 2021 meeting.

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

Mr. Kendzulak, Jr. – The bills totaled \$924,352.71. All appears to be in order. The significant portion of this amount, in the amount of \$498,251.67, is associated with us taking money and moving it into our Renewal and Replacement Fund. Our Renewal and Replacement Fund was determined to be very deficient and it was recommended that we increase it. In this case we put money in it from another account that we had. If you go to the last pink page; you'll see what we've expended so far, we are at about 12.36% and a lot of this is front loaded with bills

like the insurance and the pension that have been paid up front. I'm comfortable with where we are at this point.

Mr. Kendzulak, Jr. made a motion to approve the payment of bills. Mrs. Robitzski seconded the motion.

Roll call vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	Yes
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Absent

8. Citizens' Privilege:

Mr. Pettebone – My name is Charles Pettebone, and I am a resident of Flemington Borough and I'm here to ask you a couple of questions. My question is very simple about the lawsuit that has been taken up by RTMUA against the State of New Jersey and I am just wondering about the logic of it. I understand we all have concerns about future water usage and that is one of my last questions, where are we going in the future? As I think most of you are aware, probably 60% if not more of the residents in Raritan and Flemington, are very happy with preserving at the highest level, the waters that come down to the Raritan and serve millions of other people. The other question is, can we just drop this lawsuit? It's a burden on people like myself, we have similar lawsuits, gumming up the works in Flemington where I have lived for the last twenty years. I guess the last question is, what is the future? There are so many things in infrastructure, this is an amazing system, it really is. I think there are some great things that we can do to support New Jersey and the majority of residents who want to move forward with preserving the rivers, the South Branch, specifically. There's a way to smartly develop and I grew up in New Jersey and I know, as most New Jersey residents know, that's not the history of New Jersey development. That's a sad fact. There are plenty of things to clean up and again, why would we sue the State? From the little I know of the suit; it's based on the volunteers from the Watershed who determines the differentiation that qualified for the new status of the headwaters. You guys hired a scientist and so now there is a fight, but again, to me that seems frivolous, most of us want that designation and we want to help you as residents. How can we help you? Do we have apps that we can look at quickly now as the digital aspect of the new economy is coming here in Raritan? People want apps; folks let's cut down on our water use, I can do that, I'm willing to do that. I leave you with those three questions; why the lawsuit, why can't we drop it and support

the residents for the future of Flemington that is going to be bountiful for everyone and incredibly challenging for the headwaters of the Raritan and this Utility.

Mr. Watts – I can briefly make a comment about the reason for the lawsuit. These are rules that have been promulgated by the NJDEP. When a State agency makes a rule, there are very specific ways they must go about doing it. There are many, many items where the DEP failed to follow the rule making procedure. Not only did they rely upon faulty data, they did not accept other data that was given to them, they didn't disclose all the information that they said they based their opinion on, and there's a whole list of things that were done incorrectly. Believe me, we are stewards of clean water. We are held to a very high standard by DEP and we meet our standards all the time. By the C1 stream designation, and we are not saying it's 100% wrong, we are seeking to send this whole rule making back so DEP follows proper procedures. They made glaring errors all the way through in the haste to push these through. They didn't work with the Township or the County, they didn't disclose information they knew until after the rule went into effect. So, in effect, DEP left us no choice but to challenge the manner in which they enacted these rules. That is really the sum and substance of the lawsuit. We want it sent back to DEP to follow the Administrative Procedure Act, to base their decision on science, and to consider everything they were given. That's really what the lawsuit is about. The lawsuit has been joined by the County, the Township, Flemington Borough is joining it and various groups throughout the state. It's an important question that needs to be addressed. The Board members can speak for themselves, but we are very concerned about clean water and we strive to do the best we can, and we always meet NJDEP standards.

Mr. Reiner – Counselor, I think it would be appropriate to add that the actions taken by the DEP were arbitrary and capricious, in the sense that this whole thing was done through administrative and executive fiat. The Legislature had no input in it whatsoever nor did the Executive Branch and the Administrative end of government didn't want the Legislature to be involved. That doesn't reflect constitutional form of government. I've always been taught that we have an America. Beyond that, the laws that were instituted in this reclassification, I have to say, I don't think anybody can argue, it affected little itty-bitty homeowners that now cannot even put a deck on the back of their home because they are encroaching on that buffer. That is a total slap in the face to property rights and I guess to conclude, Counselor, I would just say that the Governor and the DEP totally overstepped its bounds. I think it's fair to say, New Jersey probably has one of the most stringent DEPs and water protection in the country next to California, if not equal to it. It just continues and continues and continues until the property owner is going to have absolutely no rights left. Your points were well taken as well.

