
RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES

APPROVED

MARCH 18, 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
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

Mr. Tully – We are going to go a little out of order tonight and go into Closed Session first so our Auditor can speak and then we can also get on the phone with our Special Counsel.

Mr. Watts – We should make a statement that the purpose of the Closed Session is to discuss Contractual Matters and potential Litigation Matters and it is unsure whether we will take any action on anything that is discussed in the Closed Session.

Mrs. Robitzski made a motion to adjourn into Closed Session for the above stated purpose and Mr. Kendzulak, Jr. seconded the motion. Closed Session was from 5:01 pm – 5:56 pm.

Mr. Tully – We are going to continue going out of order.

Mr. Watts – This is Mr. Lanza, the attorney representing W. Brands. A very brief synopsis; and then Mr. Lanza will fill it in. W. Brands owns property on Junction Road. The developer / owner has reserved capacity of 1,500 gpd / 5 EDUs. The Reservation Agreement for that capacity is about to expire because it's been extended as far as it can extend. They could not possibly meet a milestone to reserve that capacity by next month. I have been talking to Mr. Lanza and the developer has a proposal to give to the Authority to see if the Authority would consider it as a way to allow him to retain the capacity.

Mr. Lanza – As you all know it's been a tough year; we know there are limitations, we know this was the final extension and we are here with our hat in our hand, asking for help. What we propose, is we pay the Connection Fee, and we understand that the Connection Fee may be as high as \$20,000.00. We would like to pay one half within two months and the remainder within six months, both from this evening. I understand that we have been paying Connection Fee's, I understand that they are up to date and we will reach a milestone by the end of this year which we anticipate to have at least a Site Plan Approval or a Site Plan Application being complete. We request of the Board to give us some consideration because of what we can all recognize as being difficult times this year.

Mr. Watts – Basically, W. Brands wants to pay whatever is outstanding on the Connection Fee, pay half within two months and pay half within six months but immediately start paying user fees like they are flowing. This is something we have not done before but what it avoids is us putting our foot down and saying "no, you lost the capacity." We would bring that back and we would then maybe give it to a new developer, who would enter into a Reservation Agreement, which would last another five years. We need things built, we need the income, we can't have Reservations sitting. Our Supreme Court has put Authorities under the gun to bring capacity back or get it paid for. There are good reasons to consider the proposal and just to make sure, because I know Boards are worried about setting precedent, there are only two other developments that this could even apply to if it were requested. That is the proposal.

Mrs. Robitzski – To pay as if they were flowing.

Mr. Lanza – My understanding is we have been paying User Fees.

Mr. Watts – You have been paying something called the Base User Fees, which is a portion of the full User Fees.

Mr. Mangin – In six months you expect to have submitted a plan to the Raritan Township Planning Board?

Mr. Lanza – No, I didn't say exactly when but certainly by the end of the year.

Mr. Mangin – Okay, so let's say by the end of the year. What happens with the RTMUA if he is not successful in getting something through the Planning Board or it is not accepted, or he decides to go in a different direction?

Mr. Lanza – The milestone is to have an Application for Site Plan that is deemed complete. We will be there at that point. After that milestone, we have met our obligation and then it is our problem on how we proceed after that to get the development that we need.

Mr. Watts – We would be getting full user fees the whole time.

Mrs. Robitzski – In other words, we don't have to reimburse you if the plan falls apart.

Mr. Tully – I see no problem with the proposal the way it is, especially since there are only two other affected users.

Mr. Watts – Because the law says "you can't bill people for user fees if they are not connected and flowing" we would have to do this by way of an Agreement with the developer where he understands his rights but in consideration of not revoking the capacity, he is willing to do this. So, there is a consideration for what is going on. What I would do is, I think this should be by way of a resolution, because we are in the Regular Session, if you are willing to do so, you would consider a resolution allowing me to prepare an Agreement along the lines of what Mr. Lanza just proposed, that User Fees would start being paid in full on the signing of the Agreement. Two months from now, paying half of the Connection Fee, six months from now, paying the balance, Application to the Planning Board or Board of Adjustment, as the case may be, filed and deemed complete by the end of the year. That would be what would go into the Agreement and would be in the resolution if you want to consider that at this time.

Mr. Reiner – Mr. Tully, could you explain to me, the pluses and the minuses, the advantages, and the drawbacks of going with the Agreement or not going with the Agreement.

Mr. Tully – Mr. Watts, go ahead.

Mr. Watts – If we do not go with the Agreement, number one, you will take the capacity back and you will have a piece of property that cannot be developed. Number two, you may sit with that capacity a while before you want to put it back out to a new developer, and if it does go to a new developer, they have up to an additional five years to do something with it.

Mr. Tully – Do we need to vote on it?

Mr. Watts – It should be a resolution along what I previously said, and I will have a draft for you to consider at the next meeting.

Mr. Reiner – I move to do it.

Mr. Kendzulak, Jr. – I second.

General consensus.

