
RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES

NOVEMBER 19, 2020

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. Grand	Absent
Mr. Hazard	Here
Mr. Kendzulak, Jr.	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 and Thompson; C. Gregory Watts, Esquire, Watts, Tice & Skowronek.

3. **PLEDGE OF ALLEGIANCE**

4. **APPLICATIONS:**

None

Mr. Kendzulak, Jr. – There is someone here in the audience so what I would like to do is have them speak first. Sir, if you could state your name and address please for the record and let us know what you would like to speak about.

Mr. Verma – My name is Tarun Verma and I am the resident at 9 Kimberly Court. I put a couple of things in my email. One of the things was that, when we moved in, for whatever reason, we were not billed for sewer. I was billed last month, or the other month and the back charges are substantial, so my request is to waive the back charges; I am willing to pay my charges moving forward.

Mr. Kendzulak, Jr. – You are not the first one who had a delay in their billing. We have a resolution, Resolution #2007 – 27, that allows us to go back and back charge people for that, so you are not going to get waived on that fee. You received the sewer service for that period of time, so you will be billed accordingly for the time that you received the sewer service. With regards to a payment plan, I think we are providing you with, until, December 31, 2021, which is one year without interest to make those payments. That is the way everyone else in your situation has been treated and we are certainly not going to change it recognizing that there is a resolution in place on how we handle such things.

Mr. Verma – So the Board won't make any concessions?

Mr. Kendzulak, Jr. – I'm not making any concessions. This is the way everyone else in the situation similar to yours has been treated and it is not fair to those people and we do have a resolution that addresses situations like yours.

Mr. Verma – So I have to pay four years' worth of charges in one year?

Mr. Kendzulak, Jr. – We are giving you one year to pay those charges without interest.

Mr. Verma – Is there away I can appeal this further?

Mr. Kendzulak, Jr. – This is the place you appeal it. This is where you make your request, and this is where the decisions are made. Like I said, you're not the first one, and there's a resolution that addresses situations like this and it makes the provision for the Authority to be able to go and back charge for billings that were late up to a four year period.

Mr. Verma – Second is, an issue with a sewer gas coming into the home. I live in the Mt. View community up on Route 12 across from the County Library. It's not just me, but there are a bunch of other homes that have the same issue. It is to the point where you can see motion and waves in the toilet because the sewer gases are backing up against it. I had brought it up to the attention at the municipal offices, I talked to Rich there and his boss, Jeff Klein. They basically told me "we can't do anything with this, you have to talk to the builder". They also told me I can call here and talk to somebody here and when I called I was told that the Township has not taken over the sewer system yet and this was 2017 and they said we can not help you, and my neighbor had also called and got the same response. We

can't help you because the Township doesn't own the sewer system yet.

Mr. Tully – The Township wouldn't own the sewer system, the MUA would.

Mr. Verma – Yes, that is what I meant.

Mr. Tully – I spoke with Mr. Klein today, and I spoke with Rich at length today and my understanding is they've done a complete, as far as they can, without tearing your walls down, inspection of everything when the plumbing was all put in and everything was installed the way it was supposed to be as it was constructed, that's when they inspect it, when the walls are still open. It has got the right amount of vents, the right pipe size, the right slopes, all of that stuff. My understanding from the ripples, I get them too when it is windy out because of the vent. So, sometimes there is a pressure gradient with the airflow over the vent which causes the water to move and I don't have sewer odors and the other day when we had that storm it was like the Bermuda Triangle in there. So, their understanding is at this point, there is no defect in the installation of whatever was installed with your plumbing and it is a matter between you and Toll at this point. There is nothing more that they can inspect or look at. The plumbing system was certified when it was installed. That was based on my conversation with them today, if you want to re-verify that with them, feel free but I did a little follow up on this because I was unaware of the situation and that's what they told me. I know the sewer lines up there from a back-pressure standpoint it is not a pump system. That pressure is probably not an issue. If there was a blockage or something you would know by now. It would be coming out of somebody's house. As far as we know, and I checked with the Construction Department, there have been no other complaints about the odors except which you have brought to them. Nobody else has said anything.

Mr. Verma – I was the president of the HOA there, so I know there are at least fifteen homes there that have this issue.

