

TOWNSHIP OF PLUMSTED
MUNICIPAL UTILITIES AUTHORITY
MEETING MINUTES
February 21, 2023

Start: 6:30pm End: 8:29pm

1. FLAG SALUTE:

- a. Led by Chairperson Nancy Lawrence.

2. ROLL CALL:

| PRESENT | ABSENT | |
|--------------|--------|----------------|
| <u> X </u> | _____ | Steven Grosso |
| <u> X </u> | _____ | Beth Kimmick |
| <u> X </u> | _____ | Brian Kubiell |
| <u> X </u> | _____ | Michael Ruppel |
| <u> X </u> | _____ | Nancy Lawrence |

OTHER MEMBERS PRESENT

| | | |
|--------------|-------|--------------------------------------|
| <u> X </u> | _____ | Chris Earle, VP Operations Veolia |
| <u> X </u> | _____ | Jason Kiernan, VP Operations Veolia |
| <u> X </u> | _____ | Dave Leutwyler, Executive Director |
| <u> X </u> | _____ | Benjamin Weller, Engineer ERI |
| <u> X </u> | _____ | Mel Palis _T&M |
| <u> X </u> | _____ | Herb Marinari, Deputy Mayor/Liaison |
| <u> X </u> | _____ | Dominick Cuzzo, Committeeman/Liaison |
| <u> X </u> | _____ | Cynthia MacReynolds, Secretary |
| <u> X </u> | _____ | Gregory McGuckin, Attorney |

3. OPEN PUBLIC MEETING ACT STATEMENT:

- a. Counsel (Mr. McGuckin) read the Open Public Meeting Act.

4. ANNUAL REORGANIZATION:

- a. Brian Kubiell was nominated to be the Chairman by Mr. Grosso and 2nd motion made by Ms. Lawrence.

Roll Call:

Approved:

Grosso
Kimmick

Kubiel
Lawrence
Ruppel

- b. Steven Grosso was nominated to be the Vice Chairman by Mr. Ruppel and 2nd motion was made by Ms. Lawrence.

Roll Call:

Approved:

Grosso
Kimmick
Kubiel
Lawrence
Ruppel

- c. Nancy Lawrence was nominated to be the Treasurer by Mr. Ruppel and 2nd motion was made by Ms. Kimmick.

Roll Call:

Approved:

Grosso
Kimmick
Kubiel
Lawrence
Ruppel

The following members and titles are as follows:

Chairman- Brian Kubiel
Vice Chairman- Steven Grosso
Treasurer- Nancy Lawrence

5. TREASURER REPORT:

- a. Mr. Ruppel began the discussion by addressing the importance of having the encumbrances on the Treasurer's Report and said that the encumbrances are not posted against the standing balances in the general accounts. Mr. Leutwyler was then asked what the status was with EDMUNDS.

Mr. Leutwyler said that he is working with EDMUNDS and that he had another session with them today and that they were entering everything into the budget. He projected that by the beginning of the following week that he can start inputting the finances and encumbrances.

Motion to accept the Treasurer's Report was made by Mr. Ruppel and 2nd motion made by Mr. Grosso.

Roll Call:

Approved:

Grosso
Kimmick
Lawrence
Ruppel
Kubiel

6. BILL LIST:

- a. A Purchase Order for \$360 was inadvertently added to the Bill List. The PO was from Mr. McGuckin's Office and it belonged to the Land Use Board. It was removed from the Bill List.

The Finance Committee was asked about their review of the list. Mr. Grosso pointed out that the utility bills were higher because the PMUA was not charged for the previous month. He said that the current bills should be at a standard fee per month with little fluctuation.

The board discussed the status of the Veolia Bills. The Finance Committee asked Mr. Leutwyler to confirm the correct amount for the Veolia bill. Mr. Grosso said that the bill for the previous month was \$29,895.

The Mr. Grosso said that the invoice for Veolia was higher than what was agreed upon in the contract. He said that they went off the contract price and that the bill will be paid for the current month. Mr. Grosso said that the authority owes them for many invoices, but they would like to confirm that the work has been completed before approving it.

Mr. Ruppel said that a discussion was made between Mr. Leutwyler and the Finance Committee, and in that meeting, Mr. Leutwyler said that he has been in contact with another representative of Veolia. Mr. Ruppel said that the current bill was approved at a lesser value and that the Finance Committee did not understand why they were billed at a greater value. He said that in moving forward that it is the anticipation of the committee to take the upcoming current bills along with the outstanding bills and approve them on a monthly basis.

