

BORDENTOWN SEWERAGE AUTHORITY  
MEETING MINUTES  
January 22, 2019

The meeting was called to order by Chairman, James E. Lynch, Jr., at 6:00 p.m. and led a salute to the flag in the Conference Room of the Authority located at 954 Farnsworth Avenue, Bordentown, New Jersey.

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

- a. Posting written notice on the Official Bulletin Board of the Bordentown Sewerage Authority on February 26, 2018,
- b. Mailing written notice to THE TIMES and BURLINGTON COUNTY TIMES on February 26, 2018; and
- c. Filing written notice with the Clerks of the City of Bordentown and Township of Bordentown and mailing written notice to all persons who requested and paid for same on February 26, 2018.

The following persons were in attendance: Board Members, James E. Lynch, Jr., M. Ellen Gulbinsky, Joseph R. Malone, III, Leonard J. de Groot, Aneka Miller, and Zigmont F. Targonski. Also, in attendance were: Executive Director Richard D. Eustace, Administrative Manager Elizabeth J. Kwelty, the Authority's Solicitor Thomas J. Coleman, III, and the Authority's Engineer Richard B. Czekanski.

APPEAL: 348 FARNSWORTH AVENUE

Attorney for the owners of 348 Farnsworth Avenue Kenneth W. Biedzynski, Esq provided an update to board. An engineer was hired and the property owner's engineer and the Authority's engineer have been in communication. Mr. Biedzynski is unable to provide any detail as he does not understand the specifics. Mr. Czekanski was able to provide specifics of the work necessary to remedy the storm water entering the sanitary sewer system. There are three points, the first being the top of the pump station, fixing the top and grading around it to prevent storm water from entering, the second being disconnecting/plugging the pipes to the wet well, and the third is verifying a schedule for when the work will be completed. This is dependent partially on approval from Bordentown City. Any storm water modifications must be coordinated separately with Bordentown City. Mr. Czekanski's firm, Remington and Vernick Engineers also represents Bordentown City, but Mr. Czekanski made it clear he is only representing the Bordentown Sewerage Authority with his review and letters. All submissions need to be made with the City of Bordentown. Mr. Biedzynski felt confident his client understands he needs to gain approval from the City of Bordentown, but Mr. Lynch requested Mr. Biedzynski makes sure his client understands.

Mr. Malone verified the time line since we started this process. Nothing physical has changed at the property since the owner was made aware of an issue. Violation fines were enacted August 1, 2018 and then suspended September 17, 2018. The owner appeared before the board in October and as of today, nothing has been done. The board expressed that they have been patient but it seems that this is taking longer than it should.

On motion by Malone, seconded by Miller, it was moved to re-enact penalties if a plan is not approved by the next board meeting.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

On motion by Gulbinsky, seconded by Targonski, it was moved to approve the minutes of the December 17, 2018 meeting as submitted.

There was no discussion on the minutes.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

On motion by de Groot, seconded by Targonski, it was moved to adopt Resolution 2019-1, approving the January payment of bills from the Operating Fund in the amount of \$311,644.02 of which \$131,513.65 is a payroll transfer and \$22,440.00 is a capital expense.

No discussion on this Resolution.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

On motion by de Groot, seconded by Gulbinsky, it was moved to adopt Resolution 2019-2, approving the payment of January bills from the Escrow Fund in the amount of \$2,778.75.

No discussion on this Resolution.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

On motion by de Groot, seconded by Gulbinsky, it was moved to adopt Resolution 2019-3, approving the credits and/or refunds of customer accounts in the amount of \$44.63.

No discussion on this Resolution.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

I. AGENDA ITEMS FOR DISCUSSION AND/OR ACTION:

A. SALARY RESOLUTUION:

On motion by Gulbinsky, seconded by Malone, it was moved to adopt Resolution 2019-4, approving the Authority's salaries as of January 1, 2019.

No discussion on this Resolution.

Recorded vote:

Ayes:	Gulbinsky, Lynch, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

B. ANTI-HARASSMENT POLICY:

On motion by Gulbinsky, seconded by Miller, it was moved to adopt Resolution 2019-5, approving the re-adoption of the Authority's Anti-Harassment Policy.

No discussion on this Resolution.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

C. DEFERRED CONNECTION FEE AGREEMENT:

On motion by Targonski, seconded by Miller, it was moved to adopt Resolution 2019-6, authorizing a deferred connection fee agreement between the Authority and Matrix Bordentown Lot 2, LLC.

No discussion on this Resolution.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

D. VEHICLE PURCHASE:

On motion by Gulbinsky, seconded by Miller, it was moved to adopt Resolution 2019-7, approving the purchase of 2019 Ford F-250 SRW XL four-wheel drive pick up truck under state contract #A88727 in the amount of \$24,436.50.