Mr. Tully – Those fifteen people should individually say something. I understand you are saying it, but we can only judge you on your particular dwelling. The fact that you are saying there are fifteen other ones, maybe there's twenty, maybe there are five; those people need to individually address the situation with either the building department or the Authority but the bottom line is, if the plumbing passed inspection at time of construction, it is between the private home owner and Toll at this point. We run into the same thing in the Engineering Department. For example, with improvements that people put in their yards and driveways and things where something wasn't planted right or graded right, the first thing we do is go out and look at it and say "okay, if its not in the right – of – way, which is the Township's responsibility, it's between the private landowner and Toll." Whatever was in your Contract, or if they painted something the wrong color, or if they put

the wrong tree in, it is something that is between the owner and Toll at that point unfortunately.

Mr. Verma – I know I have gone back to Toll and basically they tell me that “The Township inspected this, they looked at the plans, then they inspected it, everything was done based on what is the code for the Township, this is the issue, go to the Township”.

Mr. Tully – It’s State Code, not a Township Code.

Mr. Verma – So as an enforcer, as an approver of the plumbing plans and everything, they basically tell me to go to the Township. Go to the plumbing inspectors who looked at the plans that were submitted with the construction plans for the whole dwelling and then in every state there is a full process of getting, um, you know, I guess, um...

Mr. Tully – There are multiple inspections that lead up to getting a Certificate of Occupancy (CO). If anything fails, you can’t get the CO. If they find something wrong with the plumbing, it has to be fixed before they issue a plumbing approval. You need plumbing, electrical, framing, there are probably at least seven or eight approvals you need before you can get a CO. The plumbing would not have been approved unless it met the code.

Mr. Verma – What I had done on my own, because they were still constructing homes and I had gone to an exact same home that I have, the same layout and I took pictures of that and I know what you’re saying is that there is the right amount of venting and everything in there and I talked to a plumber and he basically said “this is done all wrong”. I have those pictures and I am pretty sure my house has the exact same layout as far as where the vent is. He was telling me that there are specific places, for example from your toilet that has to be this far apart if you have a bigger bathroom with fixtures all over the place, you have to have multiple vents. In my master bathroom, I only have one vent, which means that the sewer odor is going to get trapped somewhere else because it has nowhere else to get out.

Mr. Tully – Then once again, that is something you would have to take up with the Construction Department. If it is a construction problem, it is the Construction Department.

Mr. Verma – If it is a problem with the sewer system, I should talk to the MUA.

Mr. Madden – Typically when you have odors in the home like this, the main reason is usually dry traps. Like a sink that has not been used in a long time and the water dries out and that allows for the sewer gas to get into the house.

Mr. Verma – I get that part. I can tell you that one time we were gone for two weeks, and we came back and there was no water in the toilet. Whatever pressure it gets from the pipe, it just moves the water so much that it’s gone. I can

send you pictures, videos, like where it's going like an ocean. So, it's extreme, the water shouldn't be gone in two weeks.

Mr. Tully – If there was that much pressure, there would be constantly bubbles coming up in your toilet.

Mr. Verma – It's not bubbles ever, it's waves.

Mr. Madden – Does your toilet flush without an issue?

Mr. Verma – It does but what happens when you flush the toilet, at one point in time because all the water is drawn into the pipes, it creates an opening for a little bit where you can hear a gargling type sound.

Mr. Tully – That is normal.

Mr. Verma – That is normal but with that, comes a whiff of sewer odor. Say I don't use the toilet for two days, and it's a clean toilet and everything, if I flush it, with a clean toilet, I will still get the whiff of smell.

Mr. Tully – Again, that's an inside plumbing thing, that has nothing to do with the sewer lines in the street. There's no way.

Mr. Madden – The only thing you can check is your vent could be blocked, it is possible that a bird built a nest in it. Things like that do happen. Those are usually the two things you check from an odor standpoint, that you have water in the traps and that your vents are clear and that will allow the system to function correctly. As far as the system in the street, that should not be an issue at all. That's why I asked if you had any issues with the flushing.

Mr. Verma – Maybe what I can do is talk to the other homeowners, because like almost two years ago we were all talking and given the fact that the Township wasn't giving us any support, the builder was saying "go to the Township", and other stuff, we felt there was no way to correct it. I will gather those people who have reported those things to me, and I can ask them to submit something.

Mr. Tully – Either that or get all the people together and talk to Mr. Klein and see if he can arrange to meet with you guys. The court room in the Township has plenty of room to spread out in but you would want to talk to Mr. Klein. If everybody else wants to come in and state their claim in person, that would probably be better, you could meet in the court room and there's enough room for fifteen or twenty people to spread out and have a conversation.

