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RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING MINUTES

NOVEMBER 19, 2015

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

(908) 782-7466 Fax

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APPROVED

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:**

Dr. Buza	Here
Dr. Dougherty	Here
Mr. Kendzulak, Jr.	Here
Chair Kinsella	Here
Mr. Tully	Here

Also present were Greg LaFerla, RTMUA Chief Operator / Director; Regina Nicaretta, RTMUA Executive Secretary; Nancy Wohlleb, PE, Hatch Mott MacDonald; C. Gregory Watts, Esquire, Watts, Tice & Skowronek.

3. **PLEDGE OF ALLEGIANCE**

4. **APPLICATIONS:**

None

5. **RESOLUTIONS:**

Resolution #2015 - 67 Authorization to Execute First Amendment to Agreement for Reservation of Wastewater Treatment Capacity (COAH) Between Raritan Township Municipal Utilities Authority and Junction Road Associates, LLC (Block 16.01 Lot 37.01 & 54)

Dr. Dougherty made a motion to approve Resolution #2015 - 67, Mr. Kendzulak, Jr. seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2015 - 68 Approval of Preliminary Sanitary Sewer Service, Class II-B, TWA Required Junction Road Associates, LLC (Flemington Junction, LLC) (Block 16.01 Lot 37.04)

Ms. Nicaretta – This is approving the whole amount for the project to include the one additional EDU that they were short last month. This approval is showing the total amount together.

Mr. Tully made a motion to approve Resolution #2015 - 68, Dr. Dougherty seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2015 - 69 Acceptance of Bushkill Interceptor System Analysis

**TABLED**

Resolution #2015 - 70 Authorization for Mandatory Direct Deposit Payroll

Mr. Tully made a motion to approve Resolution #2015 - 70, Mr. Kendzulak, Jr. seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2015 - 71 Establishment of Administrative Salaries

Dr. Dougherty made a motion to approve Resolution #2015 - 71, Mr. Tully seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2015 - 72 Adoption of Certified Budget

Dr. Buza made a motion to approve Resolution #2015 - 72, Mr. Tully seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Mr. Kinsella – We are going to change the format here a little bit and move to Citizen’s Privilege; so Mr. Dilts, go ahead.

Mr. Dilts – I have a quick question; do you intend on discussing this report this evening or are you going to let everyone digest it and bring it back?

Mr. Kinsella – I don’t think we are going to have any major discussion on this tonight.

Mr. Dilts – Okay, because we just received it tonight and for the two newer people, I'm George Dilts, I've represented Linque Flemington since 2013 regarding this project and more recently they have partnered with Pulte Homes who just received the Preliminary and Final Site Plan approval. That twelve year period, there have been a lot of discussions, a lot of Agreements that have come together and a lot of cooperation between this body, my clients, the Township and we are looking forward to trying to schedule a meeting. I understand Monday and Tuesday aren't so good, so tomorrow, I'll circulate to Mr. Watts, a list of meeting dates for the following week after the holiday which I think might work better to meet with your attorney and engineer and our group as well. I did have one other question about receiving an endorsement for the TWA, I understand this may delay it but as far as procedure, can Mr. LaFerla issue that once he has the approval of the engineer or does it have to come back here for a vote?

Mrs. Wohlleb – Normally what would happen is we would do a review of all of the TWA Application materials that get submitted to the RTMUA secretary; she then sends it to us for review and if there are any legal documents like if there are proposed easements or something than Mr. Watt's office has to review that. If all those documents are in order then we usually write a recommendation letter to the Authority stating that we have no exception to the TWA being signed by whoever is designated which is Mr. LaFerla at this point. Then with the TWA Application, typically on that Statement of Consent form, they usually ask you to fill out a resolution number that the body has consented to Mr. LaFerla signing it. It does come for a resolution and we also take that opportunity to approve the actual RTMUA Application for Sewer Service Approval; all in one grand resolution.

