

APPROVED

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RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING MINUTES

OCTOBER 19, 2017

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:**

Dr. Buza	Here
Mr. Grand	Here
Mr. Kendzulak, Jr.	Here
Chair Kinsella	Here
Mrs. Robitzski	Absent

Also present were Regina Nicaretta, RTMUA Executive Secretary; Daniel Madden, PE, Johnson, Mirmiran & Thompson; C. Gregory Watts, Esquire, Watts, Tice & Skowronek (arrived at 6:18).

3. **PLEDGE OF ALLEGIANCE**

4. **APPLICATIONS:**

- a) Application for Sewer Service Class II – A, 219 Bedford Falls, LLC (Flemington Subaru Dealership) (Block 63.14 Lot 31.02)

5. **RESOLUTIONS:**

Resolution #2017 - 63      Resolution of Appreciation C. Alan Lincoln for 25 Years of Service to Raritan Township Municipal Utilities Authority

Chair Kinsella – I hear today is the actual day of your anniversary here. I want to thank you for your twenty – five years. Do you have anything to say after twenty – five years?

Mr. Lincoln – It's been a pleasure.

Chair Kinsella – We have a token here of our appreciation for you. (Chair Kinsella reads the plaque). Thank you very much for your service and we appreciate it.

Mr. Lincoln – Thank you and I have to get back to work now.

Mr. Kendzulak, Jr. made a motion to approve Resolution #2017 – 63, Dr. Buza seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Mr. Grand	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mrs. Robitzski	-	Absent

Resolution #2017 - 64      Approval of Sanitary Sewer Service, Class II – A, 219 Bedford Falls, LLC (Flemington Subaru Dealership) (Block 63.14 Lot 31.02)

Dr. Buza made a motion to approve Resolution #2017 – 64, Mr. Kendzulak, Jr. seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Mr. Grand	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mrs. Robitzski	-	Absent

Resolution #2017 - 65      Authorization for Amendment to Agreement for Transfer of Wastewater Treatment Capacity and Assignment of Agreement for Reservation of Wastewater Treatment Capacity, RSVC II Villages at HealthQuest, LLC (Proposed Block 9 Lot 16.03)

Mr. Grand made a motion to approve Resolution #2017 – 65, Mr. Kendzulak, Jr. seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Mr. Grand	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mrs. Robitzski	-	Absent

Resolution #2017 - 66      Authorization to Accept Proposal for Flow Metering from Hach Company (NJ State Contract)  
(\$22,200.00)

Dr. Buza made a motion to approve Resolution #2017 – 66, Mr. Kendzulak seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Mr. Grand	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mrs. Robitzski	-	Absent

Resolution #2017 - 67      2017 Supplemental Bond Resolution of the Raritan Township Municipal Utilities Authority Supplementing and amending Certain Provisions of the Authority's General Bond Resolution Duly Adopted June 17, 2010, as Amended and Supplemented, and Providing for the Issuance of Not to Exceed \$3,000,000.00 Aggregate Principal amount of Sewer System Revenue Refunding Bonds, in One or More Series, of the Raritan Township Municipal Utilities Authority

Mr. Grand made a motion to approve Resolution #2017 – 67, Dr. Buza seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Mr. Grand	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mrs. Robitzski	-	Absent

Resolution #2017 - 68      Resolution to Amend the FY 2018 Introduced Budget

Ms. Nicaretta – There was a typo on the resolution we were given to submit to the State, this is correcting the typo but the numbers that were agreed on for Budget stay the same.

Dr. Buza made a motion to approve Resolution #2017 – 68, Mr. Kendzulak, Jr. seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Mr. Grand	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mrs. Robitzski	-	Absent

**6. Approval of Minutes:**      Minutes of September 21, 2017 Meeting

Mr. Grand made a motion to approve the minutes from the September 21, 2017 meeting. Mr. Kendzulak, Jr. seconded the motion. All were in favor. Chair Kinsella abstained.



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

Mr. Kendzulak, Jr. - The bills totaled \$397,176.99; everything appears to be in order. If you go to the last orange page, you'll see we're at 83.35% and we're a little better than ten months through the year. If you do the math, ten divided by twelve is 83.3% so we're pretty much right on budget. The other number that Mrs. Struening wrote in is for this time last year, we were at 84.4%, so we're pretty much right where we should be.

Dr. Buza made a motion to approve the payment of bills. Mr. Grand seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Mr. Grand	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mrs. Robitzski	-	Absent

**8. Citizens' Privilege:**

Chair Kinsella – Anything from the Township we should know about?

Mr. Mangin – Mayor Gilbert still wants to set up a meeting with the Coalition who are a group of the larger businesses and have representatives from the RTMUA there too.

**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. Dr. Buza seconded the motion. All were in favor.

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
WORK SESSION MINUTES

APPROVED

OCTOBER 19, 2017

365 Old York Road, Flemington, New Jersey  
(908) 782-7453 Office (908) 782-7466 Fax

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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) Jennifer Loudon, Laboratory Supervisor to RTMUA Board of Commissioners regarding WEFTEC Reimbursement

Chair Kinsella – Has everyone read Ms. Loudon's letter? Comments on this?

