



## **Berkeley Township MUNICIPAL UTILITIES AUTHORITY**

**42 Station Road  
Bayville, NJ 08721  
(732) 237-0100  
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A Public Meeting of the Berkeley Township Municipal Utilities Authority was held on Thursday, **July 25, 2019** at 7:00 pm at the Berkeley Township Municipal Utilities Authority at 42 Station Road, Bayville, NJ 08721. Presided by Chairman Hale-present, Mrs. Davis-present, Mr. Edward Cammarato-present via tele-communication, Mr. Samuel Cammarato-present, Mr. Bollettieri-present, Mr. Elliott-absent (7:03 pm arrival-see below) Mr. Borio-present.

Also present: Mr. Budesza-Attorney, Mr. McClelland-Engineer, Mr. Waldron-Accountant, Mr. Blair-Chief of Operations and Mrs. Nugent-Executive Director.

After the salute to the flag, Ms. Del Conte read the Open Public Meeting Statement.

Motion to approve the Public Meeting Minutes and the following reports from the meeting on June 27, 2019: Mr. Bollettieri, second, Mr. Samuel Cammarato. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis abstained.

- Executive Director's Report
- Engineer's Report
- Attorney's Report

### **Treasurer's Report:**

Mr. Samuel Cammarato stated for the four week period from (06/29/19-07/26/19) the payroll expenses totaled \$40,573.45 and the operational expenses totaled \$39,243.11. Mr. Edward Cammarato and Mr. Samuel Cammarato reviewed the first two weeks. Mr. Hale and Mr. Samuel Cammarato reviewed the last two weeks.

Motion to approve the Treasurer's Report: Mr. Bollettieri, second, Mrs. Davis. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Mr. Elliott arrived at the meeting at 7:03 pm.

### **Executive Director's Report:**

#### **Release Performance Bond, Accept Maintenance Bond, Assume Forte/Mc Kinley Project:**

Mrs. Nugent requested of the Board authorization to release the performance bond, accept the maintenance bond and assume the Forte/Mc Kinley Road project as an asset of the Authority. The release of the performance bond is \$59,966.70 plus the cash portion of \$6,662.97 and acceptance of the maintenance bond for the amount of \$9,994.45. The maintenance bond will be held for two years and will then release on its own. This project was reviewed and recommended by the Authority Engineers.

Motion to accept the release of the performance bond, accept the maintenance bond and assume the Forte/Mc Kinley project: Mrs. Davis, second Mr. Bollettieri. All in favor. Roll Call. Mrs. Davis-yes, Mr. Samuel Cammarato-yes, Mr. Bollettieri-yes, Mr. Elliott-yes, Mr. Hale-yes. Motion Carried.

Let the record show the conference call for Mr. Edward Cammarato was disconnected at some point during the discussion and re-established after the vote.

Progress Report:

Mrs. Nugent referred to the Progress Report and presented the highlights:

- Well #4/Phase II – Notification was received from the New Jersey Infrastructure Bank (NJIB) the Authority will be participating in the spring bond issuance. The DEP issued the permit to operate. The contractor is finalizing the connection to the operating system.
- Township Appropriation – The Authority will not be required to transfer \$100,826.35 from its 2019 Budget to the Township.
- Well #3 – AC Schultes performed regular maintenance and recommends the well be lifted out, a camera lowered for filming and a full inspection performed. The cost of the inspection is approximately \$5,400. The inspection is scheduled for two weeks from now (week of 08/12/19).
- NJDEP Inspection – The Authority passed the facility and compliance inspection performed on July 17, 2019.
- Rinderer Request – Mr. Rinderer owns a strip mall at 549 Route 9, Bayville and has requested to connect the building to Aqua Water Company (Aqua). When the building was built in 2009 the Authority required Mr. Rinderer to extend the water main to connect to the public water system. Mr. Rinderer was granted a waiver based on stated low water use and high cost of main installation. A deed restriction for a limited water use is documented.

Mrs. Nugent introduced Mr. and Mrs. Kowalski who are tenants in this strip mall and owners of the Berkeley Child Care.

Mrs. Nugent explained to meet state law requirements the child care center must perform significant water quality testing. This has become costly to the owners. Mrs. Nugent stated the owners have an opportunity to expand the child care center.

Mr. Kowalski: This is correct. We were asked to partner with the Berkeley Township Schools. I can't give them an answer unless I have the proper water quality and quantity that is needed to supply the children and enlarge the business.

Mrs. Kowalski: The business occupies two units. There may be an opportunity to take over additional space.

Mrs. Kowalski: I was approached by Dr. Zito to expand my school and partner with the Berkeley Township schools and I have the room and the capacity to do so. If I decide to expand, I will need more water. I would have to continue doing what I need to do for the well, but it is expensive.