Mr. Watts – The homeowner's warranty that you received with the house, if things were done improperly, then you have a homeowner's warranty which is good for certain things for a period for up to ten years. You certainly have a claim if something was done incorrectly that you couldn't have discovered then because after the first year a lot of the protection goes away but if something was hidden and they did do something improperly, then you would always have a claim against Toll, if they deceived you in any way.

Mr. Verma – Thank you.

5. RESOLUTIONS:

Resolution #2020 - 62 Appointment of Risk Management Consultant

Mr. Tully made a motion to approve Resolution #2020 – 62, Mrs. Robitzski seconded the motion.

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

Resolution #2020 - 63 Authorization to Accept Proposal for Professional Services of Kleinfelder
(Revised not to Exceed Amount: \$46,231.25)

Mr. Kendzulak, Jr. – This has to do with the DEP C1 appeal that we have. We've had a few of these already; I did pass this on to the commissioners and did get the majority of the Board and basically authorized Mr. Cosgrove of Kleinfelder to move forward with this and this is memorializing the additional \$5,000.00 for that.

Mrs. Robitzski made a motion to approve Resolution #2020 – 63, Mr. Tully seconded the motion.

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

6. Approval of Minutes: Minutes of October 15, 2020

Mr. Tully made a motion to approve the minutes from the October 15, 2020 meeting. Mrs. Robitzski seconded the motion. All were in favor. Mr. Hazard abstained.

7. Treasurer's Report / Payment of Bills:

Mr. Kendzulak, Jr. - The bills totaled \$708,830.74; everything appears to be in order. The big bill was for the clarifiers in the amount of \$290,065.91. That is why the \$700,000.00 plus payment of bills is so high this month. If you go to the last grey page; we're at 75.51% of our budget. If you figure, conservatively, taking us just through the end of October, that would be about ten months and that would be about 83% and we've paid some bills for this month so we're in fairly good shape in regards to our budget.

Mr. Hazard made a motion to approve the payment of bills. Mrs. Robitzski seconded the motion.

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

8. Citizens' Privilege:

None

9. Adjourn into Closed Session by Motion, if Needed

Mr. Kendzulak, Jr. – We will be going into Closed Session to discuss pending litigation matters with NJDEP; we do not anticipate any official action will need to 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 5:21 pm – 5:30 pm.

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

NOVEMBER 19, 2020

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) Mr. Jeffrey Lehrer, Esq. DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P. C. to Mr. Suresh Patel, Flemington Industrial Park regarding Tax Sale Certificate

Mr. Kendzulak, Jr. – This has to do with Flemington Industrial Park regarding the Tax Sale.

Mr. Watts – It just means the Township is going to be aggressive since so much money is outstanding and as soon as the six month period is up they are going to institute foreclosure actions which will force the owner's hand to pay up.

b) Mr. Tarun Verma to Ms. Nicaretta regarding Billed Charges and Sewer Odor
Previously addressed.

3. **Unfinished Business:**

None

4. **New Business:**

None

5. **Professional Reports:**

a) Attorney - None

b) Engineer –

Mr. Madden – The clarifiers are pretty much all done. They have a couple of punch list items to take care of. They are working right now on

the last valve to put in and there is one chamber they are working to coat and that should be done by early next week. One of the scrapers on the fourth one is warped, they discovered it during start up so that piece is ordered and that will be a quick swap out once it gets here. There is some stuff that they are going to have to come in the Spring for because of weather. Touch up some of the repairs on the tank itself with the paint and the sealer and epoxy. Some water had gotten behind it and it is weather sensitive, so they are going to have to come back for that. DEP is on board with that; they were here for the startup of the last one and JEV is in good standing with them. We are continuing to update the GIS maps, some of the older stuff is now in place, we're working our way through and trying to get that up to speed so Mr. Frank's guys can use that data and update it as they go along. I did talk to Mr. Bogan, he just retired a couple of weeks ago. He said that whole thing where they were looking at Flemington got deferred when the C1 hit and the County has not gotten back to that yet.

Mr. Hazard – The Administrator is retiring too, Kevin Davis.

Mr. Kendzulak, Jr. – If we went back a year ago, that was when it was right on our plate, because we wanted to get it resolved. Then this whole C1 thing happened.