Dr. Buza – Deny her appeal. I think she should be happy with what we are already reimbursing her for. We appreciate her hard work and we're helping her with her tuition. It's one thing to send her here in New Jersey, it's another thing to fly her out somewhere.

Mr. Kendzulak, Jr. – The decision that was made here before was no. Going back and looking at the Budget and where we are; for Education, we're already over – extended \$3,200.00 out of the budgeted amount of \$10,000.00, we're at \$13,000.00. Travel Expenses and Meals, we had budgeted \$7,000.00 and we've already expended \$6,600.00 and we still have people going to the conference in Atlantic City. In Conferences and Seminars, there's \$1,700.00 left but there's the conference in Atlantic City. When you go through and you look at those type of things, we're already over budget.

Dr. Buza – Maybe she'll get a scholarship, which is her last bullet point, which we're already giving her a scholarship in a sense to go to school. I don't see a compelling need for this so I would just deny it and move on.

Mr. Grand – Was this the person that got the grade that was below the threshold for reimbursement who still asked for reimbursement?

(general consensus)

Ms. Nicaretta – You are directing me to send a memo stating her request was denied?

Mr. Grand – Reviewed, considered and denied.

Dr. Buza – I would say denied because she is asking for a lot. We need to be clear or there will be appeal after appeal.

3. **Unfinished Business:**

None

4. **New Business:**

None

5. **Professional Reports:**

a) Attorney – None

b) Engineer –

Mr. Madden – Like we had discussed, the meters were installed the other day and they're up and running. Mr. LaFerla was issued a password for us to go in and check them online.

Mr. Kendzulak, Jr. – Those meters, with that, they're up and running and if we have a rain event, we'll get that data? It's not like we have to boot something up and if we don't do that and it rains and we don't have that password, we'll miss the data?

Mr. Madden – No, it's in the Cloud, once we're on the website we'll be able to download it.

Mr. Kendzulak, Jr. – So now, let's get rain. This thing is ramping up, the Township and everyone else is very interested in getting this resolved and freeing up capacity so this is critical that we try to find this and recoup some of the capacity that we're giving up as a result of some of these flows that are getting in there.

Mr. Kinsella – I was advised by DEP, Mr. Kennedy, when you consider that 1 EDU is 300 gallons per day, but with low flow toilets and better dishwashers, I don't think that even approaches that anymore. He said you would have to go to your water service company; he said if you could get a number from them, from New Jersey American Water, and I've been making phone call after phone call and I can't get anybody, but he said if you can do that then you have a good argument for decreasing the gallonage on your EDU.

Mr. Madden – The 300 gallons per day is an old number that's never been changed by the DEP that I know of. The usage is considerably less, like you said, there's low flow toilets, low flow showers, if you looked at some ones' actual water use, it's considerably less than that though industry is different too and they're harder to track.



Mr. Kendzulak, Jr. – Maybe there's a way we can pick a certain development that we know is hooked up and drop a flow meter down and say there's one hundred units in there, and these are the flows we are measuring from these hundred units, this is the amount of water going in, this is what is coming out.

Mr. Kinsella – It's one way to maybe gain capacity.

Mr. Kendzulak, Jr. – The flows that are going down here today are the flows, that's the actual stuff that's going down there but in handing out future capacity then you can make an argument that it's not 300 gallons per day per equivalent dwelling unit.

Mr. Madden – I've always had it in the back of my mind that the number is artificially inflated.

Mr. Kendzulak, Jr. – The short-term goal here is to find these leaks that are getting into the system. The other thing, the Commerce Sewer Improvements, what's the status of that? We haven't had a pre – con on that yet?

Mr. Madden – We're scheduled to have that next Thursday, October 26<sup>th</sup>.

Mr. Kendzulak, Jr. – Those guys are ready to hit the ground running?

Mr. Madden – I told them to get us on the schedule.

Mr. Kendzulak, Jr. – The communication we had was that by the end of November this is going to be done.

Mr. Madden – That's what I'm anticipating too. The actual work won't take that long.

Mr. Kendzulak, Jr. – Yes, but we have to get them here to do it.

Mr. Madden – There was one other correspondence we got from DEP regarding the discharge permit. They have to re – advertise the discharge permit because they took away a criteria you fought for, it was arsenic. That part is being rescinded from the permit.

Mr. Kinsella – So we're not responsible for treating arsenic?

Mr. Madden – That's how I interpreted it and the other thing is they have to amend it because if you remember, we talked about the new capacity assurance plan, with the eighty versus ninety – five percent, so because that's changed, they have to open it up for public comment. One other thing, we had the pre – construction meeting for the high school yesterday.

Mr. Kinsella – Everything is set with that? JMT knows what it has to do?

Mr. Kendzulak, Jr. – The responsibilities; you saw the email.

Mr. Madden – So Mott MacDonald's only responsibility is to review the shop drawings?

Mr. Kendzulak, Jr. – Obviously if there are design issues that come up it should go to JMT and JMT should pass that along to Mott MacDonald.



Mr. Madden – That was my only question, if there's any design issues...

