

APPROVED

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RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING MINUTES

MAY 21, 2020

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. Grand	Absent
Mr. Hazard	Here
Mr. Kendzulak, Jr.	Here
Mrs. Robitzski	Absent
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 #2020 - 33      Approval of and Authorization to Sign Renewal of Reservation of Wastewater Treatment Capacity Agreement, W. Brands, LLC (Block 16.01 Lot 37)

Mr. Tully made a motion to approve Resolution #2020 – 33, Mr. Hazard seconded the motion. All were in favor.

Resolution #2020 - 34      Authorization to Accept Proposal for Professional Services of Kleinfelder

(Not to Exceed \$12,000.00)

Mr. Tully made a motion to approve Resolution #2020 - 34, Mr. Hazard seconded the motion.

Roll call vote:	Mr. Grand	-	Absent
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2020 - 35      Authorization to Appeal Enactment of New Jersey Department of Environmental Protection C – 1 Stream Regulations

(Not to Exceed \$25,000.00)

Mr. Tully made a motion to approve Resolution #2020 - 35, Mr. Hazard seconded the motion.

Roll call vote:	Mr. Grand	-	Absent
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2020 - 36      Authorization for Termination of Maintenance Bond for Flemington Borough Route 31 Interceptor Sewer Relocation

Mr. Tully made a motion to approve Resolution #2020 – 36, Mr. Hazard seconded the motion.

Roll call vote:	Mr. Grand	-	Absent
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2020 - 37      Authorization to Enter into Amendment to Contract for Sludge Box Hauling with Russell Reid Waste Hauling and Disposal Service Co., Inc.

(\$515.00 / container on Sundays)

Mr. Tully made a motion to approve Resolution #2020 - 37, Mr. Hazard seconded the motion.

Roll call vote:	Mr. Grand	-	Absent
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

Resolution #2020 - 38      Authorization to Execute Prosecution, Defense and Common Interest Agreement

Mr. Tully made a motion to approve Resolution #2020 - 38, Mr. Hazard seconded the motion.

Roll call vote:	Mr. Grand	-	Absent
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

6. **Approval of Minutes:** Minutes of March 19, 2020  
April 16, 2020 Meeting was Cancelled

Mr. Tully made a motion to approve the minutes from the March 19, 2020 meeting. Mr. Hazard seconded the motion. All were in favor.

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

Mr. Kendzulak, Jr. - For April, we're looking to approve payment of bills in the amount of \$620,430.01. I went through all of these; I'm not going to go into how much we spent in the month of April because that'll be covered when I speak on the month of May. The checks were signed and basically, we are memorializing them at this meeting, but all looks to be in order for the month of April. For the month of May, we're looking to approve payment of bills in the amount of \$570,193.75; everything appears to be in order. If you go to the last yellow page, we're about five months into our fiscal year, if you want to be conservative, we'll say four months and that would be through the end of April, which would be thirty - three and a third percent. If you look at our expenditures, you'll see 38.37%, so I'm comfortable with where we are. We're a little bit over budget but we did pay the second installment on our insurance which was a significant expenditure as well as other things we pay up front such as the pension and things like that.

Mr. Tully made a motion to approve the payment of April and May bills, Mr. Hazard seconded the motion.

Roll call vote:	Mr. Grand	-	Absent
	Mr. Hazard	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Mrs. Robitzski	-	Absent
	Mr. Tully	-	Yes

8. **Citizens' Privilege:**

None

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

10. **Adjournment of Regular Meeting:**

Mr. Tully made a motion to adjourn the Regular Meeting. Mr. Hazard seconded the motion. All were in favor.

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
WORK SESSION MINUTES

APPROVED

MAY 21, 2020

365 Old York Road, Flemington, New Jersey  
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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. McCallister, CPA, RMA of Bowman & Company, LLP to RTMUA Chairman and Board regarding Audit

Mr. Kendzulak, Jr. – Basically, it's a letter indicating that they are looking to initiate the 2019 Fiscal Year Audit.

3. **Old Business:**

None

4. **New Business:**

None

5. **Professional Reports:**

a) Attorney –

Mr. Watts - The only comment I'll make is on the Readington flows. The flows are now getting excessive again. I've written numerous memos to the Authority and basically there is a provision in the Agreement that says that the parties agree to enter into any Agreements necessary to give effect to the actual Agreement which means they are violating the Agreement so we can ask them to enter into a new Agreement so they don't do this anymore which would be to, I would suggest, some kind of monetary punishment or something to give them a disincentive from continuing. What we could also do is if, I don't know if you want to go that route first, which may be the right way to go or the second thing to do is to send a five year termination notice and say "listen, we're going to terminate it, you have five years, we'll work with you but at the end of five years, if we have to continue to take your flows, you get a whole new Agreement and it's going to be a whole lot more difficult." I think it's time to start doing something with them

because I don't think they're doing anything about it, frankly, and it's all weather related.

Mr. Kendzulak, Jr. – At the end of the day, it's taking capacity away from our residents. I'm all for it; certainly they should be penalized and if a five-year notice gets their attention, but I'd like to see penalties go into effect sooner than later.

