

APPROVED

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES

MAY 20, 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

4. APPLICATIONS:

- a) Application for Sewer Service Class II – A, W. Brands, LLC (Block 16.01 Lot 37.04)

5. RESOLUTIONS:

Resolution #2021 - 35 Approval of Sanitary Sewer Service Class II – A, W. Brands, LLC (Block 16.01 Lot 37.04)

Mrs. Robitzski made a motion to approve Resolution #2021 – 35, 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 - 36 Septage Increase / Amendment of Schedule of Sewer Use Charges and Fees

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 - 36, 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 - 37 Designation of Depository

Mr. Kendzulak, Jr. made a motion to approve Resolution #2021 - 37, 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 - 38 Resolution Authorizing Raritan Township Municipal Utilities Authority to Become a Member of the North Jersey Wastewater Cooperative Pricing System ("NJWCPS") and Authorizing Execution of a Membership Agreement

Mrs. Robitzski made a motion to approve Resolution #2021 – 38, 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 April 15, 2021

Mr. Mangin made a motion to approve the minutes from the April 15, 2021 meeting. Mrs. Robitzski seconded the motion. All were in favor. Mr. Kendzulak, Jr. abstained.

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

Mr. Kendzulak, Jr. - We are looking to approve payment of bills in the amount of \$557,615.60. I went through all of these; everything appears to be in order. If you go to the last yellow page, we are at 37.44%, conservatively, if you say we go to the end of April, that's a third of the year, we are pretty much right on budget. A lot of this stuff we pay in advance, we paid our second installment on our insurance which is part of this here. I think we are in pretty good shape for where we stand 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:**

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

MAY 20, 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) Ms. McCallister, CPA, RMA of Bowman & Company, LLP to RTMUA Chairman and Board regarding Audit

Mr. Tully – We have correspondence regarding the Audit. They are basically waiting for the State to release the requirements, so they are in a holding pattern until that happens, which happens every year.

3. **Old Business:**

None

4. **New Business:**

None

5. **Professional Reports:**

- a) Attorney –

None

- b) Engineer –

Mr. Madden – Mr. Frank and I met a couple of weeks ago with Johanna Farms to review their operation and to try to address some issues they have been having with their flow and how we can accommodate what is going on there. We also met with the vendor who repairs manholes to look at Pump Station #2 and several manholes that are leaking. We are hoping to get some products to help cut down the I & I issue. The contractor is coming back to address some issues with the clarifiers next week.

Mr. Tully – Anything major?

Mr. Madden – Some of the coating was peeling and there was some issue of whether it was sealed right at the top. We want to make sure they get that right. Mr. Frank and I talked about getting the Flemington Wet Weather Facility Tanks done. I guess DEP came and they want it fixed. We were hoping to hold off until we had a definitive word on what we were going to do over there but it doesn't look like we can. I also met with the owners of Lipton to see what their current operations are over there. Just to confirm what is going on over there. It's basically a warehouse for a furniture company. Other than that, we have had a couple of other things we have been reviewing; some projects like the one on Junction Road. They had an issue with the construction project out there. They had to stop. They had the inverts wrong on our existing line, I don't know how that happened. There was a request for additional capacity from Flemington Concrete Products, it was very minor, within 1 EDU.

Mr. Tully – How is the GIS coming along?

Mr. Madden – The GIS, I think we have it back to Mr. Frank's guys and they are working with it.

Mr. Tully – How far along is it?

Mr. Madden – I'm not sure. We have everything cohesive at this point, there are a few things we have to go out and check, manholes that are maybe not connected in the right spot. We got a lot of the older developments rolled into it. I did notice Readington's flows were high this month. It seems unusual, there might be a meter issue out there. It hasn't been very wet. Like I said, I suspect it might be a meter issue.

Mr. Kendzulak, Jr. – There were zero discharge events at the FWWF, it's not like we had a lot of rain, or it has been wet where the water table is up. I saw they had 147,000.

Mr. Madden – That is what I am saying, they are either reading them wrong or there is a meter issue.

Mr. Frank – They are supposed to calibrate them quarterly.

Mr. Tully – Mr. Frank, can you follow up with them and see when they calibrated them last?

Mr. Frank – Yes, I'll double check with them.

Mr. Tully – That is a significant difference from what they have been flowing.

6. **RTMUA REPORTS:**

a) ADMINISTRATIVE / OPERATIONS REPORT

1. Chief Operator / Director's Report

Mr. Frank – No FWWF discharges last month. Mr. Madden spoke about us meeting with Johanna Foods. We had our quarterly safety meeting. Mr. Newland our Risk Management Consultant came to it and said we make his job easy, and Mr. Thompson from JIF came out and gave us an outstanding report, we are happy about that. I met with Mr. Watts regarding the high school driveway. We are having some issues with that as far as the maintenance of the driveway and all the additional use that is done from, not so much from the residents but from the Polytech and the kids parking on that lane. The administration parking in that last building are the ones using that lane. They just took down the fence and added more parking spaces and I was told that they were going to use the existing parking lot for those cars to empty into and I went by there today and that is not the case. They are all going to use that lane.