Mr. Kendzulak, Jr. – It's their design. At some point you're going to have to make a professional decision that once you alter something you are on the hook for it.

Mr. Madden – I didn't plan to deviate from it but he was all with a deviation that would save money so I ...

Mr. Kendzulak, Jr. – With that being said, time and schedule is of the utmost importance because we have an Agreement that says that this has to get done. If these guys aren't performing then we're going to tighten up the screws and go after liquidated damages because I think it's in their Contract. Obviously if any questions come up with regard to design, that has to be bounced off of Mott MacDonald. Was it very clear at the pre – con the schedule that they have to meet? Once they start slipping or getting behind the schedule they submit, you have to be right on that and writing letters and corresponding with them "this is it, you're behind, what are you going to do to get back on schedule" and that's got to be documented all along the way based on whatever provisions are in the Contract for liquidated damages.

Mr. Madden – In discussion with the contractor he did mention that he didn't think that the actual work on site would take that long. He wants to get in there because he was asking about starting early if they were done moving the grandstand before schedule.

Dr. Buza – I think Mr. Kendzulak, Jr. has a good idea, just keep it documented, "this is your second reminder, this is your third reminder" and so on.

6. **RTMUA REPORTS:**

a) ADMINISTRATIVE / OPERATIONS REPORT

1. Chief Operator / Director's Report - ok
  - a) Overtime Recap
  - b) Septage / Greywater Recap
2. Laboratory Summary - ok
3. Maintenance Summary - ok
4. Readington Flows

b) COMMISSIONERS' COMMENTS

None

7. **Discussion:**

a) December Meeting Date Change / Tentative Quorum Check

Ms. Nicaretta – I just wanted to triple check that there would be a quorum. I wasn't sure about Mr. Madden, Dr. Buza and Mr. Kendzulak, Jr. if December 14<sup>th</sup> was going to be okay or not. It looked like it was okay for Mr. Grand, Mr. Kinsella, Mrs. Robitzski and Mr. Watts so technically we have a quorum but if someone calls out sick or something we won't.

Mr. Kendzulak, Jr. – Actually the 21<sup>st</sup> wouldn't have worked for me so the 14<sup>th</sup> is good.

Ms. Nicaretta – So you're a definite yes.

Dr. Buza – I'm a probable yes.

Ms. Nicaretta – Okay, I wanted to check before I had to advertise it.

b) 3<sup>rd</sup> Quarter 2017 Capacity Evaluation

Mr. Madden – We do this quarterly capacity report and it comes down to what you have to report versus what is real. The big thing to keep track of, if you look at the back, the three-month rolling average, if you follow that, that is actual flows for three months. In terms of this quarter, the average was 2.63, the quarter before this you were 3.28; it's affected by rain and things like that. Typically, the summer months are drier and you can see going back in history they are a little bit lower. In 2016, the same quarter was 2.55 so you're tracking pretty close.

c) Board of Commissioners Authorization for Mr. LaFerla to attend the AEA Annual Meeting and Conference in AC (November 14 – 15, 2017) AND Prospective Commissioner and Attorney Attendance

Mr. Kinsella – Is anyone else going to AC?

Dr. Buza – I didn't look at this, Mr. LaFerla is going?

Ms. Nicaretta – Yes, if you give him the authorization.  
(general consensus)

Dr. Buza – Can you have Mr. LaFerla look at it and see if it is worth me going or not and have him email me to let me know? I probably could go on those dates if it is worth it. I like to meet with the AEA representatives and there's some good stuff.



d) Point System Draft

Mr. Kinsella – We have the Point System as proposed. There has been some discussion on this. If you turn to the second page, Note 3. which basically outlines specific parts of the Township for Applications. Pretty much south of Minneakoning is a no. The Township was not too happy about that. I received a call from Mr. Belardo, the Township attorney for COAH, affordable housing. Evidentially, the Township told the Mt. Laurel people in 2008 that we would be able to meet certain affordable housing numbers. One of the properties they said it could be done on is on Dayton Road, right behind Johanna Foods, there's a field there. The Township told Trenton, that we would be able to do 104 houses there. Mr. Kendzulak, Jr. and I went to a meeting with Mayor Gilbert and Mr. Mangin and we said we're doing remediation work on Commerce Street and that there's three lines that converge at Pump Station #1, this site would also go to Pump Station #1. So, we said if we can remediate this inflow situation it might be possible but we would need at least eighteen months to do everything. Mr. Belardo said he had to have everything finalized by the end of this year. Mr. Cust, who has all of his approvals, except that he needs capacity from us; they've promised him he'd get it for the Enclave. What do we do?

e) Administrative Salaries

Discussed in Closed Session

f) Union Contract

Discussed in Closed Session

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

Chair Kinsella – We will be going into Closed Session to discuss Contractual Matters in regards to capacity and also Personnel Matters; we do not anticipate any official action will need to 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 Dr. Buza seconded the motion. Closed Session was from 6:04 pm – 6:48 pm.



9. **Adjournment of Work Session:**

Mr. Kendzulak, Jr. made a motion to adjourn the Work Session. Mr. Grand seconded the motion. All were in favor. The Meeting ended at 6:49 pm.