

BORDENTOWN SEWERAGE AUTHORITY
MEETING MINUTES
November 18, 2019

The meeting was called to order by Chairwoman, M. Ellen Gulbinsky, 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, 2019,
- b. Mailing written notice to THE TIMES and BURLINGTON COUNTY TIMES on February 26, 2019; 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, 2019.

The following persons were in attendance: Board Members, M. Ellen Gulbinsky, James E. Lynch, Jr, Joseph R. Malone III, Leonard J. de Groot, Zigmont F. Targoski, and Aneka Miller. 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.

On motion by Lynch, seconded by Targoski, it was moved to approve the regular session minutes of the October 21, 2019 meeting as submitted.

There was no discussion on the minutes.

Recorded vote:

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

On motion by Lynch, seconded by Targoski, it was moved to approve the executive session minutes of the October 21, 2019 meeting as submitted.

There was no discussion on the minutes.

Recorded vote:

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

III. PUBLIC PARTICIPATION:

Chairwoman Gulbinsky opened the floor for public participation at this time. The conversation lasted approximately 25 minutes. The question and answer portion is detailed below.

Frank Pinto 420 Island Road, Columbus NJ
Bob Talon, 2454 Axe Factory Road, Bordentown NJ
Beth Camp 1207 Jacksonville Road, Columbus NJ

Mr. Pinto opened the conversation and stated he and the majority of those present are here to express some concern regarding Tower Gate Associates development adjacent to Crystal Lake Park. They represent a group called 'Friends of Crystal Lake' and have questions for the board regarding this development.

Mrs. Gulbinsky acknowledged the board members will do their best answering any questions, but there is no agreement between the Authority and Tower Gate at this time, and nothing has been agreed to at this time.

Mr. Frank Pinto raised specific questions concerning any proposed agreement that the Bordentown Sewerage Authority may have with Tower Gate Associates. Specifically, Mr. Pinto questioned where an agreement had been entered into between Tower Gate Associates and the Authority and what steps if any would need to be taken both from a legal and administrative standpoint to expand the Authorities' current service area beyond the City of Bordentown and the Township of Bordentown. Mr. Pinto expressed that he is a representative of several citizens concerned with and opposing the Tower Gate Development which is proposed to be constructed in the vicinity of the Crystal Lake Park.

Mr. Robert Talon who was also present at the board meeting offered remarks concerning Mansfield Township's execution of a settlement agreement with Tower Gate Associates to resolve the builders remedy lawsuit that had been filed by Tower Gate Associates against the Township of Mansfield. Mr. Talon offered several other questions and remarks concerning water quality issues and the capacity of the current Authority plant.

Ms. Beth Camp who was also present at the board meeting provided comments stating that she had heard that the Bordentown Sewerage Authority was prepared to take the Tower Gate's wastewater that potentially could be generated from the development. The Authority's board members especially Mr. Malone and Mr. Targonski clearly stated that while Tower Gate Associates has in fact expressed interest in executing an

Agreement with the Authority for the Authority to accept its waste, the Authority has not received any formal proposal, application or presentation from Tower Gate officially conveying their interest in having the Authority treat their waste. While the Authority has not received anything formal from Tower Gate Associates, several board members expressed their concern about expanding the wastewater management plan of the Authority to accept waste from the Township of Mansfield.

In closing, the public comments section of the meeting related to the Tower Gate questions, Chairwoman Gulbinsky and Mr. Malone assured the Mansfield residents present that no formal action has been taken by the Authority and that if any presentation is to be made by Tower Gate Associates, there will be a public hearing concerning the same.

RETURN TO NORMAL AGENDA ORDER:

On motion by Lynch, seconded by Malone it was moved to return to the regular agenda.

Recorded vote:

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

On motion by Malone, seconded by Lynch, it was moved to adopt Resolution 2019-91, approving the November payment of bills from the Operating Fund in the amount of \$199,584.91 of which \$107,895.45 is a payroll transfer and \$9,000.00 is a capital expense.

No discussion on this Resolution.

Recorded vote:

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

On motion by de Groot, seconded by Miller, it was moved to adopt Resolution 2019-92, approving the payment of November bills from the Escrow Fund in the amount of \$20,451.71.

No discussion on this Resolution.

Recorded vote:

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

On motion by Miller, seconded by Targonski, it was moved to adopt Resolution 2019-93, approving the credits and/or refunds of customer accounts in the amount of \$40.00.

No discussion on this Resolution.

Recorded vote:

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

I. AGENDA ITEMS FOR DISCUSSION AND/OR ACTION:

A. BUDGET YEAR ENDING NOVEMBER 30, 2019:

On motion by Malone, seconded by Miller, it was moved to adopt Resolution 2019-94, amending the Authority's 2018 operating budget (December 1, 2018 – November 30, 2019), adjusting shortages and overages within budget line items with no change to overall budget amount.

No discussion on this Resolution.

