

TOWNSHIP OF PLUMSTED
MUNICIPAL UTILITIES AUTHORITY
MEETING MINUTES
SEPTEMBER 20, 2022
6:35PM

1. FLAG SALUTE:

- a. Led by Chairperson Nancy Lawrence

2. ROLL CALL:

PRESENT	ABSENT	
<u> X </u>	<u> </u>	Steven Grosso
<u> X </u>	<u> </u>	Beth Kimmick
<u> </u>	<u> X </u>	Brian Kubiel
<u> X </u>	<u> </u>	Michael Ruppel
<u> X </u>	<u> </u>	Chairperson Nancy Lawrence

OTHER MEMBERS PRESENT

<u> X </u>	<u> </u>	Tim Shea, VP Operations
<u> X </u>	<u> </u>	Dave Leutwyler, Executive Director
<u> X </u>	<u> </u>	Justin Stroeleckis, Engineer T&M
<u> X </u>	<u> </u>	Greg McGuckin, Attorney
<u> X </u>	<u> </u>	Dominick Cuzzo, Committeeman/Liaison
<u> </u>	<u> X </u>	Cynthia MacReynolds, Secretary

3. OPEN PUBLIC MEETING ACT STATEMENT:

- a. The Open Public Meeting Act was read by Mr. McGuckin.

4. TREASURER REPORT:

- a. Mr. Leutwyler read the Treasure's Report verbatim (Page 1 in meeting packet).

There were no comments from the board. Motion to approve the Treasurer's Report was made by Mr. Ruppel. Motion 2nd by Mr. Grosso.

Roll Call:

Approved:

Grosso
Kimmick
Ruppel
Lawrence

5. BILL LIST:

- a. Mr. Leutwyler stated that he worked with Mr. Ruppel and Mr. Grosso regarding the \$2,693 for JCP&L. JCP&L advised him that \$318 was carried over for last month and was put on the bill for September.

The notice from Garnett/APP was a statement and not a bill. The statement total was removed from the bill list.

Mr. Leutwyler said that a payment was made to the PMUA by mistake and that it should have been sent to the Tax Office. A check will be signed at the meeting and sent to the Tax Collector's Office.

Mr. Ruppel said that the Finance Committee met with staff and agreed that the bills were necessary.

Motion to approve the bill list as listed was made by Mr. Ruppel. Motion was 2nd by Mr. Grosso.

Roll Call:

Approved:

Grosso
Kimmick
Ruppel
Lawrence

6. TOWNSHIP REQUISITION FOR PAYMENTS:

- a. Chairperson Lawrence thanked Mr. Leutwyler for circling the amounts due.

Mr. Ruppel said that the bills for ERI were checked for accuracy and recommends payment from the township.

He recommended that the \$30,000 change order payment to T&M be discussed in executive session.

Chairperson Lawrence asked council if the board may approve both items on the list. Mr. McGuckin said that the board can approve both items and return to item in question.

Motion to recommend payment of items no. 1 & 2 of the Requisition for Payment to the township was made by Mr. Ruppel. Motion was 2nd by Mr. Grosso.

Roll Call:

Approved:

Grosso
Kimmick
Ruppel
Lawrence

7. MINUTES TO BE CONSIDERED FOR APPROVAL:

- a. There were no minutes for approval. Board was advised that the minutes will be completed upon Mr. MacReynolds return.

8. T&M ASSOCIATES PROJECT UPDATES:

- a. Justin Stroeleckis of Natural System Utilities addressed the board via Zoom.

Mr. Stroeleckis read the monthly report to the board.

He stated that the holding tank blowers are operational. The average daily flow is 55,000 gallons per day.

The waste water treatment plant is serviced by Veolia and they are on call 24 hrs. per day, 7 days per week.

Mr. Stroeleckis gave a list of items that were completed by Tomar. Tomar sent updated site plans to be reviewed by T&M. T&M will review and send comments to Tomar requesting additional information on site plans.

The monthly construction meeting was held on August 17th. On August 23rd, NSU issued a contract funds list for the remaining work.

On August 24th, a preliminary walk through was conducted on site. The NJDEP was in attendance and the Veolia Operators.

