

APPROVED

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RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING MINUTES

JANUARY 20, 2022

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

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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	Absent
Mrs. Robitzski	Here
Mr. Tully	Here

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

3. **PLEDGE OF ALLEGIANCE**

4. **APPLICATIONS:**

None

5. **RESOLUTIONS:**

Resolution #2022 - 01      Raymond Frank Salary

Resolution was Tabled.

Resolution #2022 - 02      Association of Environmental Authorities Annual  
Membership Dues

Mr. Kendzulak, Jr. made a motion to approve Resolution #2022 - 02, Mrs.  
Robitzski seconded the motion.

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

Resolution #2022 - 03      First Amendment to Agreement Concerning  
Wastewater Treatment Capacity between Raritan  
Township Municipal Utilities Authority and W. Brands,  
LLC (Block 16.01 Lot 37)

Mr. Mangin made a motion to approve Resolution #2022 - 03, Mrs. Robitzski  
seconded the motion.

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

Resolution #2022 – 04      Authorization to Purchase 2022 Ford Explorer 4WD  
(\$35,424.45 – ESCNJ Co-op)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2022 - 04, Mrs. Robitzski seconded the motion.

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

Resolution #2022 – 05      Authorization to Award a Non-Fair and Open Contract  
for Engineering Services for Main Treatment Plant  
Generator Upgrade from P3 Generator Services

Mr. Kendzulak, Jr. made a motion to approve Resolution #2022 - 05, Mrs. Robitzski seconded the motion.

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

6.      **Approval of Minutes:**      Minutes of December 16, 2021

Mr. Mangin made a motion to approve the minutes from the December 16, 2021 meeting. Mrs. Robitzski seconded the motion.

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

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

Mr. Kendzulak, Jr. - The bills totaled \$704,228.43 everything appears to be in order. Basically, there are two parts to this report. One would be closing out 2021 fiscal year and that is on the last light blue page. If you look, we expended



73% of the budget, obviously that is going to be modified as the Audit is done. We came in under budget, but that number is going to change but it is safe to say we are not going to go over the budget. We are one month into the new fiscal year and that is on the dark green pages, and it is kind of moot, we are at 8%, one month out of twelve and we are not even through the full month here. We did pay a significant part which is the first payment on our insurance for this year. I am comfortable with this.

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

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

**8. Citizens' Privilege:**

Mr. Tully – The representatives from Day Pitney please.

Mr. Pontier – Luke Pontier from the law firm Day Pitney; thank you all for your time this evening, it is appreciated. I am here tonight on behalf of 6 Raritan Village, LLC which is the property owner of Block 16.01 Lot 69.03 on the Tax Map. You should all be in receipt of correspondence that was dated December 13, 2021, that was sent by Katharine Coffey of my office. I am appearing tonight to provide some additional context and to do my best to answer any questions you may have about that letter. Just to provide some brief background, the property contains a vacant two – story office building and there was a subdivision recently on the property. Prior to that subdivision, it is our understanding that the entirety of that lot was allocated 13.25 EDUs of capacity and following the subdivision, the subdivided lot 69.03 was allocated 5.5 EDUs and the remaining 7.75 EDUs were returned to the MUA and remained unallocated. 6 Raritan Village has been working with the Township to develop the property, most likely with a mix of uses. The current office building is vacant, and they have been having some issues getting a tenant for that building so they are looking to redevelop that property. In conversations with the Township, the Township indicated that they would want my client to secure additional capacity in order to develop the property with a different use. So, 6 Raritan Village is respectfully requesting the 7.75 EDUs be reallocated to the property to provide it with some flexibility in designing a new use.

Mr. Tully – I understand the request. Did the Township say anything about having to come back in with site plans? Because you are changing the use.

Basically, when you apply to them, that application comes here and then we review it based on what the proposed use is to see if the 7.75 EDUs is adequate to support the use. Until there is a plan, like an actual plan, we really can't reallocate it without knowing what it is going to be.

Mr. Pontier – It is a little bit of the chicken and the egg because in talking with the Township, my client wants to have the Township buy in on whatever project they are going to be proposing. The Township prefers the sewer allocation be in place so they are comfortable looking at a plan and it will actually be a viable project.

Mr. Tully – Once you have the plans set, you can submit here for the Application, our engineer could possibly see what proposed use could be.