Mr. Tully – You said that there is a tent in the middle of the parking lot.

Mr. Frank – Yes, they put a tent in the middle of the parking lot they were supposed to access and leave from, and I don't know how long that is planning on being there. There was a gate on that parking lot that has since been removed to prevent anyone from coming onto the lane and that has been removed. Mr. Watts has been working on the easement to see if we have the right to...

Mr. Watts - ...The easement was granted to us, Flemington owns the property, Flemington purchased it in the forties, they granted us an easement to use that lane, but we have to maintain it. In the language in the easement, they granted us the right to use that lane "with others". So, I think my next step is to go to Flemington. We don't control this easement; they gave us this easement, but we can use it and we have to maintain it. We can't maintain it if they are going to put other traffic on it. As Mr. Frank says, it encumbers our access to the FWWF, so I think my next step is to go to Flemington Borough and ask them to look at the documents and say "we don't think these people ought to be using it, that is not what it was made for. It was made for the adjacent owners, Flemington DPW, and the FWWF."

Mr. Frank – We use the lane the least, but we are responsible for maintaining it and it gets costly for filling in potholes and we have had it tarred and chipped several times and we have probably spent at least \$50,000.00 on that lane.

Mr. Tully – If it is going to get daily use, tar and chip isn't going to be enough.

Mr. Reiner – Who is using it other than who should be using it?

Mr. Frank – Well, that is what we are trying to figure out. The students from Polytech are using it and they just created a parking area for the kids that go to Polytech to access and park and they are using the lane to access that parking area which wasn't there before. My thing is why can't they park in the parking lot and stay off the lane and Mr. Watts and I are working to check the easement to make sure they don't have the right to use that lane. They can share in the cost of maintaining the lane or not use the lane, whichever the case is.

Mr. Reiner – I'm not familiar with the topography or the mapping, so forgive my ignorance on this question but if we have sole and exclusive rights to the easement...

Mr. Tully - ...We don't.

Mr. Watts – That is the point. The easement that was granted to us was for us to use it "with others". That is the language in the easement. That is what we are looking into now. This goes back to the 1940's, when Flemington purchased it. So, there are old documents that still have to be gone through. I'll be sending a letter to Flemington about it.

Mrs. Robitzski – That doesn't sound like a good negotiation; we use it but have to maintain it when other people use it.

Mr. Watts – When we agreed to that, we were the only ones using it and the abutting owners. Nobody else used it and now the use is being expanded. I spoke to the superintendent of Polytech, and he said they would share in the cost of maintaining it but that is not the point. The point is that I think we prefer to have nobody else use it. We have to see. If they are found to have a legal right to do it, then we can't stop it, the most we can do is to have Flemington require them to pay for the upkeep. We are going to try to see if we can prevent it from being used.

Mr. Kendzulak, Jr. – You are saying they are using it because they have a new parking lot they put in?

Mr. Tully – What they did was put parking on either side of the drive aisle, right?

Mr. Frank – Just the one side.

Mr. Tully – So, the kids are driving up and parking, so they made a parking lot out of the drive aisle. The access easement.

Mr. Kendzulak, Jr. – Would it make sense with the easiest solution be to approach them and say “listen, pave that portion, if your people are going to use that, to access that new parking up to that point. They put that parking in there because I guess there is inadequate parking at the site as is. I am assuming that is why it was done. They need it obviously, but we shouldn’t be paying for it to accommodate them.

Mr. Frank – It is probably two thirds of the way, if not more.

Mr. Kendzulak, Jr. – When did this become an issue?

Mr. Frank – Two or three weeks ago? I got a phone call from someone from Polytech to complain about the potholes in the driveway. I sent the guys out to drag some of the cinders back to fill in the potholes and while they were back there, Polytech had a bulldozer and backhoe out there, tearing up the grass and putting stone down and creating parking spaces. I’m like “what are you guys doing?” Then they explained that they are turning it into a parking area.

Mr. Reiner – Is that Raritan Township?

Mr. Frank – No, it is Flemington Borough.

Mr. Tully – It is access to the FWWF by the high school.

Mr. Reiner – I was going to say if it were Raritan Township, I would be writing the Zoning office immediately.

Mr. Watts – They may have the perfect right to build parking, it is just the access to the parking; do they have to go through the high school property, or can they make use of the right of way?

Mr. Reiner – Then they have to get permits too and go through the proper process.

Mr. Kendzulak, Jr. – Flemington owns it but isn’t it in Raritan Township itself?

Mr. Diehl – It is Raritan Township.