Mr. Malone and the rest of the board commented on the reasonable price of the brand new 2019 vehicle.

Recorded vote:

Ayes:	Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	Lynch
Absent:	None

E. AWARD OF CONTRACT:

On motion by Gulbinsky, seconded by Targonski, it was moved to adopt Resolution 2019-8, authorizing the award of contract to RTW Construction, Inc. for excavation and repair work due to a blockage in the lateral servicing 3 West Union Street.

Mr. Malone commented on the tremendous quality of work performed by RTW.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None



F. RELEASE OF PERFORMANCE BOND:

On motion by Targonski, seconded by Gulbinsky, it was moved to adopt Resolution 2019-9, authorizing the release of a performance guarantee with the requirement for a maintenance guarantee for Interchange 7 Distribution Center known as Prologis warehouse.

No discussion on this Resolution.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

II. PROFESSIONAL REPORTS:

A. EXECUTIVE DIRECTOR:

OPEN SEWER CONNECTION ACCOUNTS:

- 1.) Monthly development meeting with Township construction and planning officers took place January 18, 2019.
- 2.) Notice of Public Hearing; Bordentown Township Zoning Board; Outfront Media LLC preliminary and final site plan approval with variance/waiver and related relief for LED billboard. 2475 Old York Road, block 137.02 Lot 10.
- 3.) Notice of Public Hearing; Bordentown Township Planning Board; Preliminary and major, final, and subdivision approvals for Larken Associates LLC 596 Route 206, known as the Nissim property.
- 4.) Notice from New Jersey Department of Environmental Protection an application for an authorization under Freshwater Wetlands General Permit #6 was received from Rising Sun Meadows; Route 130 and Rising Sun Road.
- 5.) Sewer Use Permit issued for Interchange 7 Distribution Center known as Prologis warehouse 425 Rising Sun Road. Connection Fee Revenue Realized in the amount of \$695,082.00.
- 6.) Bordentown Waterfront escrow refund in the amount of \$4,920.40 to bring the account balance to \$5,000.00
- 7.) Old York Road Business Park owned by Amboy Bank/GS Realty; Form WQM-003 of the Treatment Works Approval (TWA) application package has been endorsed by the Authority, and submitted to the state.
- 8.) Team Campus Phase II LLC requests S-4 approval for 5,187 square foot building.

#### TEAM CAMPUS PHASE II LLC - Discussion

Mr. Lynch granted Mr. Coleman the floor at this time. Mr. Kevin Boyle, and Mr. David Silber, Esq, both of K Johnson Enterprises were in attendance. The Authority received a check from Team Campus Phase II LLC to pay the full connection fee for one building in the amount of \$36,849.00 on Friday January 18, 2019. The connection fee was to pay for the 5,187 square foot building which is the smallest of the five buildings. Mr. Coleman recommends the Authority return the check to the applicant at this time.

At this time, the applicant does not have any approved drawings or permits from the Township of Bordentown for the 5,187 square foot building. The applicant does have Township of Bordentown approval and has started construction on the 78,000 square foot building which is the largest building in Phase II. Aside from the payment of \$36,849.00, the applicant has not paid the Authority any other connection fees for Phase II.

The project drawings approved by the Bordentown Sewerage Authority's consulting engineer show all five buildings share a single connection point into the Authority's collection system.

Mr. Silber, the attorney for Team Campus Phase II, spoke on behalf of the applicant. Mr. Silber does not understand why the S-4 approval cannot be provided at this time. Construction permits are not a requirement for the S-4.

Mr. Lynch asked why they would write a check for the building they aren't building and not a check for the building that is under construction.

Mr. Silber stated on the record that he is not connecting the 78,000 square foot building to the BSA system, the BSA system will not receive any flow from the 78,000 sf building until the connection fee is paid for that 78,000 sf building.

Mr. Coleman, addressing the elephant in the room, brought up the deferred connection fee agreement that the applicant did not wish to sign. The problem the Authority has at this time, is the flow for all five buildings was included in the Treatment Works Approval of which there is only one connection point into the system, not five separate connections. The Executive Director has to reserve the flow for all five buildings. Since the applicant does not wish to sign the deferred connection fee agreement the ability to pay building by building is not available. Mr. Coleman recommends the connection fee for all of the flow for all five buildings needs to be paid, and at this time the check in the amount of \$36,849.00 be returned.

On motion by Gulbinsky, seconded by Targonski, it was moved to do as counsel suggests and return the connection fee payment for the 5,187 square foot building.

Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None

Mr. Malone explained to Mr. Silber, he may be filing an ethics complaint in the near future against Mr. Silber and his comments in prior correspondence to the Authority.