Mr. Dilts – We were just wondering if we were fortuitous and moved this along quickly whether we would need to wait for another meeting and it sounds like we do. Thank you very much and we look forward to working with you.

Mr. Kinsella – I think next for Citizen's Privilege is Mr. Hoffman.

Mr. Hoffman – I had sent in a letter in regard to a property that our organization purchased approximately twelve years ago from the Flemington Fur Company; it's a six acre parcel, Block 72.23 Lot 32. We currently have a Reservation Agreement for 7 EDUs, 2,100 gallons per day and we have been actively marketing the site for many years and we've done it in conjunction with the property to the south which we previously developed.

Mr. Kinsella – What is the exact location of your property?

Mr. Hoffman – It's just to the north on 202 of the Shoppes @ Flemington; if your off the circle, the STS, then there's the Flemington billboard, we're directly to the north of that, the first property in the Township of Raritan. We've always envisioned it being connected to the Shoppes @ Flemington as another piece of

retail development. The overall idea which we've always been contemplating is a connector road; there's a big access issue here with DOT and connecting Reaville Avenue up to Voorhees Corner Road. We've attempted for years to market it and get new tenants for that. We've always had people interested, it just never seems to make it over the hump; I personally market the site and it's not for lack of trying, it just hasn't worked out with some of the problems the Shoppes have had with maintaining tenants and it's just taking some time to mature. The reason for my request today is we had back in 2010 signed an Agreement with RTMUA for the extension of the reservation for the sewer capacity and we've been paying our reservation fees and I appeared before your Board on October 18, 2012 and basically made the same comments that I'm making today and that is I'm personally making efforts to get that site developed. I couldn't tell you exactly how it would work out but I can give you the details of what I think the overall yield would be on a site like that but the request today is that I did receive one of the letters from the Board that I know are going around indicating that there will be no extension of the existing Agreement and I'm here to ask the Board to reconsider and perhaps enter into another extension, perhaps along the same lines as we have now just to allow me to continue that effort to facilitate development for that piece and work on the connection with the DOT. We have one other issue that's popped up over the last two or three months, which I think is relevant for your knowledge, the DOT has initiated the bidding process for the Circle Modification Project and that's going to be a very significant change to that whole corridor. It's going to create, what I feel will be a safer environment for the community but it will make things a little more difficult for businesses on the circle. I think that also is another reason why in the future we might need to make attempts to improve access to the Shoppes through some kind of continued appeal to the DOT for a left turn, southbound on Route 202 and a whole bunch of other possible connections that might facilitate the Shoppes @ Flemington.

Mr. Kinsella – Are you losing frontage?

Mr. Hoffman – We're not losing frontage, right now access to the Shoppes is accessible from the circle if you're coming southbound Route 202 or southbound Route 31 or off the Route 12 circle; just by entering the circle pattern you can access our site but now that will be all gone, the only way you can get to us coming directly into the circle is from northbound Route 202. The issue coming back is the continued availability of this allocation makes the development our parcel continuing to be feasible and there are some glimmers of hope; I know north, the Aldridge site which has been in a similar position to ours I think they've recently gotten some activity with a tenant that we've been in touch with. I can't guarantee anything, I'm not here to say I've got a deal that I'm about to sign tomorrow but at the same time we've really for the past fifteen

years been advocating trying to get somebody in there and I do think it's a worthwhile consideration for the Board to allow us to extend the Reservation Agreement.

Mr. Watts – I don't have your Agreement in front of me but I think it probably provides that after you've been granted the extensions that no further extensions will be granted and that's been the position of the Authority. We now sit with close to 400,000 gallons per day outstanding tied up in Agreements and with the needs of the Township for COAH projects; there would need to be a change in policy to allow an extension and it's been the policy of the Authority to get the capacity back and obviously this has been extended by the Permit Extension Act and I don't know how yours falls but if it goes back to 2010, then it's going to expire and you probably got the letter giving you until June 30, 2016 to get something going and I think that's been the position of the Authority up to date and the attorney for Mr. Urbach is right behind you to speak about it next. So it would take a 180 degree turn by the Authority to say it will start considering requests for extensions.