Mr. Kendzulak, Jr. – The high school is located in Raritan Township, but Flemington Borough owns the tract of land where the easement is located.

Mr. Reiner – It is under Raritan Township jurisdiction as far as zoning and permitting. I think we ought to get with Raritan Township and have them take what ever actions are necessary to cease and desist without the proper permitting and criteria.

Mr. Watts – They may have the permits, but we will certainly

find out.

RTMUA
5/20/21 Work Session
Page 10 of 12

Mr. Kendzulak, Jr. – School is coming to an end, I have to believe that this will be over within the next month, but it is going to be a problem that is going to perpetuate. We should not be on the hook for the little bit that we use it.

Mr. Frank – Like I said, we have invested a lot of money into it, and we have been out several times to patch up pot holes and try to maintain it but the more and more use it gets...

Mr. Kendzulak, Jr. – ...Maybe what we ought to do is keep track of our time and go look to bill them. We don't have the resources or manpower to keep on top of it but maybe we just send them a bill.

Mr. Watts – They are willing to pay but do we want them using it? Maybe the time has come to have it paved so have them help pay for the pavement.

Mr. Kendzulak, Jr. – What does that do with stormwater though? Impervious coverage.

Mr. Tully – That's true. We need to see a plan because the new stormwater regulations are in place. If it is more than ten thousand feet, they are going to need a basin.

Mr. Diehl – Flemington, in the past, has participated in some of the rebuild cost of that road when the large-scale projects came in. We use the road too. These discussions have come up many years ago, and what had come of it, at least at that time, it would have to be curbed and drainage and it killed it just from overall cost. Flemington just entered into, an Insurance Agreement, Polytech has a heavy equipment operation class over there and they were utilizing the side space where we had the stone to practice on the equipment. There was a little bit of heavier use for that but as far as the parking goes, they never came to any of us. We saw it too and we didn't know if they had come to you or not.

Mr. Tully – I can tell you we haven't seen anything in the engineering office.

Mr. Reiner – For clarification, Mr. Kendzulak, were you referring to Polytech or Flemington Borough?

Mr. Kendzulak, Jr. – No, I was referring to Polytech.

- a) Overtime Recap
- b) Septage / Greywater Recap

- 2. Laboratory Summary
- 3. Maintenance Summary

4. Readington Flows

RTMUA

5/20/21 Work Session

Page 11 of 12

b) COMMISSIONERS' COMMENTS

Mrs. Robitzski – Congratulations on the insurance survey visit.

Mr. Tully – Yes, nice job.

Mr. Kendzulak, Jr. – Yes, pass that onto the staff, very, very good.

7. Discussion:

a) Flemington Industrial Park Billing (Block 27 Lot 34)

Mr. Frank – We got a letter from Mr. Patel, the owner of Flemington Industrial Park questioning his bill. In doing so, we did some research and went through the file and there was an issue where he was not being billed for 94 EDUs. The way it worked out was, we converted his bill from EDU based to flow based now that he's installed the flow meter. In doing so, his bill came close to what it should be but it's a matter of how far back it went. There's a lot of issues between Tenneco, which changed names a bunch of times and it had part of the EDUs for the whole facility, for groundwater remediation. Then upon the completion of that, those EDUs went back to Flemington Industrial Park. So, there were a lot of moving pieces back and forth. The only way we found it was researching the bill and going through some of the back files and that's how we realized there was a billing error.

Mr. Tully – Basically at this point, it's correct because he is being billed, based on flow. The 94 EDUs weren't being used so they would have been billed at the reduced rate anyway.

Mrs. Robitzski – Does he owe for previous years, or he doesn't?

Mr. Frank – When he was billed previously and then in the process of figuring out what his new bill would be, because now he is based on flow, versus EDUs, it's close to what he was paying.

Mr. Tully – He was over billed on one end and under billed on the other. Mr. Frank is saying the difference is pretty close to what his bill is going to be.

Mr. Frank – We told him years ago to install flow meters so we could bill him by actual flow, not projected flow for more accurate billing.

Mrs. Robitzski – So the amount he paid, he definitely owed, it's just if he owed more?

Mr. Tully – Yes, exactly. The error was found, it looks like it's close enough to a wash and since the meter is in now, I think moving forward it will be based on actual user flows.

8. Adjourn into Closed Session by Motion, if Needed

Mr. Tully – I'd like a motion to go into Closed Session for the purpose of discussing contractual matters as well as pending litigation with NJDEP regarding the C-1 Stream regulations, permits for both the Main Plant and FWWF and 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. Mangin seconded the motion. Closed Session was from 5:34 pm – 6:09 pm.

9. Adjournment of Work Session:

Mr. Robitzski made a motion to adjourn the Work Session. Mr. Kendzulak, Jr. seconded the motion. All were in favor. The Meeting ended at 6:10 pm.