The board discussed the attorney fees and auditor fees that were left off of the previous month's bill list. Mr. Lawrence asked the attorney's fee reflect what was owed for the previous month. She also asked when the auditor's bill will be on the list. Mr. Leutwyler said that he is in contact with the auditor and that he wants to have the correct number/fee before it goes on the bill list.

It was noted that last month's attorney's fee was not on the bill list and that the fee on the bill list is current. Mr. Leutwyler said that the number on the bill list for the attorney's fees is from the current bill received. He said that he will recheck to make sure that is the correct amount owed to Mr. McGuckin's office.

Mr. Ruppel made a motion to accept the Bill List and a 2nd motion was made by Ms. Lawrence.

Roll Call:

Approved:

Grosso
Kimmick
Lawrence
Ruppel
Kubiel

7. TOWNSHIP REQUISITION FOR PAYMENT:

- a. The board discussed the Township Requisition for Payment for T&M in the amount of \$15,425.17. The board did not feel as if there were enough answers to their questions with regard to the requisition.

Mr. Ruppel made a motion to table the requisition for payment for T&M and a 2nd motion was made by Mr. Grosso.

Roll Call:

Approved:

Grosso
Kimmick
Lawrence
Ruppel
Kubiel

8. MINUTES TO BE CONSIDERED FOR APPROVAL: 1/17/23

- a. No comments or recommendations from the board regarding the minutes.

Motion to approve the minutes was made by Mr. Ruppel and a 2nd Motion was made by Ms. Kimmick.

Roll Call:

Approved:

Grosso
Kimmick
Lawrence
Ruppel
Kubiel

It was mentioned that the June 2022 minutes were never formally approved. Mr. Leutwyler was asked to put that item on the March agenda.

9. T&M ASSOCIATES PROJECT UPDATES:

- a. Mel Palis gave the T&M Engineer's report to the board. In the T&M report, Mr. Palis gave an overview of the remaining Punch List Items. Mr. Palis informed the board that the labeling of the equipment has been completed and he attached photographs to show the work.

Mr. Palis gave a status of the heater inside the screen room. He said that Tomar is looking into how to correct the interlocks, which is affecting the functionality of the heater.

The carbon vessel is still damaged. Mr. Palis said that the manufacturer inspected the unit at the shop in North Carolina and that they found traces of sludge inside the vessel. Mr. Palis said that Tomar is still in discussions with the manufacturer. He also said that the unit has been operating for months until this happened. He is waiting to hear from Tomar as to what the next step will be.

Mr. Palis gave a lab analysis report and said that all parameters are in compliance. He provided the Certificate of Analysis for the month of January.

The board had questions for Mr. Palis with regard to the damaged carbon vessel. They want to know how to move the repair process along and asked how often they are reaching out to Tomar and the manufacturer for updates. Mr. Palis said that he has been trying to get an update and hopes to get one tomorrow. He said that there is a question as to who is going to pay for the repair.

Mr. Ruppel asked if the DMR discharge monitoring reports are checked for accuracy by T&M. Mr. Palis said that he is not familiar with the process and that he is unable to answer that question.

Mr. Ruppel asked Mr. Palis and Mr. Leutwyler how they can obtain the report and where it is kept on file. Mr. Leutwyler said that the reports are kept at the plant. The board was informed that a copy of the report is at the Veolia site and that they have a digital copy in their Veolia files.

The board requested that a copy of those records be kept on the Authority premises. Mr. Leutwyler said that he talked to Kevin and that he believes that he will send the Authority monthly report and that he (Mr. Leutwyler) will distribute them to the board as well as keep a file on Authority premises.

The board followed up with a question that was asked of T&M in November as to if the discussion that was made between T&M and the DEP with regards to the October sample was given in writing. Mr. Palis said that the DEP said to record it in their (T&M) report and subsequently, T&M asked for a letter from the DEP as a record of the conversation. Mr. Palis said that it was recorded in the report and that it was a verbal authorization from the DEP to reanalyze the samples.

Mr. Kiernan said that he did not speak to their Project Manager from Veolia, but he spoke with the DEP firsthand and that they (DEP) explained to reanalyze the sample and they were told to just document it in the DMR. They were also told that the documentation is sufficient. He also said that it was not a strike against the Authority.