Mr. Hoffman – I appreciate your time and over the years I've always appreciated your attention to this and we will attempt to take it to the next step and see what we can do. I assume per the terms of the Agreement, if we move forward with one of the milestones we would have some opportunity there.

Mr. Kinsella – Okay, Ms. Tubman, your turn.

Ms. Tubman – You will have seen not only the September package that I re-submitted as Dr. Buza had asked with the Permit Extension Act and you would have seen my letter today. To me it's extremely clear that the Permit Extension Act extended that first two year allocation leaving in the Urbach Agreement, the opportunity for three, one-year extensions. I've quoted directly from the statute and I sent you a copy of the highlighted statute. I understand there are policy issues but the policy issues don't trump the law. I'm representing only one person, a relatively small allocation and you also recognized in 2010 the Permit Extension Act and you adopted a resolution #2010 – 58, before the further extension of the Permit Extension Act which said "all Reservation Agreements presently in effect are automatically extended to the termination of the Permit Extension Act". With an Agreement that provides for three further Agreements, I think it could not be more clear that the Urbachs are entitled to the further extension request which is three, one – year terms per another of your resolutions and for the terms of that Agreement. Mr. Watts, with whom I speak cordially all the time, has disagreed with this interpretation despite the language of the Statute which says that Agreements in effect are extended the three more Agreements that had to be affirmatively accrued by both parties, have automatically been tacked on and automatically have run despite the Permit Extension Act. I do not understand the reasoning; again I understand the policy

but I'm asking for this Board to recognize the Statute and the terms of the Agreement and affirmatively allow the Urbachs to process their request for an additional one year extension.

Mr. Watts – The Board has obviously had a chance to read Ms. Tubman's letters and you have also had an opportunity to have read my letter; I respect Ms. Tubman but I disagree in this particular case because I think the resolution we adopted in 2010 is consistent with my opinion now saying that "for any Agreement which was approved after January 1, 2007, such Agreement shall be extended to June 30, 2013". Now Ms. Tubman and I disagree on what that means.

Ms. Tubman – That was the then expiration date of the Permit Extension Act.

Mr. Watts – But reading from the Statute it does provide that "the tolling provided for in the law shall not extend any governmental approval more than six months beyond the conclusion of the extension period" and again, we differ on what that means but my interpretation of that is that if it's not renewed six months from the end of it, that's it. So that's why we sent the June 30, 2016 letters out. Again, I understand Ms. Tubman's reasoning but that's not the conclusion I've drawn and I've had a chance to discuss it with Commissioner Buza and I don't know if you have any comments on it.

Dr. Buza – I have to defer to you as the attorney for the Board, I see both sides to it, the language is a bit ambiguous in the Statute but I agree with Mr. Watt's interpretation at this point. I'm not the lawyer for the Authority; I have to take your advice as legal counsel.

Mr. Watts – We have a duty to live by the law but we also have a duty to act responsibly and if we believe the law says what it does we need to get that capacity back. I think if we are going to err we need to err on the side of getting the capacity back; I don't think it's a mistake but it's my advice that these Agreements that would have otherwise expired, and again we disagree on that, they have until June 30, 2016. Not that it trumps the law but this particular development has had the capacity in excess of ten years, all the developer had to do was make and have an Application to the Planning Board deemed complete, so again, they've had more than enough time to develop the property notwithstanding the economy. I believe my interpretation is correct and it's up to the Board to make a decision.