On September 13th, Tomar and Thomas Controls were onsite to install replacement DQ pumps. The VFDs operation was rewired.

Mr. Stroeleckis discussed Tomar's timeline and deadlines from February 2021 to the present.

On August 8th, Veolia conducted a meeting with the NJDEP and they were given a verbal authorization to begin discharging to the creek. The plant began discharge to Crosswick's Creek on August 9th. The plant is fully operational 24hrs per day.

Samples were taken and showed that the nitrate levels are 8 mg per liter. The monthly average limit is 5mg per liter. The plant needs to optimize operations to lower nitrates and maintain phosphorus levels.

The final acceptance of completion and contract specifications for Tomar will be determined by the DPP and will be documented and witnessed upon successful completion.

The PMUA will issue a letter to the design builder for final acceptance. There will be a final walkthrough to demonstrate the completion of the plant.

The total project completed is estimated to be 99.4%. Tomar is not to send pay applications for July and August.

Mr. Grosso asked how many items are left of the punch list. Mr. Stroeleckis stated that they are waiting on the flow meter from Suez. There are no updates for the estimated time of installation of the flow meter.

Mr. Ruppel asked how many items are on the punch list. Mr. Stroeleckis stated that 15 items are on the list and that some are ongoing issues. 10 are addressed as to date. There are ongoing issues with the landscaping.

There is an issue with the flow meter due to the vendor. The vendor will be providing support through their control panel. This should be the last item as for the scope of work. Chemical pump issues were addressed and piping and pumps were added to get correct dosage to the correct tanks.

Mr. Ruppel asked if the O&M Manuals have been completed and the drawing and records completion. Mr. Stroeleckis stated that there is a little hesitation on the asbuild. Might need to hire a surveyor to come out to get values for documentation.

The only outstanding issue with the asbuild are vendor issues. 3D drawings are needed to add to the 3D model from the vendors. 3rd party request and to work around that and find information themselves.

Mr. Ruppel asked about the nitrate level. Was it a single sample or multiple samples that resulted in the average of 8 mg per liter. Mr. Stroeleckis stated that it was 2 out of 3 and that all of the samples were around 8mg per liter.

Mr. Shea stated that the results for yesterday was .6 and today was 2.5. He also stated the problem was resolved. It was the carbon feed that needed to be modified.

There may be a change order if they have to go to a dedicated pump there is a pump on site and they have temporarily made modifications.

No other questions or comments from the board.

9. VEOLIA REPORT:

- a. The Veolia Report was read by Mr. Shea.

The board discussed the implications of elevated nitrate levels by the DEP. Mr. Shea stated that they will be in violation with the DEP if the levels are not within compliance.

Mr. Ruppel suggested that testing should be increased to determine discharge limits and that it should be done in the beginning of the month.

NOV's and penalties have not been issued. Exceedances need to be fixed to avoid the NOV and penalties. At this time, the exceedances do not have a penalty attached to them.

It was agreed that the contractor should be held accountable and that the problem needs to be resolved.

No other questions or comments from the board.

10. EXECUTIVE DIRECTOR REPORT:

- a. Mr. Leutwyler read his report to the board. He added that the recycling problem has subsided. The residents have been notified about their days for recycling pick up.

Mr. Leutwyler suggested a coupon system to remind the residents of their sewer payment due date. A reminder to the residents will be sent regarding the November deadline for hookup.

The finance committee addressed fiscal concerns. The board discussed how the residents who are not fully connected to the sewer project will affect the projected PMUA budget.

The board discussed possible solutions to increase the number of connections. There was a debate about the reason why some of the residents have not connected.

There was discussion on creating a resolution that would provide financial assistance to the residents that need a grinder pump and extend the loan program opportunity for residents that have connected before the November 1st deadline.

The board discussed the desired contents of a resolution. Mr. McGuckin proposed a resolution to state that under Section 3A:4, that the application deadline for the loan shall be extended to March 1st, 2023 if the property is connected by November 1st, 2022. All of the paperwork with respect to reimbursement shall be provided by March 1st, 2023 or the property will not be entitled to the loan. Also, an amendment 3A:8, adding subsection "B", If any property owner requires a grinder pump and is 150 lineal ft., they would be eligible for a loan of up to \$10,000, and if they are within 200 lineal ft., they will be eligible for up to \$12,000.