4. APPLICATIONS:

- a) Approval of Final Sanitary Sewer Service Class I – B, TWA Required, Junction Road urban Renewal Associates, LLC (Block 27 Lot 22.01 previously Lots 22 & 23)
- b) Application for Sewer Service Class II – A, 1 Kings Court, LLC (Block 36.03 Lot 12.01)

5. RESOLUTIONS:

Resolution #2021 - 25 Approval of Final Sanitary Sewer Service Class I – B, TWA Required, Junction Road Urban Renewal Associates, LLC (Block 27 Lot 22.01 – previously Lots 22 & 23)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 - 25, Mr. Mangin seconded the motion.

Roll call vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	No
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Yes

Resolution #2021 - 26 Acceptance of Performance Guarantee and Authorization to Sign Development Agreement, Junction Road Urban Renewal Associates, LLC (Block 27 Lot 22.01 previously Lots 22 & 23)

Mr. Reiner made a motion to approve Resolution #2021 - 26, Mrs. Robitzski seconded the motion.

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

Resolution #2021 – 27 Approval of Sewer Service Class II – A, 1 Kings Court, LLC (Block 36.03 Lot 12.01)

Mrs. Robitzski made a motion to approve Resolution #2021 - 27, Mr. Kendzulak, Jr. seconded the motion.

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

Resolution #2021 – 28 Raritan Headwaters Association Membership

Mrs. Robitzski made a motion to approve Resolution #2021 - 28, Mr. Kendzulak, Jr. seconded the motion.

Roll call vote:	Mr. Kendzulak, Jr.	-	Yes
	Mr. Mangin	-	Yes
	Mr. Reiner	-	No
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Yes

Resolution #2021 – 29 Authorization for the Purchase of Energy Generation Services for Public Use Utilizing an Online Auction Website

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 - 29, Mrs. Robitzski seconded the motion.

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

Resolution #2021 – 30 Authorization to Endorse Treatment Works Application, Summit Custom Spray Dry (Flemington Industrial Park) (Block 27 Lot 34)

Mrs. Robitzski made a motion to approve Resolution #2021 - 30, Mr. Kendzulak, Jr. seconded the motion.

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

Resolution #2021 – 31 Authorization to Endorse Treatment Work Application, Borough of Flemington, Hotel Redevelopment, Water, and Sewer Improvement Project

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 - 31, Mr. Mangin seconded the motion.

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

Resolution #2021 – 32 Authorization to Endorse Treatment Works approval, Enclave at Raritan, LLC (Block 9 Lot 17.02)

Mrs. Robitzski made a motion to approve Resolution #2021 - 32, Mr. Mangin seconded the motion.

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

Resolution #2021 – 33 Return of L & E

Mrs. Robitzski made a motion to approve Resolution #2021 - 33, Mr. Kendzulak, Jr. seconded the motion.

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

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

Mrs. Robitzski stated though she did not attend the January 21, 2021 RTMUA Board Meeting, she did listen to the recording of it so she would be able to vote on, and / or approve them.

Mr. Kendzulak, Jr. made a motion to approve the minutes from the January 21, 2021 meeting. Mrs. Robitzski seconded the motion. All were in favor. Mr. Mangin and Mr. Reiner abstained.

Minutes of February 25, 2021

Mrs. Robitzski made a motion to approve the minutes from the February 25, 2021. Mr. Kendzulak, Jr. seconded the motion. All were in favor. Mr. Tully abstained.

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

Mr. Kendzulak, Jr. - The bills totaled \$664,133.85; everything appears to be in order. This is roughly a little more than two months of our budget. If you go to the last light green sheet, on the back, you'll see, in bold, we are at 22.96% of our total budget. If you took just two months, we are roughly 17% through the year but some of these things we pay in advance; insurance, and we paid all our Pension obligation, so I am comfortable with where we are in this budget. Also recognizing we paid some stuff between March 1 and today.

Mrs. Robitzski 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	-	Yes
	Mrs. Robitzski	-	Yes
	Mr. Tully	-	Yes

8. **Citizens' Privilege:**

None

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

10. **Adjournment of Regular Meeting:**

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

APPROVED

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
WORK SESSION MINUTES

MARCH 18, 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:**
 - a) Melissa Hommes of Johanna Foods, Inc. to RTMUA regarding RTMUA's Plan Request

Mr. Madden – Apparently, they are looking to negotiate an increased flow rate, a considerable amount. At the last check, they were 20,000 gpd over, maybe more. There was one item in this letter that caught my eye. They were talking about they had a drain connected from the loading dock that was connected to the sewer.

Mr. Tully – That DEP made them do it or something like that?

Mr. Madden - There is something about that, that I am comfortable with. I would investigate that a little further.

Mr. Tully – I was going to say that too. It was locked open too.

Mr. Madden – When you think about rain and loading docks, all that water flowing in; we saw those spikes and obviously that could have been the reason.

Mr. Tully – How do we investigate that?

Mr. Madden – I guess we meet with them and go through all of this stuff.