Mrs. Miller requested clarification about the deferred connection fee agreement. It was explained the deferred connection fee agreement provides the ability to pay building by building, but was never executed so there is no agreement for this project.

The executive director spent 25 hours and the administrative staff spent 15 hours on developer projects. The board granted Mr. Eustace permission to advertise the change of meeting date for February's meeting from February 19 to February 18, 2019. There were no questions on the monthly financial report.

B. GENERAL COUNSEL:

Mr. Coleman spent time on Team Campus Phase II. Time was spent drafting a letter regarding Volunteers of America Phase I status of either the construction of their line under the tracks or to confirm an alternate route. The units are constructed, and there is an on-site pumping tank installed, which is not part of the Treatment Works Approval for this project. The Authority is to act as the eyes and ears of the Department of Environmental Protection. The letter is to just follow up with VOA and find out their plans.

C. ENGINEER:

Mr. Czekanski's full report is attached to these minutes and made a part thereof. The maintenance bond for the 1-295 warehouse location is on Rising Sun Road, the roof bid will be held the Tuesday prior to the next meeting.

ADDITIONAL DISCUSSION:

Mr. Lynch asked if he was missing something regarding the Team Campus Phase II project. Something does not make sense about why they would try to pay for only one

building. Mr. Eustace provided a general explanation about the deferred connection fee agreement. The deferred connection fee agreement allows the applicant to pay for the connection fee for each building for the rate schedule in effect at the time each building is started. A deferred connection fee agreement was agreed to by the Authority, but has not been signed by the applicant. Without the signature, there is no agreement.

Mr. Eustace and Mr. Lynch discussed a few other projects that successfully signed and constructed using a deferred connection fee agreement.

Mr. Malone asked if we can rescind the approval for the TWA. Mr. Coleman said that may be premature because they haven't put a shovel in ground. The rest of the board said the steel work for the first building is already up, of which Mr. Coleman was not aware. Mr. Targonski stated that if he was going to build a building, the pipework would be in the ground first ahead of the building. Mrs. Gulbinsky said the piping is in the ground. Mr. Targonski said that they are an inch away from connecting into the system. Mr. Coleman brought up the Columbus Day issue that if the Executive Director had not come in on his day off, they would already be connected into the system. The hole was dug and the contractor was in place to drill into the system on that day. Mr. Coleman stated he received a phone call from Mr. Silber around Christmas time apologizing for that issue that it was a terrible misunderstanding between Mr. Johnson and the contractor as to why the contractor was there that day.

Mrs. Gulbinsky suggested we make it very clear the applicant. As far as the Bordentown Sewerage Authority board is concerned, there is no existing deferred connection fee agreement, the full connection fee payment is expected. Mrs. Miller agreed and said a letter needs to clearly indicate the options available. Option one is to pay the full connection fee for all buildings, option two is to sign a deferred connection fee agreement to allow the payment of connection fees per building. Mr. Coleman was asked to write a letter.

### III. PUBLIC PARTICIPATION:

In attendance were Kenneth Biedzynski, Esq, Kevin Boyle, and David Silber who all spoke when their project was discussed. Mr. Kostoplis, the Authority's Bordentown Township liaison was in attendance and did not have a public comment.

On motion by Gulbinsky, seconded by Miller, it was moved to adjourn the meeting at approximately 6:50 p.m.

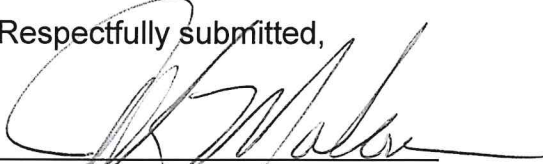
#### Recorded vote:

Ayes:	Lynch, Gulbinsky, Malone, de Groot, Miller, Targonski
Nays:	None
Abstained:	None
Absent:	None



APPROVED ON:

February 18, 2019

Respectfully submitted,  
  
\_\_\_\_\_  
Joseph R. Malone, III, Secretary



REMINGTON  
& VERNICK  
ENGINEERS

RVE HQ:  
232 Kings Highway East  
Haddonfield, NJ 08033  
O: (856) 795-9595  
F: (856) 795-1882

BORDENTOWN SEWERAGE AUTHORITY  
ENGINEER'S STATUS REPORT FOR JANUARY 22, 2019 MEETING PREPARED BY  
REMINGTON & VERNICK (RVE) ENGINEERS

**DEVELOPMENT TOPICS:**

- Old York Business Park (Behind Prince warehouse off Rising Sun Road): Authority endorsed NJDEP Treatment Works permitting forms were returned to the Applicant's engineer for submittal to the NJDEP.
- I-295 Warehouse (Adjacent to 295N exit on Rising Sun Road): Closeout documents have been received and a recommendation to allow use of the building was provided to the Authority.
- Matrix Warehouse (Georgetown Road Across from Clifton Mills Development): Applicant called requesting information related to construction startup but the project lacks documentation from the Applicant's representatives related to private lateral ownership that is one of the basic requirements.
- Volunteers of America (Burlington Road near Fieldsboro border): Provided a draft memo to the Authority with recommendations for action by the Applicant. The Applicant installed an underground pump station which pumps into a holding tank for ultimate wastewater disposal by hauling to a treatment facility.