Mr. Madden – They were all confident with the Raritan Township numbers. Flemington – because it's an urban development and it's based on population, that does not give you a true picture of the flow requirements. That company was hired to dig into that and determine what the true flow would be for a total build out. That money was taken from that for the C1.

Mr. Kendzulak, Jr. – All this stuff we talked about, has to sit until this C1 is addressed.

Mr. Madden – I know Johanna is on here; we were out yesterday with Mr. Frank's guys and the meter representative because we were getting some erroneous results we thought from our two meters and we wanted them to get in there and make sure they were being installed correctly and the data was correct. I think what we discovered in the interim is that Johanna is giving us more flow than they are allocated, I guess that is another issue all together. They are only allocated 270,000 gpd and they are well over 300,000 gpd.

Mr. Watts – You have all seen the letter; it was sent when I got all the information from Mr. Frank, we put the letter together. I haven't heard a response yet; I was told to send it to their attorney, Mr. Facchina and the lady who replaced Mr. Saracini. We have had some movement; Mr. Frank has received some information from them which is a step forward.

Mr. Frank – The last page of your packets has the flow data for Johanna.

Mr. Tully – What happens since they've been overflowing for so long, is there a back-charge capability for that?

Mr. Watts – We have been charging them for what they send us.

Mr. Tully – What they are flowing.

Mr. Madden – I do believe they do monthly meter calibrations, we're told.

Mr. Frank – I haven't gotten that data yet, but I've been told they calibrate monthly.

Mr. Tully – So their meter is what we're basing the charge on.

Mr. Frank – Correct.

Mr. Tully – So, if their meter is calibrated then it should be accurate.

Mrs. Robitzski – Why are ours showing different numbers?

Mr. Madden – Ours are temporary meters, in the downstream line. We have a pipe coming in between and we're measuring up here and down here so what the difference should be with those two. That's what we're trying to figure. We don't know if they have anything connected downstream of their meter. There is a lot of suspicion that they do because we get a lot of flow out of that.

Mr. Hazard – The flow increased starting in May?

Mr. Frank – Yes.

Mrs. Robitzski – So, you think they're putting something in beyond their meter so it's not being measured correctly.

Mr. Madden – We don't know, that's what we're trying to figure out.

Mr. Tully – It's a suspicion.

Mr. Madden – They are over their allocation and that is a problem for here.

Mr. Frank – 80,000 gpd is a lot of flow.

Mr. Madden – Right now we know they are over their allocation.

Mr. Kendzulak, Jr. – Mr. Frank is saying 80,000 gpd, when you look at capacity and what that is doing to our capacity. How is our Agreement structured with them? As far as the capacity, why isn't DEP saying anything, but I think DEP isn't concerned so much with the volume as with the treatment that is coming out of there. It is still having an impact on us, if they have 270,000 gpd, should we be charging them a surcharge for everything over? They are flowing way over and they are gobbling up our capacity. If we charged them a surcharge, which should be a substantial amount, then we may be able to take that money and put it back into I & I work and try to find more capacity with it.

Mr. Hazard – We also don't want it steadily increasing unchecked.

Mr. Tully – They did put some stuff online in May or around that time that I remember from an engineering standpoint. I will double check and see; I'll pull the plans and see what they were doing.

Mr. Watts – Do we have an actual written Agreement with them? I've never seen it.

Mr. Frank – Other than their permit, no.

Mr. Watts – So, we may not have a contractual right to...

Mr. Kendzulak, Jr. - ...so is there anything we can do to legally?

Mr. Tully – Do we have a general policy?

Mr. Watts – We can take steps to limit it.

Mr. Kendzulak, Jr. – Don't we have a problem when it rains? This is when we're going through the issues with Pump Station #1 with the spike; is it coming from Johanna? You were saying on a normal day, that pipe is ninety percent full.

Mr. Madden – There's a pretty steep pitch on that pipe so I don't think it's being pumped.

Mr. Kendzulak, Jr. – I'm just saying if on a normal day, you've got ninety percent of that pipe full, and you get rain, is it going to push a significant amount through that six-inch pipe?

Mr. Madden – I'm saying you can push a lot with the pressure and the gradient on that. Even with a small pipe, you can get a lot of flow through that.

Mr. Kendzulak, Jr. – We're noticing that spike in that area in there and we said "oh, it may be Johanna". Obviously, these are their flows. Is there anything we can do, or think about in advance, on how we can charge them for gobbling up our capacity in increase of their 270,000 gpd in their permit?