No other comments from the board.

10. EXECUTIVE DIRECTOR REPORT:

- a. The Executive Director Report was read by Mr. Leutwyler.

Mr. Leutwyler said that the sewer bills were sent out in the beginning of the year and that there were some questions from the residents as to why they had to pay \$40 in January. He explained that it was for the year and that they could use the quarterly coupon. Some of the residents are paying for the entire year.

An email alert was sent to those who applied for the sewer loan to have their paperwork to the MUA by March 31st.

Mr. Leutwyler was asked if the township is accepting payment for work that was complete in order to be paid or if they have to have a bill that said that it's been paid. Mr. Leutwyler said that the work has to be complete and that they have to submit the bill to him that shows that it was paid.

Mr. Leutwyler was asked if there is a way to tell if the permits are recent or if they are from when the \$1,500 incentive was offered. Mr. Leutwyler said that the majority are new permits. He will send the authority a report that will have the dates that the permits were issued.

Mr. Grosso asked when the first set of violation notices will be issued to those who have decided not to connect to the sewer. It was suggested that a committee be formed to begin the process of moving forward with the violation notices. This is with the understanding that they have to coordinate with the township. Mr. Ruppel said that he spoke with the Township Clerk and that they are ready to move along.

Committeeman Cuozzo said that when it comes to having a penalty for those who have not hooked up that it is probably not in the jurisdiction of the MUA and that it is probably in the jurisdiction of the Township Committee.

A committee was formed with Mr. Ruppel and Ms. Kimmick. They will coordinate the list of violators with Mr. Leutwyler so that they could get the information to the township. The committee would start by sending the list of residents who have not connected to the Township Clerk.

The board was issued a Utility Delinquency Report that is generated by EDMUNDS. Mr. Leutwyler said that Susan DelSontro is working on the delinquent notices for both trash and sewer. Delinquent notices are sent after 2 quarters and then there will be a lien placed on the property if the resident is more than 2 quarter behind by November. The list will be sent to the Tax Collector.

No other discussion from the board.

11. VEOLIA REPORT:

- a. Mr. Leutwyler presented the Veolia report to the board.

Mr. Leutwyler introduced Chris Earle as the incoming Supervisor for Veolia and that he and Mr. Kiernan are present to answer any questions from the board.

Mr. Leutwyler also introduced the engineer from ERI, Benjamin Weller and said that he will also answer questions from the board.

Mr. Ruppel asked them when will the project be done and when will they be at substantial/final completion. He emphasized that the incomplete project is also affecting the board financially and that this is delaying the contract and that the authority cannot move on to bigger issues.

Mr. Palis said that he and Steve Schreiber are looking at the requirements in the contract. Those include the closeout documents (Certification by T&M and NSU) that are need to finish the project and that a state certification of completion is need to end the project. He said that he has spoken to the Township CFO about the performance bonds and that they need to determine the exact number of documents that need to be completed. Mr. Palis was asked to be prepared to discuss this at the next PMUA meeting.

No other discussion.

12. ERI UPDATE:

- a. Benjamin Weller from ERI addressed the board. Mr. Weller said that he does not have a report to give at this time, but was available for questions or issues that the board would like to address.

Mr. Leutwyler was asked to include ERI on the March agenda.

Mr. Weller was asked if the Asset Management Plan has been submitted to them, in which he answered yes, but it is under the review process.

Mr. Weller was asked to send the Asset Management Plan to the Finance Committee upon completion.

13. CORRESPONDENCES:

No correspondences at this time.

14. RESOLUTIONS:

- a. The board discussed the solicitation process and appointment of the professionals. The concern of the board is that it was not advertised properly and that there should have been more interests in the appointments.

The board was advised by counsel that they could resolicit for professionals and that they could advertise however they wish.

It was suggested that the board table the appointments for this meeting and extend the contracts for a quarter and that the board discuss this in Executive Session at the next meeting. T&M was invited to attend the Executive Session.

Mr. Ruppel made a motion to table Resolutions No. 2023-01 to 2023-04 until the board has time to convene on the issue. Counsel was asked if they need to extend the contracts for the current professionals. Mr. McGuckin said that the Authority will need to have some type of extension in the existing contracts, possibly until the end of April, otherwise it will be illegal to submit a bill without a contract.

A motion was made by Mr. Grosso to table the contracts and 2nd motion was made by Mr. Ruppel.