Mr. Kendzulak, Jr. – I had several questions when I went through this letter. Item number one, they are talking about a grinder and an effluent meter, “have been ordered with installation after receipt”. When can we anticipate that happening?

Mrs. Robitzski – There are no dates on any of it.

Mr. Kendzulak, Jr. – “Johanna Foods has continued with regularly assessing all manufacturing processes...” The question is, what are the flows? What is the magnitude of what they are talking about? Mr. Madden, I will give you my notes afterward. Item number four, how much water can get into these drains which is what you were talking about.

Mr. Tully – I never heard of a discretionary drain.

Mr. Kendzulak, Jr. – Item number five, what kind of volume are we talking about with this greywater?

Mr. Tully – The other thing with item number five, is keep in mind, they have a 400,000 square foot warehouse approved across the street. That's National Mosaic.

Mr. Kendzulak, Jr. – Where they are going to do this greywater?

Mr. Tully – That is across the street, I am assuming that is it unless they are going to run a pipe up Johanna Farm Road further west.

Mr. Kendzulak, Jr. – I didn't really understand item number six. The one that really concerned me quite a bit, and I think we need to go on record, is basically their last paragraph. They talk about average discharge over six months and if they are under, they get a credit, and it does not work that way down at the plant.

Mr. Tully – No.

Mrs. Robitzski – They can't bank credit.

Mr. Tully – No. Do you want to give your comments to Mr. Madden and let him go through them?

Mrs. Robitzski – Didn't we ask them for time frames?

Mr. Frank – We asked them for a plan for them to respond to Mr. Watt's letter and then they were going to lay out how they were going to address their overages and anything they were going to do to correct it.

Mr. Tully – And that is what this is. Any one of these things by itself is...

Mr. Madden – They are talking about back in 2015, requesting additional flow. I don't know what the Board said back then.

Mr. Tully – The answer was no.

Mr. Madden – This is something we will have to dive into a little bit.

- b) John R. Lanza, Esq. of Lanza & Lanza, LLP to C. Gregory Watts, Esq. of Watts, Tice & Skowronek, PC regarding W. Brands, Block 16.01 Lot 37

Previously discussed.

3. Unfinished Business:

None

4. New Business:

None

5. Professional Reports:

- a) Attorney –
- b) Engineer –

Mr. Madden – Just briefly, we did a lot of reviews which we have talked about today. It was a big month for that. The mapping is coming along really well, we have a few spots where we worked through some kinks, but things are looking good there. Flows have been pretty steady; we are up to about seventy - two and a half percent capacity.

Mr. Kendzulak, Jr. – Mr. Madden, if we add in our paper capacity, where would that put us based on the report at this time?

Mr. Madden – We would be right at our 3.8 MGD. We did move the meters upstream in the Neshanic so we can hopefully get some good flow data. Mr. Frank's guys think we are looking in the right area, right now. They think they have seen some issues there and they suspect that there is something, but we will see the results of the meter.

Mr. Tully – How's the GIS coming along?

Mr. Madden – We have a lot of maps done and we brought in all the new stuff and I think we are getting to the point where we can start to interface.

6. RTMUA REPORTS:

- a) ADMINISTRATIVE / OPERATIONS REPORT

- 1. Chief Operator / Director's Report –

Mr. Frank – I kept up with the AEA classes and the zoom check – ins to be able to find out what is going on with all the other sewer plants around the state. We had our sit down with Mr. Schwartz regarding the TWA for the Enclave, I had the AEA Conference and that was about it.

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

b) COMMISSIONERS' COMMENTS

None

7. **Discussion:**

a) Block 72.23 Lot 31.01; 324 Route 202 & Block 36 Lot 13; 180 Pennsylvania Avenue Capacity Evaluation

Mr. Madden – I talked to their engineer. He was not on the conference call last month at the meeting. They want to try to figure out how to trade flows between the two sites. We said, “we have never done that before, it is not our practice but if you come back with a lucrative offer, meaning return some EDUs to us, we would consider that as a reason to accept it”. I made that clear to their engineer and he understood it. The ball is in their court and they need to come back with something firm. They want to submit industrial flex space and flex space is impossible for us to calculate flows; office space is based on square footage and warehouse is based on staff.

b) Commissioner’s Pay

Mr. Frank – The Commissioners are paid bi-weekly, and if we can get everyone’s agreement, we would like to go to a quarterly basis. You would get one big check, four times a year instead of smaller checks.
General Consensus.

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

Mr. Tully – I would like to go into Closed Session for the purpose of discussing Personnel Matters and we do not anticipate any official action will be taken once we come out of Closed Session.

Mrs. Robitzski made a motion to adjourn into Closed Session for the above stated purpose and Mr. Kendzulak, Jr. seconded the motion. Closed Session was from 6:30 pm – 6:35 pm.

9. **Adjournment of Work Session:**

Mr. Kendzulak, Jr. made a motion to adjourn the Work Session. Mr. Mangin seconded the motion. All were in favor. The Meeting ended at 6:36 pm.