Mrs. Robitzski – Mr. Pettebone, I heard you say your concerned about the quality of the water, the preservation of the land and the water, and that we try to continue to preserve and manage smart development. I would say that this Commission shares those goals and that is what we work hard at and to use science and the best technology and resources we have available to clean the water that is used within the Borough and the Township. I commend your concern; I hope you move forward with volunteer work and any other ways you can find to help get people to conserve water and managing their use and we'll continue to work hard to clean the water that is used and try to manage capacity where we can and meet the needs of the constituents and the development that is or isn't happening in our communities. We want to base it on science and quality water and not politics where we can but unfortunately, we have to take a stand to manage our position in a way that is realistic.

Mr. Reiner – Madam Chair, this is very important to. It would appear, and I am going to choose my words very carefully, it would appear, that the Governor surgically targeted Republican areas, as opposed to Democratic areas to institute these regulations. If you look at the data, it will seem obvious. I could be wrong, but I wanted to point that out.

Mr. Mangin – Madam Chair; I think you were reaching for a word or two before when you wanted to include smart growth in your conversation. You need to realize that this RTMUA, through the last ten years, has approved very minimal projects, in fact the only major projects that were approved were at the request of the State and Fair Share Housing which we were forced to do. Not that we wanted to do, if we didn't do it, we'd lose subsidies for the Town and eventually for RTMUA. I think this RTMUA has been careful on what it approves, very small one house, one EDU at a time and it stays limited. If everything were to be shut down because of the C1 buffers, your rates will go up substantially, and exponentially over time because when things need to be repaired or replaced here, there's no new business to cover it. You have to kind of consider that. We, I want clean water, and I want to see the RTMUA do the best it can do but still consider that people need to live.

Mr. Pettebone – I was hoping to get more about the future that is envisioned by the Utility. Again, maybe in the past, things were, as this gentleman says, political. That is not what I'm talking about. I can't get it through my head that you guys wouldn't defend, or at least not sue, and say, "we can go and take care of these little details of science" and I'm sure the State has lawyers and scientists as well. Even that seems a waste of time in the sense that, please just put the designation there. I would hope that all of you would understand that. That's where the residents are, that's where the majority of New Jersey is. We want the highest designation, and we are willing to pay more for it. We are willing to work for it and are willing to prod the past into the future because it doesn't have to be

like the buffer problem, we can go into that for hours. There's a lot of solutions and not just "oh, it's going to be a big project and too much money". You're putting away money and moving accounts and this is a time to spend money. Money is going to come into Flemington and Raritan like you have never seen before; you know this, it's just going to flood in here. Maybe the federal monies will ultimately come down the line once we get through what we are going through right now. Those things I'm sure you are aware of and if you are not, then people like me can help you become aware of them. What is going on across the country right now with infrastructure, it's troubled now with the health infrastructure but the sewer and the water...and by the way, some one walked out of here earlier and said, "we need development". Well, have you seen Flemington recently? There is major stuff finally happening. It's so exciting and I know there are little things that could be tweaked from what I hear between Flemington and Raritan, there are probably things that could help both sides.

Mr. Mangin – Without capacity though, that town dies.

Mr. Pettebone – As the Mayor said a month ago, we don't have a capacity problem. Part of that problem could be with the history of Johanna Farms and other business people that have not actually been held accountable to what their usage is, as you all know. I'll finish with this, as an idea of future things that could be different, Johanna Farms may want to have their own treatment center, which might be smart but then the people will say "oh but the Department of Environmental Protection won't allow that". Again, I think there can be flexibility on many sides. We don't have to be black and white with our thinking. Again, sixty percent if not more of residents, want that C1 designation to remain and feel along with non – profits and people in the know, people who are frankly offended, by being called unscientific, and I don't know the details and perhaps you are correct that they did everything wrong but I really doubt that because I've met these people, and I myself am a volunteer, and I don't want some people to tell me "you are just a volunteer, you don't really count as an educator or as whatever". That to me is so un-American because the people are the ones that you work for, correct? The people who live around here and sixty percent if not more of us, today, in the new New Jersey, want that C1 designation.

Mrs. Robitzski – Thank you. I think we have your thoughts and I encourage you to send any further ideas or suggestions in writing. It's a complicated situation and I wish it were as easy as having a few of us from the State and the Town sit down and hash out an agreement so we are working hard to manage the quality of your water, the quality of the system and the capacity and systems we need to provide that.

Mr. Pettebone – How long will this litigation go on for?

Mr. Watts – We would hope to have a decision from the Appellate Division, that's where an appeal from an Administrative Appeal goes to, we would hope to have a decision by late summer.

Mr. Pettebone – Is there a way I can follow this?

Mr. Watts – You can come to our meetings.

Mrs. Robitzski – Often litigation is considered proprietary.