Mr. Watts – I think they need to be put on notice that they are doing something wrong which they know now. We need to have them keep their meters calibrated, and I think we need to then meet with them and / or develop a policy that says "listen, we can't just really cut you off, but we're going to start surcharging you for every time you exceed the limit." They need an incentive to clean up their problem. We need to make it hurt so it's cost effective for them to fix the problem.

Mr. Kendzulak, Jr. – What it should be, this 80,000 gpd that they have, what is it going to take for us to get 80,000 of capacity back here if we wanted to distribute it? The only way we have, the only option that we have is in controlling I & I and that's a very expensive thing to find that kind of capacity by fixing up pipes and stuff.

Mr. Hazard – Have they responded yet, or not?

Mr. Frank – No. We asked for copies of their DMRs, which they send to the State and copies of their flow meter calibration data and then also we asked for a written plan of how they're going to address these excess flows. I've gotten DMR data so far and that is the only thing I have gotten.

Mr. Hazard - We almost want them to fix the problem because we want the capacity back.

Mr. Madden – I have to look, maybe there's a broad-based cost per gallon of getting rid of I & I.

Mr. Kendzulak, Jr. – I think the thing is to keep on doing what we're asking for here but to recognize to gain this capacity back that we lost, and we don't have anymore.

Mr. Watts – Yes, we would rather have the capacity.

Mr. Frank – We have the same issue with Readington and their exceedances.

Mr. Watts – We have to give Johanna the opportunity to say what they are going to do. This has been going on a while but I think along with that we need to come up with a policy that has to have some basis in fact and say "that starting at some point, six months from now or whatever it is, when you exceed it, there's going to be a fifty percent surcharge or eighty percent surcharge or whatever it is and give them notice and give them time to comply and then start assessing them. We want to make it so it's cheaper to fix the problem than to pay us. It should apply to anybody, like Readington or anyone.

Mr. Madden – I'll get some numbers together and I'll work with Mr. Frank and we'll see what we can put together.

Mr. Kendzulak, Jr. – When we look at the table, when you do your quarterly flow evaluation, the people that are on paper, if these guys keep going up and up, they've already gone above where we planned on them being and how are we going to be able to service all those people that are on paper when these guys are grabbing it?

Mr. Tully – You are not going to be able to. If that keeps happening, you are going to hit that C1 limit, we are going to go over that and then we are really going to be in trouble.

Mr. Frank - Then we are going to get fined for our flows, and we're allowing them to flow to us unimpeded.

Mrs. Robitzski – Can part of the policy be people going over their flows, paying their part of those fines?

Mr. Kendzulak, Jr. – That's how we have it set up with Flemington.

Mr. Watts – It might be difficult to pinpoint an exceedance to a specific fine. It's a good idea but I don't know if we could do that.

Mrs. Robitzski – You hit the big ones, have it in there so it's another incentive.

Mr. Madden – It has to be equal though. Everyone has to be treated equally.

Mr. Watts – We can and do charge them extra based on the sampling.

Mr. Kendzulak, Jr. – If we can do a little bit of homework so we can talk about this at the next meeting. What options we have etc.

6. RTMUA REPORTS:

a) ADMINISTRATIVE / OPERATIONS REPORT

1. Chief Operator / Director's Report

a) Overtime Recap

b) Septage / Greywater Recap

2. Laboratory Summary - ok

3. Maintenance Summary - ok

4. Readington Flows

b) COMMISSIONERS' COMMENTS

7. Discussion:

a) Agreed Upon Procedures Report – Connection Fee

Mr. Kendzulak, Jr. – This is from Bowman & Company. Basically, our Connection Fee is going from \$3,965.00 to \$3,977.00. This is all by statute on how this is set. If you go a couple pages in, to Schedule A, it goes through. If you go to the last page, you'll see our Base User Fee is going to go from \$171.00 to \$174.00 and the User Fee is going to go from \$661.00 to 674.00 and that's about a two percent increase. Mr. Cragin will be here next month for the Rate Hearing and the Adoption of the Budget. One of the things I noticed was in our packet was the 2020 dividend of about \$9,800.00 and Mrs. Struening said they put it against next year's bill. That's good. The last thing in the packets, Mr. Frank, is the COVID protocols. You were going to work with Mr. Grand on this. Mr. Grand looked at this and was okay with this?

Mr. Frank – Yes, this is the final one that went out to our employees.

b) Johanna Foods

Previously discussed.

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

None

9. **Adjournment of Work Session:**

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