Dr. Dougherty – In light of the fact too in the newsletter put out by our Association, they talk about the Readington case and they bring up issues too of other projects with the idea that all the capacity was tied up by some other entity that did not develop it and in the benefit of the community was that fair? I think there was a decision on it and I'm not a lawyer but in reading it, I wonder how that influences our thinking and helps us to try to make some sense out of all

this. I do agree with Commissioner Buza that basically the language is confusing and that's why we have courts of law, we might end up with some judge having to interpret what it really means and what was the intent of the Statute. I think we have to take the advice of our attorney. You're not the only one but there's also a lot of people coming in that are saying "you have all the capacity tied up and we have projects such as COAH and other projects that have to be done and serve the community and you gave it to other people who are just holding it and banking it".

Mr. Kinsella – Ms. Tubman, in your interpretation of the Statute, what is the maximum allowable time that this reserved capacity Agreement could be extended until?

Ms. Tubman – Three one-year extensions beyond June 30, 2016.

Mr. Kinsella – So basically a three and a half year extension of what we are saying.

Ms. Tubman – Correct.

Mr. Watts – So it becomes an eight and a half year extension.

Ms. Tubman – That was the purpose of the Permit Extension Act; because of the economy, to hold all Agreements in place until the expiration plus six months if there was six months remaining in the Agreement that was protected.

Mr. Watts – The initial Agreement for this capacity was August of 2003.

Dr. Buza – When you say that's the intent behind the Act, how do you know that? Do you have comments behind the Act that you can cite to us?

Ms. Tubman – Yes, in the Statute that I gave you is the Legislative recital. It says "this is the reason why we are holding, because the economy is in very poor shape, projects that otherwise may have gone forward have not and therefore we, the Legislature, are by Statute extending those terms for the protection of those projects".

Dr. Buza – Right, but the question still turns to whether or not its three and a half years or just the six months beyond the conclusion.

Ms. Tubman – No, what the Statute says is anything that is in effect is continued until that date; the Statute says nothing precludes extensions beyond that date. Your contract says that this is a one year Agreement, subject to three, one-year extensions, so the only thing that was there to extend was the one year Agreement.

Mr. Kinsella – Eight years, eight and a half years is two presidential terms, the thing that the State of New Jersey could actually say they're going to control the level and the intensity of the economy for eight and a half years, it's unbelievable. Are there any other comments?

Mr. Kendzulak, Jr. – I concur with my colleagues and our attorney. All I would say to this Ms. Tubman is you have six or seven months to do something, if you meet one of the milestones, then you're done. When the Urbachs' first got



this capacity, you go back twelve or thirteen years, that is an awful long time to do something with it and you still have an opportunity to do something with it.

Ms. Tubman – Thank you for your time.

Mr. Kinsella – Mr. Mangin, any comments?

Mr. Mangin – Not really; I concur with you guys on your interpretation of the Statute.

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

Mr. Watts – I think it would be appropriate to consider a motion to go into Closed Session for the purpose of discussing current litigation matters with the DEP Permit for Flemington Wet Weather Facility. 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 Dr. Buza seconded the motion. Closed Session was from 5:32 pm – 6:12 pm.

**6. Approval of Minutes: Minutes of October 15, 2015**

Dr. Dougherty made a motion to approve the minutes from the October 15, 2015 meeting. Dr. Buza seconded the motion. All were in favor.

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

Mr. Kendzulak, Jr. - The bills totaled \$509,592.62; all appears to be in order. A quick look at the last grey page; through this year and again, I would say we're definitely eleven months through our twelve month budget cycle and we expended 89.5% and eleven months is about 91 – 92% so we're slightly under budget. Again, some of these bills from November have already been included in here. We're in pretty good shape when it comes to the budget and I don't think there are any big bills here.

Mr. LaFerla – On November 30<sup>th</sup> Mrs. Struening runs the last checks for end of the fiscal year.

Mr. Kinsella – Honestly, if most municipalities ran their budgets the way we do, they'd be in a lot better shape...the State, the country, everyone. That's pretty remarkable, congratulations to the people who run the place here, Mr. LaFerla, Mrs. Struening; you're doing a good job, thank you very much.

Mr. LaFerla – Thank you.

Mr. Tully made a motion to approve the payment of bills. Dr. Dougherty seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

8. **Citizens' Privilege:**

Previously discussed.