Mr. Kowalski: It is not only an expense, but we are limited on the amount of water that we can draw from this well.

Mrs. Kowalski: This I had no idea about.

Mr. Budesca stated originally when the Rinderer building was approved there was a 2,000 gallon per day maximum allowable to be taken out of the well which is part of the deed restriction on that property. Mr. McClelland stated the restriction is for the entire building.

Mr. Kowalski: The quality of the water is the primary reason for our request. We have some copper in the water and would have to upgrade the current system. If we do not hook up to the Aqua water, we have to spend a considerable amount of money putting in an osmosis system to be able just to keep our little business that we have running. The only option we have if we want to open up another part of the school is to hook up to the city water.

Mr. Hale questioned Mr. and Mrs. Kowalski if they were aware of the deed restrictions to the property.

Mr. Kowalski: No, it kept coming up as the business got bigger. The more children we took into the school, the more usage.

Mrs. Kowalski: I started out with a capacity of 22 children and it grew. I decided to expand and now I am licensed for 40. I could double it if I take over the other unit, but that exceeds everything.

Mr. Samuel Cammarato questioned the owners with their business growing and the expenses of testing the water, have they considered moving the business.

Mr. Kowalski: The Route 9 location is an ideal place. We have looked at other places and they couldn't service us or we would have to do so much to reconstruct the whole building just to move in to it.

Mrs. Kowalski: Quite frankly, I put all my heart and soul in to my school. We started out on crates and now I have a beautiful facility and I am so proud of it. Yes, I could expand and go to a different place, but I love it there and it's ideal for me.

Mrs. Nugent stated to support his tenants Mr. Rinderer has verbally offered to negotiate with the Authority. As an example, pay the connection fee as well as the flat rate service fee. Mrs. Nugent reiterated they are requesting to connect to Aqua's water main that runs directly in front of the property. Mrs. Nugent stated eventually when the Authority extends its water main in front of the property Mr. Rinderer, at his expense, will disconnect from Aqua and connect to the Authority's public water system.

Mrs. Davis questioned the downside to this agreement. Mr. Budesca replied the Authority has never allowed properties to connect to Aqua. On May 8, 2018 this location previously requested connection to Aqua and was denied. Mr. Budesca stated the downside of this request is the history of the Authority is not to enter this type of arrangement, nor to allow a connection to another water provider. However, if the Authority extends its water main, which may happen in the next few years, there will be an understanding with Aqua this request is being allowed as an interim situation as the Authority is not giving up any of its franchise area. Mr. Hale stated initially the Authority turned down Mr. Rinderer's request to connect to Aqua. Mr. Hale suggested the only way to go forward is to be in receipt of written communication from the owners of the building explaining what the actual proposal is before the Authority can act.

Mr. Kowalski: We were under the impression that Mr. Rinderer had already done this (written communication regarding proposal).

Mrs. Kowalski: Mr. Rinderer texted me stating he wanted to attend this meeting (07/25/19), but he had another commitment. Mr. Rinderer told me to go to the meeting and represent myself because ultimately we make the decision.

Mr. Hale stated the Authority has to make the decision for the landowner.

Mr. Kowalski: Aqua stated I would have to speak with the BTMUA.

Mr. Hale stated any proposal would involve a written communication from the owner. Mrs. Nugent stated Mr. Rinderer verbally requested her to represent him at the meeting. Mr. Budesa asked Mr. and Mrs. Kowalski the timeline regarding when Dr. Zito wants a decision.

Mr. Kowalski: We have within months because if we go ahead with this we have to prepare the other units for the school year. It will be very hard to have the units ready in time for the September school year.

Mr. Hale stated at this point the Board will be willing to accept communication from the owner in writing with any type of proposal. If an agreement is reached with Aqua this could be very positive for both sides.

Mr. Edward Cammarato stated if Mr. and Mrs. Kowalski could submit to the Board the timeline requirements of what needs to be done and when. Mr. Edward Cammarato added that the State has a list of requirements that need to be submitted to the school which should be forwarded to Mr. Budesa and the Board.

Mr. Hale stated to Mr. and Mrs. Kowalski they need to get a letter, the list of requirements, Mr. Rinderer has to put the application in and a proposal as quickly as possible.

Mr. McClelland asked Mr. and Mrs. Kowalski if they are testing the well water. They both replied yes. Mr. McClelland questioned if the test results are acceptable.

Mr. Kowalski: The test results are acceptable, but borderline. We have a copper issue and this is where if we keep having more problems with it we are going to have to change the system.