The proposed resolution would define "Connection" as the ability of a property owner to discharge waste into the sewer system, proving by inspection.

All loans are subject to availability of funds from the municipality.

Mr. Ruppel made a motion to amend the resolution as proposed. Mr. Grosso 2nd.

Roll Call:

Approved:

Grosso
Kimmick
Ruppel
Lawrence

The board discussed the notices to the 160 residents. Discussion was made of the deadline to have letters sent and certified.

The notice to the 160 residents who have permits, but have not connected, will be a reminder of the November 1st deadline and the \$100/day penalty for not connecting.

Letters will also be sent to the residents who have not applied for permits and have not connected, reminding them of the connection deadline and the \$100/day penalty.

Motion to direct the Executive Director to issue letters to the 160 residents was made by Ms. Kimmick. Motion 2nd by Mr. Grosso.

Roll Call:

Approved:

Grosso
Kimmick
Ruppel
Lawrence

The board discussed if the letters are to be sent by Certified Mail. There was discussion of the importance and content of both letters.

The board agreed that the first letters to go out will be to the residents who have not applied for permits, followed by the letters to residents who have received permits, but have yet to connect. It was agreed that the letters will be sent by Certified Mail.

No further discussion from the board.

Mr. Leutwyler spoke about the shared service agreement with the township that in lieu of rent for office space at the Municipal building that the Authority will not bill them for sewer service.

Chairperson Lawrence made a motion to amend a shared service agreement to not charge the township for sewer services for the use of the facilities by the authority. Mr. Grosso 2nd the motion.

Roll Call:

Approved:

Grosso
Kimmick
Ruppel
Lawrence

11. CORRESPONDENCE:

- a. Residents from 5 Earley Dr. reappeared before the board. The applicants appealed to the board at the March 2022 meeting for a waiver of the connection fee. The Penders were in the process of purchasing the property and were not able to meet the May 1st deadline. They were told in March to come back to the board after purchasing the home.

They have purchased the home and were not able apply for the permit because they have not paid the connection fee to the Authority. They were awaiting the board's decision regarding the waiver.

Chairperson Lawrence read the portion of the March minutes to remind the board of the discussion of the waiver.

The board discussed the possibility of waiving the fee for the residents.

Mr. McGuckin was asked if the connection fee could be waived by the board. He was also asked if it was in the statutes that the board had the authority to waive the fee.

Mr. McGuckin stated that he and the board would need more time to research that answer, however, he stated that the board does have the right to reimburse the applicants.

There is no action taken by the board. The Penders were advised to apply for their permits and pay the \$1,500 connection fee and they can apply to the authority for reimbursement.

- b. Glen Goeble of 31 No. Main St. requested that the board would waive the \$1,500 connection fee. The applicant applied for the permit in the beginning of June, and he was told that if he had applied a week prior that he would not have had to pay the connection fee. He stated that he was not aware of the May 1st deadline to apply for the permits to have the fee waived. The resident/applicant was not in attendance.

Board denied the request to waive the \$1,500 fee. Mr. Leutwyler will inform the applicant.

- c. Michelle Motta of 93 No. Main St. addressed the board. Chairperson Lawrence advised the board that Ms. Motta is her neighbor and that she will not be involved in any opinions and has recused herself.

Ms. Motta came before the board to request an exemption from connection to sewer. She stated the financial hardship of installation and maintenance of connection. The purchase and installation of the grinder pump has added to the financial burden. The applicant cited the NJ Administrative Code, 7:9A1.6e in her argument. She also stated that there should have been a pump station in her area.

She stated that she was notified 3 weeks before the May 1st deadline for permit applications that she was required to have a grinder pump. She questioned the board as to why she and her neighbors were not notified sooner that they were required to install grinder pumps.

After much discussion, the board and Mr. McGuckin stated that they cannot make a decision at this time and that they would need time to gather more information.