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

Previously discussed.

10. **Adjournment of Regular Meeting:**

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

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
WORK SESSION MINUTES

NOVEMBER 19, 2015

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

(908) 782-7466 Fax

APPROVED

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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) Mark Hoffman re Block 72.23 Lot 32 US Realty 87 Decatur Reservation Agreement (7 EDUs)  
  
Previously discussed.
  3. **Old Business:**  
  
Permit Extension Act  
  
Previously discussed.
  4. **New Business:**  
  
None
  5. **Professional Reports:**
    - a) Attorney - none
    - b) Engineer - ok

6. **RTMUA Reports:**

a) Operations Report

1. Chief Operator's Report –

Mr. Kendzulak, Jr. – Those photographs are the ones we saw before?

Mr. LaFerla – Not all of them, there are new ones in there too.

Mr. Kendzulak, Jr. – Did we find anything that we can fix?

Mr. LaFerla – Yes.

Mr. Kinsella – Did we walk all along the Bushkill?

Mr. LaFerla – We walked from River Road all the way up to behind Bed Bath and Beyond and all of that.

Mr. Kendzulak, Jr. – Some of these other manholes aren't the same thing.

Mr. LaFerla – They walked that whole line, they found more castings that were knocked off and there are pictures of them in there.

Mr. Kendzulak, Jr. – That would be inundated during wet weather?

Mr. LaFerla – Yes. We started walking by Pump Station #1.

Mr. Kendzulak, Jr. – Here's just a general comment on the whole report, this whole Bushkill Interceptor Report and again we have had this discussion, we need to focus on I & I on the first Neshanic Interceptor because based on the table, 77% of that wet weather flow that's coming here from I & I is coming out of that interceptor. There's a lot more to be found and hopefully we do find it.

Mr. LaFerla – If you look at that first map, all of the colored areas on that map are done; all stuff that's been TV'd and everything. You have to realize that over there its wetlands too; I just have a feeling you're going to find a lot of the problems are sump pumps.

Mrs. Wohlleb – Mr. LaFerla, when you TV'd the Bushkill, did you get the camera in there or you TV'd the Neshanic?

Mr. LaFerla – No, up here by the Neshanic.

Mr. Kinsella – We talk I & I all of the time, should we ask the Township to enact some kind of program or something regarding sump pump inspections?

Mr. Kendzulak, Jr. – We tried to.

Mr. Kinsella – It's as plain as day, the data shows it, if we say to the Township "we know these areas are a problem, you want us to do miracles, but here's the situation we're in".

Mr. Kendzulak, Jr. – You could say that to them but if we do have manholes that are in that position that go under water, that's something that is solely on us. That may be the lion's share; it would be nice, if it's visible. I think we need to do our job first.

(many voices speaking at once)

Mr. Kendzulak, Jr. – Mr. LaFerla, I think you really need to talk to Mr. Diehl and tell him "we know there's an I & I problem in Flemington but by the way, you need to walk your trunk line because this is what we've found with ours" and it may be a significant or substantial find there.

Mrs. Wohlleb – Well then, Readington too because they swing.

(many voices speaking at once)

Mr. Tully – Everyone needs to do it.

Dr. Dougherty – How do you make them do it? It sounds good but how do you make them? Why don't we just do it and charge them? I'm serious, if the problem is to try to get them to do it; maybe we should take the bull by the horns and say "we'll do it as part of our responsibility and anything that's obvious, we'll let you know and we will bill you for the time."

Mr. LaFerla – Walk Flemington's lines?

Mr. Tully – No, Readington's lines.

Mr. Kinsella – From Hedgerow Estates in; nobody ever goes there.

Dr. Dougherty – We have these problems, but the thing is, what are the solutions? We've asked for cooperation time and time again and they have their hands full to so if we say "this is one of the things we are going to do is because we think it's our responsibility to help you".

Mr. LaFerla – What is there to make them fix it?