Mr. Watts – We need to see the plans, so we know it supports the use of that much sewer capacity. Once our engineer reviews it and says that, we can reserve that for you pursuant to a Reservation Agreement, then you will have what you need for the Township.

Mr. Tully – I know the Township, one of the first items is approval from the RTMUA for sewer capacity. I'm the Assistant Engineer at the Township so I know what the whole requirement is. So, you come here first, we take a look at it, make sure it is adequate, then you would get an okay from us which would allow you to proceed with the Township submission.

Mr. Pointier – Are you willing to review concept plans at all in that respect or does it need to be part of the formal site plan application.

Mr. Madden – Our main concern is we don't want someone to come in with office space and convert it into a laundromat.

Mr. Tully – I would have to say it would have to be beyond the concept plan, it would have to be ready to go to Site Plan with parking and use and be 90% of what you are really going to want.

Mr. Watts – I think it is actually 8.75 EDUs, but you can tell your client that capacity is available because the attorney that did the subdivision, we told her that was reverting back to the Authority. I guess it didn't go back to you and with that misunderstanding, your client can have a comfort level that once the plans are approved, if they support an 8.75 EDU use, that capacity will be available to you.

Mr. Tully – Up next, Linque.

Mr. Fineberg – I am Allen Fineberg from Flaster Greenberg representing Linque Flemington. Through permission we are advancing a proposal on behalf of our own client as well as the current owner of the property that this relates to which is called 1200 Route 523, LLC. We are not their lawyers, but they wanted us to take the lead for them on this. The property involves Block 17 Lot 3 and Block 17.01 Lot 1, and the issue which was set forth in a letter that I sent to Mr. Watts on August 5, of last year, concerned our proposal that we would like to return excess sewer capacity that we and the current property owner have between us,



which totals 123,650 gpd or approximately 405.5 EDUs which is divided between us, but not all of that, a substantial proportion of that would be proposed to be returned to the RTMUA but we are seeking a refund of some of the fees that have been paid over many, many years with respect to the reservation of this capacity. Originally, Connection Fees were paid for this, and it is not currently used and now it has been at base user fees for many years which have continued to increase. I will turn it over to my client to further explain.

Mr. Wachman – 2011 to 2013, the base user fees had really jumped up and we have been paying that for a very long time. In the past while we were paying this, and you know we have returned some capacity over the years, at that point we were thinking in the future we will do the same, with this and that was a part of our thinking. We have segued into different projects at this time, and we figure it is easier for us to just return it and we thought if we return it we could get back some of the fees. For example, the Connection Fees today are around \$4,000.00. We are asking for only part of that and it would make sense for the Town to take back that capacity and for us we would recoup some of what we put in. We are trying to figure out some way that could be worked out. We believe it can be worked out and will not run afoul of any legalities. If RTMUA had an interest in that.

Mr. Tully – We would have to investigate a lot further.

Mr. Watts – We certainly have the legal authority to do that. Did you first propose an amount of \$2,500.00 per EDU?

Mr. Fineberg – We had suggested an amount of \$2,500.00 per EDU as the reimbursement, what we had suggested, without going into a lot of details was that we would of course anticipate that this would be paid over time and presumably, other than perhaps a percentage at the time of return, most of it, I assume, would be paid to Linque at the awarding of capacity to people who are paying you Connection Fees now. It's not like we were thinking you would lay out a big lump sum and hope to use it. The idea would be that we would not have it any more, we would not be paying the continuing base user fees but as and when you start awarding new capacity, we could treat it as this capacity and then some pro rata method of reimbursing us for some of those fees we have been paying.

Mr. Tully – What is the magnitude of what you want to give back? Half? Three quarters? Out of the 405 EDUs

Mr. Fineberg – We have 123,650 gallons per day on the site.

Mr. Wachman – We are not 100% sure of what we need.

Mr. Tully – Right now it is primarily warehouse, correct?

Mr. Wachman – Yes, the balance of that.

Mr. Fineberg – They may want to keep a little more if they were to add something else, but I assume most warehouse depends on the size and number of employees in the warehouse? And whether they are doing three shifts a day or whatever. If this is okay in concept, they obviously have to keep what they need

to operate and maybe keep a little more, the rest of it, I imagine it is in excess of 100,000 gpd that would be going back.