Mr. Watts – I would recommend that I send a letter to them telling them to refer it to their attorney, point to that section of the Agreement and say "we want to negotiate another Agreement to give effect to this Agreement" and see what kind of response we get. If they don't do anything, we can send the five year notice any time we want, but it's five years from next April, so we have from now to April to see where we're going and get that notice out. I would say start more gently and if that doesn't work, we'll send the termination notice.

b) Engineer –

Mr. Madden – We continue to monitor flows. I talked to Ms. Carmeli on the ACO and it looks like their rescinding on some of the promises that they had originally in the draft of the ACO. The other thing to report is the clarifier project has picked up again. They started on the third one and hopefully we'll be done with the project in the fall.

Mr. Kendzulak, Jr. – The flow meters and Johanna Foods?

Mr. Madden – We haven't had the ability to get any data; Mr. Frank's people have been tied up with other things. So, they still need to physically download the data from the meter.

Mr. Kendzulak, Jr. – So, we should have that by the next meeting? We have had a couple of wet weather events.

Mr. Madden – It's just been a matter of manpower due to the COVID schedule.

Mr. Frank – Yes, I'm running skeleton crews at this time.

Mr. Kendzulak, Jr. – In the May report, we had the quarterly capacity evaluation if you want to speak on that?

Mr. Madden – In April, we were right about where we are typically; there are some ups and downs between these things every quarter. The twelve-month rolling average actually went down so we're down to like seventy – five percent which is great but everything is dependent on the weather and the water table; they're really what we keep an eye on because those things go hand in hand with Raritan's flows. It's good for now but I

don't recommend going back to the 5 EDUs or anything like that at this point.

**6. RTMUA REPORTS:**

a) ADMINISTRATIVE / OPERATIONS REPORT

1. Chief Operator / Director's Report

Mr. Frank – The big thing is the COVID schedule; I've had to reduce staff and have the guys on a five-day working, five day off schedule. The line crew is working every other week and the same thing with the maintenance mechanics. I'm looking for guidance on when I can pull the plug on it and put these guys back on their normal schedules.

Mr. Kendzulak, Jr. – I know you were reaching out to Stonybrook and maybe you want to reach out to AEA. Maybe talk to Ms. Gallos and see what she's hearing or maybe she could gather that information and find out what other authorities are doing.

Mr. Frank – I don't want to pull the plug too early but we're not getting things done this way. I would just like to err on the side of caution.

Mr. Kendzulak, Jr. – Understood, these are different times. Just find out what others are doing.

Mr. Frank – Septage reopened after being closed for two months. Because of the COVID scheduling, I haven't let the guys take personal or vacation time because of the five day on, five day off schedule. At some point, when we switch back over, they're going to have stored vacation time that they're going to have to use. We have this use it or lose it policy in place. I'd like to get permission to where they could carry over a third of their unused time into next year so over the course of eighteen months, we'll be back to normal. This way I won't have everyone taking all their time within six months.

Mr. Kendzulak, Jr. – To me that seems fair.

(General consensus from the other commissioners)

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



2. Laboratory Summary
3. Maintenance Summary
4. Readington Flows

b) COMMISSIONERS' COMMENTS

None

7. **Discussion:**

a) 1<sup>st</sup> Quarter 2020 Capacity Evaluation

Previously discussed.

b) USDA Rural Development Overview of Programs

Mr. Kendzulak, Jr. – I received this from Mayor Kuhl, and I passed it on to Mr. Frank and Mr. Madden to take a look at to see if there are any opportunities here for us to get some grants or funding. (Discussion interrupted by call in with Ms. Carmeli and Mr. Tyler for Closed Session. Discussion resumed after Closed Session)

Mr. Madden – I've done a project through this once for a wastewater client. The real trigger in all of this is the median household income. If you're below that, you're fine, you get the grants and things like that. If you're above it, you won't be able to get a grant. Then it becomes a loan somewhere too. There may be other new programs in here. I know the contact person; I can reach out to her and talk to her and see if there's anything in it.

Mr. Kendzulak, Jr. – Maybe there's some merit in this for Flemington. The reason I say that is if they get some money maybe they can fix the leaks in their system.

Mr. Madden – True, but because they're listed as an urban district, it might be a semantics thing, but maybe they don't qualify as rural, I don't know.

Mr. Kendzulak, Jr. – That's true too.

Mr. Madden – I can ask those questions though.

Mr. Kendzulak, Jr. – You'll look into it and get something back to us?

Mr. Madden – Yes but I wouldn't get my hopes up on it.

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

Mr. Kendzulak, Jr. – I'd like a motion to go into Closed Session for the purpose of discussing litigation and we do not anticipate any official action will be taken once we come out of Closed Session.

Mr. Tully made a motion to adjourn into Closed Session for the above stated purpose and Mr. Hazard seconded the motion. Closed Session was from 5:19 pm – 5:57 pm.

9. **Adjournment of Work Session:**

Mr. Tully made a motion to adjourn the Work Session. Mr. Hazard seconded the motion. All were in favor. The Meeting ended at 6:00 pm.