- i) Overtime Recap - ok
- ii) Septage / Greywater Recap - ok

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

c) Commissioner's Comments:

None

7. **Discussion:**

- a) 2016 Main Treatment Plant Improvements Proposal from Hatch Mott MacDonald

Dr. Dougherty – This Hatch Mott MacDonald proposal; can we have some time to digest this? I read it once and it's pretty complex. Can you break it down more? It's a lot of money.

Mr. Kendzulak, Jr. – I don't know as far as cost and I mentioned this to Mr. LaFerla, and I brought it up at the last meeting but Mr. Kiel needs to look at this and we have to get a priority on it; how quick do we have to do this stuff and how can we stagger this out to afford it? I don't think we have the wherewithal to do this all in one shot. I'd have to see the back up on this because this is a financial thing. Ideally everything gets done yesterday but in the real world here, we need to come up with some type of plan. I know that NJEIT, I know we have that but I'm not too keen on throwing everything in there and incurring that much debt.

Mr. Kinsella – What's our cumulative debt right now?

Mr. LaFerla – Off the top of my head I can't tell you.

Mrs. Wohlleb – I don't normally have the occasion to talk to Mr. Kiel other than when he comes to the meetings but if Mr. Kiel hasn't seen it he should because I think he will also understand the Trust right now and they're offering these thirty year loans; if the intent is to push it off so that you're not paying off two loans at the same time, I don't think that will happen; the projects will be overlapping so he should look at that.

Mr. Kendzulak, Jr. – He needs to look at that because at some point we're going to have to pay it, I think Mr. Kiel had made projections when he made the budget on how much debt we'd be incurring over whatever period of time and there were certain assumptions that were made. I know he did it last year but I don't know if he did it this year and what the impacts would be on that and that's what I want to have him look at. What's the priority here? When does it have to be done? Unless it's falling down today how much time can we get out of it?

Mrs. Wohlleb – I would say the clarifiers; the gum is coming off the radiator, that's how bad it is. And I would say that the auger is not too far behind. If a gun was to my head and you said "pick one right now", I would pick the clarifiers. What I do know is that regarding the screens I would say within the next couple of years.

Mr. Kendzulak, Jr. – What's the cost of the screens?

Mrs. Wohlleb – You are probably talking about a couple of million dollars.

Dr. Dougherty – The other thing that was in here too, is about a piece of equipment, something I don't understand at all, and that it might not even be

made that way anymore and we'd have to set up the design to accommodate the newer equipment or equipment from another manufacturer even before you go out to bid. That is kind of confusing to me that you would; you're talking a lot of money and that you have to accommodate it if you couldn't get that equipment because they don't make it anymore?

Mrs. Wohlleb -- The clarifiers have an urgent need and the engineering that has to happen there, yes there is some conceptualizing like can we make any new enhancements since this was done in 1988; but not to the extent of the screens. When you get into the screens you have so many different proprietary guys out there that all have a variation on the theme and when you get into the public bidding laws those little variations on the theme can bear impact on cost, on the bid and you always have to say "or equal". You can't just say "I want A" and then get A because B is out there and they could stick their nose in there. So the idea of the screens is that we have a lot of leg work to cover with Mr. LaFerla early on. I need to know operationally; the auger monster right now, what's it doing in terms of operational cost, what new replacement equipment can make operations more efficient, more cost effective, more safe and at the end of the day, make a better process happen there and not have Mr. LaFerla constantly pulling rags out of every other downstream process because the auger monster isn't capturing and doing the job anymore. To me there's a lot of early on homework that has to happen which is why my thinking would be that you might get away with putting off the construction of for a couple of years if you did want to stagger it but I think that the engineering and the operator thinking needs to get going because we need to really figure out what we want to do there. The only thing I do know is Mr. LaFerla does not want to see another auger monster in there. That equipment is still being made but it's not one we want to get again we want to go to an actual screen. It's not doing what it needs to do so we need to go to a different technology and the operator right now believes it exists with a screen and we agree but there's at least two or three screen manufacturers out there that all have a variation.