**348 FARNSWORTH AVENUE STORMWATER ELIMINATION**

- RVE provided the attached correspondence. Main requirements are to plug stormwater penetrations into the wet well; raise the wet well top and provide a schedule as to when the work will be conducted.

**MAINTENANCE BOND SUMMARY**

Expiration Dates are Subject to Maintenance Bond Submittal Date and Resolution of all Conditions:

- ***Bordentown Holiday Inn Express: Expires March 20, 2019: Per Resolution 2017-035***
- Quik Check: Expires July 16, 2019: Per Resolution 2017-062
- Route 206 Sanitary Sewer: Expires August 21, 2019; Per 8/2017 Res.
- East Haven Woods: Expires September 17, 2019: Per Res. 2017-078
- JDF B3 Roof: Expires February 2020; Per 2/2018 Res.
- Mile Hollow Pump Station; Expires August 20, 2020

End of Report - Prepared by Richard B. Czekanski, PE, BCEE, CME  
Remington & Vernick Engineers



REMINGTON  
& VERNICK  
ENGINEERS

RVE HQ:  
232 Kings Highway East  
Haddonfield, NJ 08033  
O: (856) 795-9595  
F: (856) 795-1882

January 17, 2019

New Lines Engineering & Survey  
Attn: Josh Schmuckler, COO  
315 Monmouth Ave  
Suite 205  
Lakewood, NJ, 08701

**Reference: Bordentown Sewerage Authority (BSA)  
348 Farnsworth Avenue  
City of Bordentown - Block 703; Lot 6  
Our File #:0304N099**

Dear Mr. Schmuckler:

Our office has recently received the following for the referenced location:

Drawings Reviewed:

Unsigned plans prepared by New Lines Engineering & Survey, 315 Monmouth Avenue, Suite 205, Lakewood, New Jersey 08701. Plans reviewed consist of the following:

Sheet	Title	Dated	Last Revision Date
1 of 1	Drainage Plans	1-11-19	---

**This letter relates to wastewater issues only and is independent of stormwater modifications. Any stormwater modifications must be coordinated separately with Bordentown City.**

**Based on our review, the following are our comments to be addressed by the Owner/Applicant or the Applicant's engineer:**

1. Our office represents the Bordentown Sewerage Authority and is not involved in drainage. Although this project requires drainage modifications it is related to sanitary modifications. Therefore, the title of the plan is required to be revised.
2. The plan indicates to construct an 8"x12" concrete ring around wet well to support manhole rim (if required). Additional information is required as to how this is to be made water tight. Plan should be revised to detail this information.
3. The plan indicates to remove ex. Concrete lid construct manhole cover & rim. Additional information is required as to how this is to be made water tight. Plan should be revised to detail this information.

4. The detail titled "Manhole & Rim Detail" provides several notes. The engineer should review the notes and modify where required. It should be noted, this is a private station and is not to be owned by the authority.
5. The plan indicates to remove ex. connections to wet well repair holes to be water tight. The method of making all penetrations into & out of the wet well should be specified on the plans to allow comment by the authority in approving the method. The plans should be revised accordingly.

This review encompasses only the conceptual engineering aspects for the sanitary sewer facilities shown in the plans. Neither Remington, Vernick & Arango nor the Authority can accept liability for the technical design aspects, as this is the sole responsibility of the developer's engineer. The developer is responsible for the complete operational capability of the system.

Assuming these issues can be resolved and all revisions to the drawings presented to the authority within the next ten (10) days; kindly provide a schedule of when all stormwater connections into the sanitary sewer pump station will be eliminated along with a schedule of when the top slab of the station will be modified and elevated to not be the low point. Please understand that there is an authority meeting on Tuesday January 22, 2019 and any information regarding the schedules requested for the meeting would be greatly appreciated.

Should you have any questions concerning this review, please feel free to contact us.

Sincerely,

**REMINGTON & VERNICK & ENGINEERS**

By:



Dennis Yoder, PE, PP, CME

for

Richard B. Czekanski, PE, BCEE, CME

DY:RBC:tm

cc:

Richard Eustace, BSA

E. Kwelty, BSA

Tom Coleman, BSA Solicitor

Levado 1003, LLC c/o Pax on-site representative (pax@platinummgmt.com)

Sam Agresta, Bordentown City Engineer