Roll Call:

Approved:

Grosso
Kimmick
Lawrence
Ruppel
Kubiel

15. PUBLIC COMMENTS:

- a. Ms. Dolores Jenkins from 4 Gulf Stream addressed the board.

Ms. Jenkins addressed her question to “the gentlemen that came and told us that the part that went to North Carolina isn’t done yet.” She asked if they could just pay 50/50 to repair the part and argue about it later.

Mr. Palis answered that Tomar is responsible for that since they were the ones who installed the unit and they are determining whether they (Tomar) or the manufacturer is responsible for it.

Ms. Jenkins asked if Mr. Leutwyler had sent the 4-part tear off MUA bills because she has not received hers. Mr. Leutwyler said that they were sent out, but if she has not received hers that he will resend it to her.

Ms. Jenkins thanked the board for their constant attention. She also thanked Mr. Lombardo who consistently alerting the board of the need for change and calculations on how their future in Plumsted is working.

Ms. Jenkins asked if there is still going to be a tour of the septic plant on Rt. 537. She also said that “Peter” projected the sewer cost to be \$65 per quarter and she wanted to know why it changed and went up.

She asked if there is a way to let those who are connected to the sewer system what cannot go into the toilet system.

Mr. Kubiel answered her first question regarding the cost change for the sewer. He said that he did not know where the jump from \$65 to \$200 came from because it was before his time on the board.

He addressed her question regarding the tour of the plant. Mr. Leutwyler was asked the status, and he said that he needs to coordinate that with Kevin and Kenan. He needs to know if they are asking to come to the plant on weekdays or

weekends. The board discussed different dates that were suggested in prior meetings, such as Earth Day and it would also depend on the weather. Counsel was asked if there would be any liabilities and if so, what can the authority do.

Mr. McGuckin said that the OCA has treatment plant tours all of the time and that it can be done and that there is insurance.

Mr. Leutwyler was asked to look into scheduling the tour in April and as they refine the date. It was also suggested that they coordinate a speaker to answer questions at the tour.

Ms. Jenkins asked if there is a way to raise awareness as to what can and cannot go into the sewer system. She was advised that it is not necessary to have a specific toilet paper for the standard treatment plant. The board shares her concern and suggested that there would be a public service announcement.

Sergio from 14 Keenland from the public suggested that the announcement be included the bill as to what can and cannot go down the toilet. The board is in agreement.

Ms. Jenkins asked why Lennar allowed garbage disposals in the homes for the protection of the owners of the septic tanks. She asked if this could be discussed with Lennar before the next 300 homes are built.

T&M was asked to see if the system is designed to account for 428 garbage disposals and to see if they need to advise Lennar to put a stop on the installation before they build the additional homes.

Ms. Jenkins asked why the MUA cannot meter the water so that people can see how much water that they are using or wasting and there needs to be control over how much water will be wasted.

Ms. Jenkins asked what the cost of the quarterly fees for the club house is. She said that it is unfair that they would pay the same as the residents but they are a bigger facility. She was told that they do not have that answer at the moment, but they do know that it is not going to be the same as the residents living in Lennar.

b. Mr. Lombardo congratulated the board on the election of officers.

Mr. Lombardo said that the agenda did not include the last meeting's minutes. He was advised that the minutes were just approved at this meeting and that they are not official until the board approves them.

Mr. Lombard asked Mr. Leutwyler how many people are not hooked into the sewer system. Mr. Leutwyler said that 70 have not applied for permits or attempted to connect and that there are 29 residents that applied for permits but are not connected yet.

Mr. Lombardo asked if the residents that have not connected to the system is a major component that is delaying them on having the rates changed and corrected. Mr. Lombardo was advised that the new committee that was formed will go through the list of those not connected and will be submitted to the

township for follow up and that the board does not have the authority to penalize them.

He was reminded that after they get their data when they get to the point of completion that they will reevaluate the rates. Mr. Lombardo said that he is asking for a formula. He reiterated that it is not fair that the local businesses that are consuming more water than the residents are paying the same amount.

Chairman Kubiak said that there is a committee investigating that because it was brought up by a local business owner and he said that they still don't know what that rate could be.

Mr. Lombardo gave various suggestions as to how to set up the sewer rates. He brought up that a lot of the Lennar residents are on a fixed income. Mr. Lombardo was asked to consider that there are also senior citizens and other demographics in the downtown area and that some of them are financially struggling as well as the seniors in the Lennar community.