Dr. Dougherty -- You said before that Hatch Mott MacDonald designed what we have and you bid it, put it in and everything else. Now you're coming back and our experts are saying it didn't work and we want to improve it. So we're going to go to the same firm and ask them to redesign what they designed and failed at?

Mrs. Wohlleb -- Fair enough. I did look into the history of that and I don't know if you can call engineering and designing under duress an excuse but I did find Mr. Coe's letter from 1998 or 1999 to Mr. Kelly and if you can imagine our non -- desire to put the equipment in, and I think Mr. Coe laid out the caveats and the concern, but nevertheless they did it. So, I hear you.

Dr. Dougherty -- I understand.

Mrs. Wohlleb – The screens are going to be the way to go; get it out of the system at this point.

Dr. Dougherty – So there's a lot of design stuff that really has to be perfected before you can move forward. For the bill for that, that's all the hours you're showing, the 800, 200 etc.

Mrs. Wohlleb – Yes and that's for the whole design; that's the whole thing if you want to get it out to bid. One thing that we could do; if Mr. Kiel looks at it and we regroup, maybe at the next meeting, I can show those different numbers that are for the whole process.

Dr. Dougherty – Can you break it down into a chart, break it down, say "step one, this is the design, it's going to cost you this much". Maybe if it's broken down in a chart we can make more sense of it.

Mrs. Wohlleb – I thought I did that but I can try to break it down more. The Trust assigns different maximum numbers for different things that occur in the course of a project besides construction costs; planning and design, administrative costs, owners cost, construction inspection and the EIT would say you're planning and design maximum is the \$546,000.00. I just brought that out to say by comparison, that the work that I would be doing for this proposal would substantiate the planning and design and my fee would be the \$264,500.00.

Dr. Dougherty – Mr. Chairman, I'd like to request that we have a chance to digest this and come back at the next meeting, if that's okay?

Mr. Kinsella – Yes, is everyone okay with that?

General consensus.

Dr. Dougherty – I'd feel better because we are talking about a lot of money.

Mr. Kendzulak, Jr. – What I'd like to say Mrs. Wohlleb, because there is an awful lot here that's technical, I think what would make the most sense here is maybe to give a presentation or something; this is what we have looking at the clarifier, this is the condition of the clarifier, we can take it to step one if we initiate the design and that will get us here and Mr. Kiel, whether he weighs in two months down the road on what it is, but where do we need to go and give some type of plan. But to go and all of a sudden throw this out here, I'm not saying it doesn't need to be done, I'm sure it needs to be done but how quick does it need to be done, what's the priority and how do we plan this thing out so we can pay for this?

Mrs. Wohlleb – I would say in all fairness that I can state it from an engineering perspective but I would most likely work on it with Mr. LaFerla because he's operating it and also because he's advised me of the need. I didn't just conjure it out of nowhere.

Mr. Kendzulak, Jr. – I'm just saying the sky can't be falling all of a sudden here.



Mr. LaFerla – The clarifier is “the sky is falling”.

Mr. Kendzulak, Jr. – Why are we just finding out about this now?

Mr. LaFerla – This has been brought up before.

Mrs. Wohlleb – Yes, it has.

Mr. Kendzulak, Jr. – What are we talking about with the clarifiers? What's the cost?

Mrs. Wohlleb – It's over a million dollars; one point three or four million dollars. You have four clarifiers, there was an effort about twelve years ago to take the components out of there and sandblast and paint them to gain some useful life out of them but they are at least thirty years old, correct Mr. LaFerla?

Mr. LaFerla – Two are from 1988 and two are from 1984.

Mrs. Wohlleb – So you are talking about somewhere between twenty – seven and thirty four years. To tell Mr. LaFerla to sandblast them again, he'll blast them off.

Mr. Kendzulak, Jr. – So the clarifier has to be replaced, you can't even paint them.