Mr. Madden – I think there is some abandoned office space on that site, is there any intent to use that in the future?

Mr. Wachman – We had ideas of development on that side, we have also been approached by housing developers, but we are not in that line anymore, we are doing industrial properties. If we are going to return it, there will not be any development on that site.

Mr. Tully – By returning it, you are limiting what can actually be done with the site.

Mr. Fineberg – Unless the current owner wants to keep a little bit for the possibility.

Mr. Tully – I think we will take it under discussion.

Mr. Watts – I would think there are many ways to approach it like Mr. Fineberg said, in terms of paying them as we send it back out for use. Probably, one way you could look at it Mr. Chairman, would be to have the Capacity Committee meet and to come up with some recommendations for the full Board by next month's meeting.

Mr. Tully – Do you have any idea when you would have a more definitive number of what you need versus what would be returned?

Mr. Wachman – What we would need is some input from the RTMUA.

Mr. Fineberg – The thing we would need to know is if we tell you, the numbers of employees who work there and what kind of shift work, how many people per day are there, and confirm that it is just warehouse use at the moment.

Mr. Watts – Do we know if they filled out a Commercial Survey every year?

Ms. Nicaretta – I don't know, normally industrial is metered, I don't know how the customer biller has been billing them, I don't do the billing.

Mr. Fineberg – If you have data on their actual usage, that would be fantastic but otherwise we could figure out what would be the normal allocation for what they are doing.

Mr. Tully – And then add 10% more employees or whatever and figure it out. If you want to get that information to Mr. Madden, the employee stuff. Do you have Mr. Madden's contact information?

Mr. Fineberg – I do not.

(Mr. Madden provides his business card to Mr. Fineberg)

Mr. Kendzulak, Jr. – I think that is a starting point. Wherever you guys are coming from, give it to our engineer and let him evaluate it and figure out what we are talking about when it comes to the number of EDUs.

Mr. Fineberg – I think roughly speaking, you are probably talking about most likely 100,000 gpd coming back. At least 80% of it would be coming back.



Mr. Watts – We will see if we can schedule a Capacity Sub-Committee meeting and Mr. Fineberg, I will be in touch with you before our next meeting.

Mr. Fineberg – Thank you so much for your time, I appreciate it.

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

Chair Tully – We will be going into Closed Session to discuss Personnel Matters; action will likely be taken at the conclusion of Closed Session.

Mr. Mangin made a motion to adjourn into Closed Session for the above stated purpose and Mr. Kendzulak, Jr. seconded the motion. Closed Session was from 5:23 pm – 5:36 pm.

Mr. Tully – We are back in Regular Session. Resolution #2022 – 01, we are going to table until next month for a slight modification to the resolution.

**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.



APPROVED

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
WORK SESSION MINUTES

JANUARY 20, 2022

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

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1. **The Work Session** of the Raritan Township Municipal Utilities Authority will be called to order upon the adjournment of the Regular Meeting.

2. **Correspondence:**

- a) Ms. Katharine A. Coffey, Esquire of Day Pitney, LLP to Ms. Nicaretta, Executive Secretary of RTMUA regarding 6 Raritan Village, LLC (Block 16.01 Lot 69.03)

Previously discussed.

- b) Email from Mr. Allen Fineberg, Esquire of Flaster Greenberg, PC to Mr. C. Gregory Watts, Esquire of Watts Tice & Skowronek regarding Sewer Capacity on Block 17 Lot 3

Previously discussed.

3. **Unfinished Business:**

None

4. **New Business:**

None

5. **Professional Reports:**

- a) Attorney – None
  - b) Engineer –

Mr. Madden – We did the quarterly capacity report for the fourth quarter 2021. The quarter was generally down pretty good so that is encouraging. It was a pretty dry season; we didn't have a lot of rain, especially in November and December. 2.33 was the average to the plant. Pump Station #1 didn't have any issues during the last quarter. We did

send out the SCADA RFQ's. We are expecting to get those back in time to review for next month.

Mr. Tully – What is the due date?

Mr. Madden – The 4<sup>th</sup>. We told them to plan to come in, if we need to talk to them, the week of the 7<sup>th</sup>. We met with the sludge tank people and they are going to come tomorrow to take a look at the sludge tank out back. We want to replace it and the plan is to replace the bottom rings, so they want to get a look at it and make sure it is in decent enough shape and then look at the other infrastructure up above.