Mr. McClelland asked Mr. Kowalski if the reports could be sent to him. Mr. McClelland stated it is important to demonstrate to the Board that in addition to having a practical problem there is also a water quality issue which may help justify the need to connect to Aqua. This is a very sensitive issue for Authorities, but if the issues are regarding water quality this is an interim step to get through this time period for connection with the Authority later on. Mr. McClelland added the amount of volume coming out of the well needs to be included in the report as well.

Mr. Budesa stated initially there was a concern about the volume of water coming into the well could possibly affect the Authority's well. Mr. McClelland stated the shallowness of their well may have potential contaminates that could be drawn in.

Mr. Blair questioned if the copper is due to a PH problem and not coming from the well itself.

Mr. Kowalski: The PH was off, everything in the building is not copper it is PEX. We had PH service which brought the level up, but the copper level stayed the same.

Mr. McClelland stated it could be the water or part of the pump.

Mrs. Kowalski: The water is at 6.61 PH which is actually ok, but it's a bit low. The recent one we did was actually at 7.25. I have to stay within the levels set by the Office of Licensing.

Mr. McClelland questioned the pumping rate of the well. Mr. Kowalski replied he did not know. Mr. McClelland stated Mr. Rinderer may know.

Mr. Samuel Cammarato stated one of the concerns is not just the amount of water that may be available to the business, but if the Board approves this request it may leave the Authority open for others to come forward with the same request. Mr. Samuel Cammarato stated if a true hardship can be proven such as a copper issue or anything else significant, other than an inconvenience, the Commission may or may not take a more serious look. Mr. Samuel Cammarato added this may protect the Authority in the future and the more need that is shown the greater the justification.

Mr. and Mrs. Kowalski thanked the Board for their time.

Mrs. Nugent stated there will be Executive Session following tonight's meeting.

Mr. Borio questioned the possibility if the area of 549 Route 9 might be included in the expansion during one of the phases. Mrs. Nugent replied it is one of the zones under consideration, but it will not happen during the next three years.

**Engineer's Report:**

Well #4 Project:

Phase II – Production Well

Mr. McClelland stated CME is working with the Contractor to complete all of the punch list items for the Well# 4 project.

Water Main Improvement Scoping:

Mr. McClelland presented a preliminary overview of four areas of interest for Phase VII. Construction estimates have been provided to the Authority professionals and staff. A discussion among the Board Members ensued.

**Accountant's Report:**

Mr. Waldron read into record the June 2019 Cash Position Report:

Cash Position Report for June:

Total All Cash Fund Balance:	\$5,595,483.94
Total Restricted Balances:	\$2,805,048.76
Total Fund Available for Disbursement:	\$2,790,453.18

Mr. Waldron stated Mr. Conaty will be at the next meeting (08/22/19) to present the audit.

**Attorney's Report:**

Will present in Executive Session.

**Committee Reports:**

Old Business:

No Report.

New Business:

Mr. Bollettieri stated he and Mr. Blair visited the two water treatment facilities at Public Works and Town Hall. Mr. Bollettieri reported to the Township Administrator damage to a beam made by the Township contractor when they replaced the old generator. The beam and the roof of the Town Hall water facility needs to be replaced at an estimated cost of \$25,000.00.

Motion to open the public portion: Mr. Bollettieri, second, Mr. Edward Cammarato. The motion was approved by voice vote. There were no “nay” votes. Motion Carried.

Chairman Hale stated for the record there are no members of the general public in attendance.

Motion to close public portion: Mr. Bollettieri, second, Mr. Edward Cammarato. The motion was approved by voice vote. There were no “nay” votes. Motion Carried.

**Executive Session:**

Motion to open: Mrs. Davis, second, Mr. Samuel Cammarato. The motion was approved by voice vote. There were no “nay” votes. Motion Carried.

Topics discussed:

Employee Evaluations

Motion to close: Mr. Edward Cammarato, second, Mr. Bollettieri. The motion was approved by voice vote. There were no “nay” votes. Motion Carried.

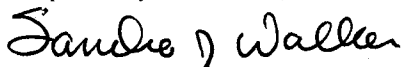
Motion to re-open public portion: Mrs. Davis, second, Mr. Samuel Cammarato. The motion was approved by voice vote. There were no “nay” votes. Motion Carried.

Motion to approve employee evaluations: Mrs. Davis, second, Mr. Bollettieri. The motion was approved by voice vote. There were no “nay” votes. Motion Carried.

Motion to adjourn: Mrs. Davis, second, Mr. Bollettieri. The motion was approved by voice vote. There were no “nay” votes. Motion Carried.

The meeting adjourned at 8:17 pm.

Respectfully Submitted,



Sandra J Walker  
Office Clerk

The next meeting of the Berkeley Township Municipal Utilities Authority will be held on Thursday, August 22, 2019 at 7:00 pm at the Berkeley Township Municipal Utilities Authority located at 42 Station Road, Bayville, NJ 08721.