Mrs. Wohlleb – The concrete tank itself, it will stay, the idea is the entire internal innards have to be gutted, the concrete has to be cleaned, thoroughly inspected, the concrete has to be repaired, recoated and then all of the metal inside, where it needs to be metal, has to be replaced. Otherwise what will go back will be made of FRP to prevent the corrosion that has now happened from happening in all the troughs. All that stuff has to be replaced, otherwise the consequence of that is you don't get good return sludge back and that inhibits your ability of secondary treatment.

b) Flemington Wet Weather Facility Equalization Basin Repair / Lining Proposal from Hatch Mott MacDonald

Mrs. Wohlleb – Here again, the facility is still on our watch, we are still the operators of this facility; Mr. Doug Speeney came out a couple of weeks ago and he looked at the facility, he is DEP's enforcement officer for that facility and he asked Mr. LaFerla about the condition of the tank and asked if someone could come to look at it; Mr. LaFerla called me and I took a look at it and discussed this with my structural engineers and we feel that we should do some repairs to this tank, not unlike what we did with the other settling tank that exists at the FWWF which about three years ago I think we made repairs to the concrete and gave it a protective coating. This engineering proposal gives a little background on our inspection, we have the pictures and what we're proposing to do is send one or two of our structural guys out and get some structural soundings so essentially they have to take a little hammer and ping around and then basically look to do a similar type job that we did a couple of years ago and we would specify one or

two manufacturers that make this repair, crystallizing material to repair the cracks and fill the cracks and when it's all done we'll give it a nice coating.

Mr. Kendzulak, Jr. – We did this before?

Mr. LaFerla – Yes but not on the same tank, on a different tank.

Mr. Kinsella – What's the lifespan on this repair?

Mrs. Wohlleb – Twenty to twenty – five years. If the Authority accepts this proposal at some point, there is a cost sharing with Flemington Borough so they should be aware of it.

Mr. Kendzulak, Jr. – This is something that should be done right away because they are working on their budget and it is critical that they know how much it is. Your fee is \$9,000.00 or so but construction can be anywhere from \$175,000.00 to \$250,000.00

Mrs. Wohlleb – Not my fee, the construction cost.

(many voices speaking at once)

Mrs. Wohlleb - The reason I would push it now is one thing I don't want to see is with the cracks, I don't want to see it go through a freeze, a thaw period, get some rain water in there, re-freeze.

Mr. Kendzulak, Jr. – If you're saying we should do this now, how are we going to pay for it now?

Mrs. Wohlleb – You wouldn't want to wait to do it next year and your means to pay for it, you'd have to come up with twenty percent of the cost. I don't know how that fits in your budget if at all but Flemington Borough would have the lion's share at eighty percent.

Mr. Kinsella – So we'll have a resolution for this next month? Is that what we're saying?

Mr. LaFerla – I'll get everything to Mr. Diehl right away.

Mr. Watts – Make sure he knows the timeline on it.

(many voices speaking at once)

Mr. Kinsella – Ms. Nicaretta, you'll have this on the agenda next month?

Ms. Nicaretta – As a resolution?

Mr. Kinsella – Yes.

c) AEA – NJ Fall Newsletter Article

Mr. Watts – The article sort of helps us and it does talk about what Readington Township had; they just didn't enforce their Agreements. Our Reservation Agreement holder's problem is we are enforcing our Agreements, we want to get it back, Readington didn't and they got in trouble for that. We were on the right side of the law even before that case came out.

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

Mr. Watts – I think it would be appropriate to consider a motion 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.

Mr. Kendzulak, Jr. made a motion to adjourn into Closed Session for the above stated purpose and Mr. Tully seconded the motion. Closed Session was from 6:47 pm – 6:54 pm.

9. **Adjournment of Work Session:**

Dr. Dougherty made a motion to adjourn the Work Session. Dr. Buza seconded the motion. All were in favor. The Meeting ended at 6:55 pm.