Mr. Tully – So it's the tank itself, not the foundation piece?

Mr. Madden – That is the plan. Apparently the guy that is coming was involved in the construction of the original tank. We have identified some improvements for I & I and I have been working with Mr. Frank on getting those repaired and hopefully we can start nibbling away at the I & I.

Mr. Tully – The one I & I up by Carraige Gate, did we ever figure out what that was? Wasn't there a manhole or something up there?

Mr. Madden – There was a manhole issue; I think it was during the flood. It was below the flood water. I think Mr. Frank put an insert in the top of it to keep the flow from getting into it.

Mr. Tully – Your development review, is that the Pioneer Development?

Mr. Madden – Yes, they have been back and forth with us a couple of times. I am confused with what they really want to do out there. They submitted a twenty – six-foot-deep manhole, but then they are not showing it on the plans. We have been trying to reach the engineer.

Mr. Tully – They were in our office for a meeting on another project, the Flemington 202 job and they brought this one up. We asked them "where do you stand with RTMUA?" They said they were working with the engineer back and forth. I asked what you were wanting them to do, and they said you requested that they replace the pipe, to raise it.

Mr. Madden – Yes, that is right. If they are going to raise the manhole that much, that means they are going to have twenty – six feet of cover under the pipe. We don't know what the original bedding is like. I didn't see the original compaction, so I don't know if it is proper.

Mr. Tully – It makes sense to replace the pipe.

Mr. Madden – They could probably line it; they showed a manhole, but it wasn't clear what it was going to be used for on the plan. Those are the kind of questions we are trying to resolve.



**6. RTMUA REPORTS:**

a) ADMINISTRATIVE / OPERATIONS REPORT

1. Chief Operator / Director's Report –

Mr. Frank – It has been kind of a quiet month. Flemington did not go on at all last month. I did the AEA check-in, they do virtual check-ins every other week now. I attended the Executive Safety Meeting for the JIF and Ms. Nicaretta started scheduling grease trap inspections; we didn't do them last year because of Covid. I conducted interviews for the open operator position we have on the afternoon shift.

Mr. Tully – Have you made a decision?

Mr. Frank – I have it narrowed down to two people; I have not made a final decision. It is hard to get any licensed operators, just people who want to work.

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

b) COMMISSIONERS' COMMENTS

Mr. Kendzulak, Jr. – Mr. Madden, I noticed that Johanna has been down two months in a row. I mentioned it before and didn't know if it was a coincidence or what.

Mr. Madden – I think I have seen this trend in previous years around the holidays. I don't know, maybe they take a week off of production.

Mr. Tully – Do you think there is any correlation with the fact that it was dry, and they were not over? Like from an I & I standpoint? To me that is a little suspect.

Mr. Madden – I think it is more production related.

**7. Discussion:**

a) 4th Quarter 2021 Capacity Evaluation

Previously discussed.

b) Meeting Dates for 2022

Mr. Tully – Is everyone okay with keeping the meeting dates the same, the third Thursday of the month?  
(no opposition)

c) Authorization for Mr. Frank and Mr. Sciss to Attend the AEA Utility Management Conference in Atlantic City, March 22 & 23, 2022

Mr. Tully – I don't have any problem with it.  
Mr. Kendzulak, Jr. – I encourage it, as long as we are not putting people on planes.

Mrs. Robitzski – Yes

Mr. Mangin – Yes

d) RTMUA Professional Contracts

Mr. Tully – I took a quick look at all of these, we have them in the Budget, I think for these amounts.

Mr. Frank – Yes.

Mr. Tully – I thought so. Just so everyone knows, today is Mrs. Robitzski's last meeting, she has chosen not to be reappointed.

Mr. Kendzulak, Jr. – Thank you Mrs. Robitzski, it has been a pleasure working with you for the past five years.

Mr. Tully – Thank you very much.

Mrs. Robitzski – Thank you, it has been a real educational experience.

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

**9. Adjournment of Work Session:**

Mrs. Robitzski made a motion to adjourn the Work Session. Mr. Kendzulak, Jr. seconded the motion. All were in favor. The Meeting ended at 5:50 pm.