The applicant then requested an extension to the November 1st hook up deadline while she waits for a decision from the board. She also stated that she has yet to purchase the grinder pump and that her purchase is contingent on the board's decision for an exemption. Mr. McGuckin stated that at this point in time, that she is required to connect to the sewer, and she will not get an answer today about the extension.

Mr. McGuckin advised the board to be cautious about granting individual extensions, but ultimately, it is up to the board.

The board decided to not make a decision at this point until there was enough information to do so. Mr. Ruppel stressed the urgency of the decision due to the impending November 1st hookup deadline.

She was advised that she will get an answer as soon as possible. Mr. Leutwyler was tasked to follow up with the applicant as soon as answer is provided.

No further discussion from applicant and board.

12. NEW BUSINESS:

- a. Board awaiting Executive Session to discuss new business.

13. PUBLIC COMMENTS:

- a. Tony Cachotti, owner of Casa Plumbing addressed the board for public comment. Mr. Cachoti also stated that he is also speaking on behalf of his customers.

Mr. Cachotti came to the board to ask for an extension for the November 1st connection date for his customers. The majority of his customers have permits and that he is in the process of connecting them to the sewer. He has also asked that the board waive the penalty fee until December 1st.

He stated that the timeframe from November 1st, 2021 to November 1st, 2022 was not reasonable, given many variables, such as the winter weather, financial hardships for his customers, health problems of his customers and some were unemployed. Some of his customers were also having problems obtaining the loan.

He and his customers had initially anticipated that the cost of installation and hookup to be between \$4,000-\$6,000 dollars, however, the effects of the pandemic and the cost of materials have increased and has made it difficult for him to put together a proposal.

Mr. Cachotti also asked the board to not issue notices to his customers with permits informing them of the pending November 1st deadline for installation and the impending penalty fee if they are not connected by that date. He believes that this will create undue panic and will delay his ability to complete the projects.

Chairperson Lawrence thanked Mr. Cachotti for enlightening the board as to why some of the residents have not connected to the sewer. He was also thanked for his generosity to his customers.

The board discussed possible solutions.

Mr. Shea suggested that the board pass a resolution to recommend to the committee that the summonses be issued by priority, starting with the residents who have not applied for permits, followed by residents with permits, but have not connected to the sewer.

Chairperson Lawrence asked council if a resident received a summons past November 1st, would the fines be retroactive from the date of receipt. Mr. McGuckin stated that the fines are not retroactive.

A resolution to recommend to the Township Committee that summons complaints be issued initially to residents without a permit by November 1st, before going further to those who have obtained a permit.

Motion to recommend was made by Mr. Ruppel. Motion 2nd by Ms. Kimmick.

Roll Call:

Approved:

Grosso
Kimmick
Ruppel
Lawrence

- b. Rob Crotchfelt of 90 Evergreen Rd. came up for public comment.

Mr. Crotchfelt requested a connection waiver, and if that was not possible, he asked if he would be able to apply for a reimbursement. He is also concerned about the \$100/day fine due to his inability to connect on time. As of this date, he has a permit and a contractor.

He stated that he acquired the home from his late mother's estate. His brother was the executor and had attempted to obtain a permit. There was a medical lien on the home and it delayed the transfer of the title of the home.

Chairperson Lawrence stated that the reimbursement was extended to the residents of 5 Earley because they appeared before the board in March.

Mr. Ruppel recommended that Mr. Crotchfelt apply for the loan for hookup. He advised him about the loan process, the terms and eligibility requirements for his consideration.

Mr. Grosso asked if there was anything in the resolution about property trade or sale date. Ms. Kimmick stated that it was the responsibility of the seller to disclose that information to the buyer.

Chairperson Lawrence asked Mr. Crotchfelt to submit proof of his 1st attempt to obtain a permit to Mr. Leutwyler, and that it will help with the board's consideration.

- c. Committee Cuzzo addressed the board for public comment. Committeeman Cuzzo stated that he went to Susan of the PMUA and requested a list of people who have not applied for permits. He stated that 240 people who have not applied for permits. Mr. Leutwyler stated that the list that was given to Committeeman Cuzzo are of people who are not connected, and that Susan does not have access to the list of residents who do not have permits. Mr. Leutwyler was asked to provide the committeeman with the correct list.