Mr. Watts – We wouldn't discuss the merits of the case but when there's a decision, that's public information that everybody is entitled to.

Mr. Pettebone – You are not able to just drop out of the lawsuit?

Mr. Watts – That would be a decision by the Authority not by me.

Mr. Reiner – The Board of Commissioners and the Township Committee as well, the Freeholders, it's a joint thing.

Mr. Pettebone – Also, Flemington would be included in that.

Mr. Watts – Flemington has joined after, it was filed as a Friend of the Court, they are filing a Brief, in support of our position.

Mr. Pettebone – I was led to believe it was, they were protecting themselves, they were not...Mayor Driver said she was not joining the lawsuit. Maybe that implies she is representing people who don't want this lawsuit.

Mr. Watts – Flemington Borough is submitting legal briefs to the court setting forth its position. We haven't seen them yet; they haven't been filed yet.

Mr. Pettebone – Those things are public?

Mr. Watts – Yes.

9. Adjourn into Closed Session by Motion, if Needed

10. Adjournment of Regular Meeting:

Mr. Kendzulak, Jr. made a motion to adjourn the Regular Meeting. Mrs. Robitzski seconded the motion. All were in favor.

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
WORK SESSION MINUTES

APPROVED

FEBRUARY 25, 2021

365 Old York Road, Flemington, New Jersey
(908) 782-7453 Office (908) 782-7466 Fax

1. **The Work Session** of the Raritan Township Municipal Utilities Authority will be called to order upon the adjournment of the Regular Meeting.
2. **Correspondence:**
None
3. **Unfinished Business:**
None
4. **New Business:**
None
5. **Professional Reports:**
 - a) Attorney - None
 - b) Engineer –

Mr. Madden – We are currently tracking capacity right now, we're about 72% through the end of the year. We don't have the numbers yet for the new quarter. We're continuing to monitor all of the flows in the various sections, like Johanna, with the meters. We are going to be moving the meters upstream into the first Neshanic Interceptor, it's part of the I & I study so we're branching up above Johanna so we can determine which sections are giving us more inflow and infiltration. Nothing is defined yet. We have some branches, so we'll put a meter in one, one in another. See if there are equal amounts of homes but we are getting twice as much flow from one or another. Then we would concentrate on that branch and try to zero in on culprits, if you would.

Mrs. Robitzski – What about the discrepancy between our meters and Johanna Farms?

Mr. Madden – That has come into better alignment recently. We had to tweak our meters a little bit. The clarifier project, we have some touch up work to do there and that will take place as soon as the weather breaks. We're hoping to get that done sooner than later. We've been updating the maps for the GIS

system. We got a lot of the new stuff in so it's looking pretty good. That is going to be a helpful tool for Mr. Frank and his people to take out in the field so they can start logging in information about trouble spots and things like that. There have been several reviews and Mr. Frank and I attended a pre – construction conference for 66 Junction Road, Willows South? It is the all COAH homes development that is being built across from Costco and Walmart. There have been a couple others, Starbucks on Route 31, the Habitat for Humanity by the old Municipal Building.

Mrs. Robitzski – Is that a swap though?

Mr. Madden – Yes, they are small and it's a change of use. We are satisfied that everything is okay there.

6. RTMUA REPORTS:

a) ADMINISTRATIVE / OPERATIONS REPORT

1. Chief Operator / Director's Report

a) Overtime Recap

b) Septage / Greywater Recap

2. Laboratory Summary

3. Maintenance Summary

4. Readington Flows

Mrs. Robitzski – Tell me about the Readington flows, please?

Mr. Madden – They are limited to 125,000 gpd so they are under that. We keep track because of our lack of available capacity.

b) COMMISSIONERS' COMMENTS

7. Discussion:

a) Signing of Documents

Mr. Kendzulak, Jr. – The signing of documents?

Ms. Nicaretta – Yes, I have documents for Mrs. Robitzski and Mr. Reiner to sign after the meeting. The other thing is, if you reviewed the information I put in your packet with your contact information, if I made any errors or if it needs any changes, please let me know, I'd appreciate it.

8. Adjourn into Closed Session by Motion, if Needed

Mr. Watts – We will be going into Closed Session for the purpose of discussing the ongoing litigation matters with NJDEP, and potential litigation matters as well as Personnel Matters and we do not anticipate any official action will be taken once we come out of Closed Session.

Mr. Kendzulak, Jr. made a motion to adjourn into Closed Session for the above stated purpose and Mrs. Robitzski seconded the motion. Closed Session was from 6:06 pm – 6:42 pm.

9. Adjournment of Work Session:

Mr. Kendzulak, Jr. made a motion to adjourn the Work Session. Mrs. Robitzski seconded the motion. All were in favor. The Meeting ended at 6:43 pm.