Mr. Lombardo asked how much the property for the sewer treatment cost the MUA. He believed that it was \$5 million dollars. Mr. McGuckin answered that the township purchased the property and that he does not remember the specifics, but the cost was nowhere near \$5 million dollars.

Mr. Lombardo asked how many acres is the plant on and that he read something from 2017 that money had to be borrowed and that another \$5 million was needed for the land along with the cost for surveyors.

Mr. McGuckin said to look at the recorded deed.

Mr. Lombardo asked what would happen if there is a new board and nothing is still done. He is concerned that new board members will not continue the work of the previous board. He was advised that previous board members served for over 10-14 years and there is continuity.

Mr. Ruppel followed up with an answer to Mr. Lombardo's question from the previous month and said that the permitted capacity is 600,000 per day and the current design is 330,000, which includes multiple phases. He said that the Phase I design is 220,000 gallons per day so there is adequate residual capacity inside of Phase I, then go to Phase II, and on the timing of Phase II.

Mr. Lombardo asked how much of the Lennar community is going to the plant. The board did not have the number. Mr. Lombardo thinks that the number would probably help determine a new rate.

No other comments from Mr. Lombardo.

- c. Cathy Cullman of 72 Belmont addressed the board.

Ms. Cullman said that she has never experienced a flat rate utility bill and, in her experience, it has always been based on usage and consumption. She said that anything else seems to be unfair.

No other comments from Ms. Cullman

d. Frank Annetta from 54 Belmont addressed the board.

Mr. Annetta said that he knows that people are struggling financially and that it is an economic burden for some of the residents to connect to the sewer.

He suggested that the town hold a fundraiser comparable to the 4th of July celebrations held by the township and use the proceeds to help the residents who are struggling financially.

Chairman Kubiel said that he does not believe that the MUA can do that, but a non-profit organization probably could.

Ultimately, Mr. Annetta has a desire to help the people in the township.

No other comments from Mr. Annetta.

e. Committeeman Marinari addressed the board.

Committeeman Marinari thanked the members of the PMUA board. He acknowledged that there are new members of the board that took on an endeavor that was started by the previous board members and they are now taking on the remainder of the task and that they are doing it well. He said that the new officers have his support and that he understands the difficulty that they are going through and he thanked them for stepping up and taking on the new positions.

He thanked the audience for coming to the meeting and speaking out. He acknowledged that the residents from Lennar had a different expectation before residing in town when it came to the sewer bill, and he said that some point in time that the issue will be resolved. He agrees that there should be a set time for when the project is complete.

He thanked the board for taking comments professionally and for keeping calm and he thanked the community for showing respect when making their comments.

No other comments from Committeeman Marinari.

No other comments from the public.

Mr. Ruppel made a motion to close the public comment portion of the meeting and a 2nd motion was made by Ms. Lawrence.

Roll Call:

Approved:

Grosso
Kimmick
Lawrence
Ruppel
Kubiel

16. OLD BUSINESS:

- a. Mr. Ruppel addressed Counsel and asked that he follow up and look into the shared service agreement between the township and the MUA with regard to the exchange of rent for sewer fees.
- b. Mr. Ruppel also asked that Counsel compose a correspondence that will be sent to the Township Construction Office and the Ocean Co. Health Department with the block and lots that are in the sewer service area. The letter would advise both agencies that sewers have been provided to those areas and that permits and modifications for septic systems are prohibited. He asked Counsel to send the letter to the board for review prior to them being sent.
- c. Mr. Ruppel feels that resolutions should be made for actions that were voted on by the Authority. He feels that there should be requirements for numbering and issuing the resolutions. One of his suggestions is that there be a Resolution book.
- d. Mr. Ruppel addressed the PO (Purchase Order) system. He said that every expense must be approved by a PO and that every PO should be on the Bill List and that the Bill List will be approved by resolution.
- e. Mr. Ruppel said that the board should think about the establishment of a Policy and Procedures manual. He wants the board to pursue the creation of bylaws by the end of the year.

17. EXECUTIVE SESSION:

- a. No executive session items to discuss.

18. ADJOURNMENT

Mr. Ruppel made a motion to close the meeting. Ms. Kimmick 2nd the motion. Approval was unanimous.

Minutes were prepared by the Plumsted Municipal Utilities Authority Secretary,

Cynthia MacReynolds