He asked if there was anything on the township committee's part that the board can do to help more people become eligible for the loan.

He also wanted to know if the loan forgiveness from the borrower to the township is prorated contingent upon the timeframe that the homeowner has lived in the home to the time that the home is sold. He was advised that the loan must be paid in full regardless of the time that the homeowner has lived in the home under the 20-year agreement and that repayment is interest free.

Committeeman Cuzzo stated that it is the township committee's desire to give to loan to as many residents as possible and that he does not know how the November deadline affects the residents from applying for the loan.

Mr. Ruppel replied that the board has worked together to get the residents to hook up to sewers. He stated that if there were any loose ends, it would not preclude the board to reconvene to amend the sewer use rules due to situations that were not anticipated. Ms. Kimmick stated that the November 1st date is to encourage people to connect to the sewers and that there is nothing that can say that the board couldn't assist the people who are eligible for the loan more time. March 1st was picked because there was not an established deadline.

Committeeman Cuzzo that the township committee received a notice from the state regarding the nitrites. He wanted to know if the notice that they received was the one that included fines. The board advised that it is not.

- d. Mr. Crotchfelt reappeared before the board. He told the board that his brother applied for the permit on April 23rd. He asked who the checks for the connection fee and the permit fee are written. He was advised that the connection fee is paid to the Plumsted Municipal Authority and that the permit is paid to Plumsted Township.
- e. Kelly VanPelt of 93 Magnolia Ave. She is one of the homeowners who has not connected to the sewer. She is asking the board to waive the \$1,500 connection fee.

Ms. VanPelt was in the process of evicting her brother from the home and bringing the home up to code. This delayed the process to connect to the sewer. She stated that she did not receive a notice of the connection fee waiver due to her brother withholding the mail.

Ms. VanPelt suggested that the township adopt a reimbursement program that would mirror the one from Oakland, CA to encourage residents to connect to the sewer.

Mr. Ruppel stated that the objective of the deadline was to get people to connect to the sewer. The revenue from the connection fee is used to pay the ongoing bills.

He also stated that the financial burden of residents seeking an exemption will be placed on the residents who complied and connected by the November 1st deadline, and if rebates are issued, there is not a place where the funds will come from.

He stated that his predecessors needed an incentive to encourage a large amount of the residents to connect to the sewer quickly so that there was enough cashflow to satisfy the requirement of the treatment plant to perform its function. If there is not enough flow, there would be discharge violations issued and inadequate flow to support the biologic community of decomposing pollutants.

It was anticipated that the residents would receive permits would connect and resolve the issue of treatability and that the discharge environmental issues would be satisfied.

He stated that the authority knew that there would be rate payers remaining to connect and that those fees would be used to pay the bills and help lower the sewer rate.

Ms. VanPelt asked if the board would consider remove the connection fee if she was connected by the November 1st deadline.

Chairperson Lawrence asked if Ms. VanPelt's circumstances would allow her to come back before the board for reconsideration after she has connected to the sewer. Mr. McGuckin stated that he has not completed his research to give an answer, and if there is a chance then it would be a reimbursement and not a waiver.

The board told her that she can reappear before the board for consideration. She was advised to contact Mr. Leutwyler for follow up and to inquire if council has an answer.

Ms. Lawrence stated that the MUA is faced with a financial burden unrelated to this issue because the treatment plant was not completed on time and has caused financial difficulty for the MUA.

No other public comments.

14. EXECUTIVE SESSION:

- a. The board went into Executive Session. No decisions or actions were made.

15. TOWNSHIP REQUISITION FOR PAYMENT:

- a. The board revisited the \$30,000 Change Order to T&M from Requisitions for Payments. A motion to add the Change Order to the Requisitions for Payments was made by Mr. Ruppel and was 2nd by Mr. Grosso.

Roll Call:

Approved:

Grosso
Kimmick
Ruppel
Lawrence

16. ADJOURNMENT

Minutes were prepared by the Plumsted Municipal Utilities Authority Secretary,
Cynthia MacReynolds