Recorded vote:

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

On motion by Malone, seconded by Lynch, it was moved to adopt Resolution 2019-95, amending the Authority's 2018 capital budget (December 1, 2018 – November 30, 2019), adjusting shortages and overages within budget line items with no change to overall budget amount.

No discussion on this Resolution.

Recorded vote:

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

B. CERTIFYING FINANCE OFFICER:

On motion by Targonski, seconded by Lynch, it was moved to adopt Resolution 2019-96, appointing Elizabeth Kwelty as Certifying Finance Officer.

No Discussion on this Resolution

Recorded vote:

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

C. CASH MANAGEMENT PLAN:

On motion by Malone, seconded by Lynch, it was moved to adopt Resolution 2019-97, adopting the Bordentown Sewerage Authority's cash management plan for fiscal year ending November 30, 2020.

No Discussion on this Resolution

Recorded vote:

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

D. AWARD OF CONTRACT:

On motion by Lynch, seconded by Targonski, it was moved to adopt Resolution 2019-98, authorizing award of contract to Pyrz Water Supply Co., Inc in the amount of \$34,220.00 for the purchase and start up service for a polymer make up and feed system.

Mr. Eustace explained that the plant had initially had three polymer systems, and over the years have pirated parts from the systems to keep one running. At this point, there are not any more parts left to take and a new system is needed.

Recorded vote:

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

E. PERFORMANCE BOND RELEASE:

On motion by Targonski, seconded by de Groot, it was moved to adopt Resolution 2019-99, authorizing the release of performance bond for Matrix Bordentown Lot, 2, LLC with the requirement for a maintenance bond.

No Discussion on this Resolution

Recorded vote:

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

F. RISING SUN MEADOWS, LLC (Route 130 and Rising Sun Road):

On motion by Lynch, seconded by Miller, it was moved to adopt Resolution 2019-100, authorizing a developer's agreement between the Authority and Rising Sun Meadows, LLC.

The agreement will indicate the agreed upon improvements to the Authority's Crystal Lake Pump Station, as well as collection system such as lining under Interstate 295.

Recorded vote:

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

G. LARKEN ASSOCIATES, LLC (Nissim Property):

On motion by Lynch, seconded by Malone, it was moved to adopt Resolution 2019-101, authorizing a developer's agreement between the Authority and Larken Associates, LLC.

The agreement will indicate the agreed upon improvements to the Authority's Sylvan Glen Pump Station.

Recorded vote:

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

H. MULTIPLE BUILDING ROOF DESIGN:

On motion by de Groot, seconded by Targonski, it was moved to adopt Resolution 2019-102, authorizing the award of contract to Remington & Vernick Engineers for design, advertisement, bid review, and contract generation services related to replacement of multiple building roofs, for a maximum value of \$18,700.00.

No Discussion on this Resolution

Recorded vote:

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

I. DISCUSSION OF REDEVELOPMENT CONNECTION FEE CREDITS:

Recent legislation addresses connection fee credits as long as certain criteria is met. The legislation does not address applying a connection fee credit to a previously connected property when a previously paid connection fee cannot be determined. There are a number of examples of redevelopment in Bordentown City and Bordentown Township, where the structure pre-dates the formation of this Authority. In those cases, where the law states a connection fee credit is due equal to the amount paid in connection fees, where a connection fee was not previously paid or cannot be determined, approved guidelines need to followed.

The Authority's Executive Director and Administrative Manager have put together a policy providing guidelines for calculating connection fee credits based on the previous use of the structure and the previous billing history.

It is Mr. Coleman's opinion the policy is sound in reasoning and is necessary to implement so staff members are able to calculate and provide connection fee credits towards a connection fee which has been calculated for a change of use to a previously connected property. The policy provides flexibility not to whether or not a credit should be given but, on how to evaluate the property, it's intended future use, and it's actual past usage and billing history, to come up with a fair calculation of credits.

On motion by Malone, seconded by Lynch, it was moved to incorporate this policy as part of the Bordentown Sewerage Authority's Rules and Regulations. The policy is attached to these minutes and made a part thereof.

Recorded vote:

Ayes:	Gulbinsky, Lynch, 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 November 15, 2019.
- 2.) 348 Farnsworth Avenue stormwater relocation is still incomplete. The fines have accumulated to \$33,000.00 as of 10/31/2019. A certified letter was mailed November 8, 2019.
- 3.) Sewer use permit issued to First Industrial LP for building 2W of Central Crossings Business Park \$97,866.00 was realized as revenue
- 4.) Approval of S-4 and issuance of sewer connection permit to Exeter Property Group for Old York Business Park.
- 5.) Escrow refund in the amount of \$3,937.00 to GS Realty for Old York Business Park, now owned by Exeter.
- 6.) Escrow refund in the amount of \$3,600.00 to DCT Midline/Prologis for Interchange 7 warehouse having an address of 401 Rising Sun Road.
- 7.) Escrow refund in the amount of \$3,449.35 to DCT Midline/Prologis for force main and Rising Sun Pump Station improvements.
- 8.) Escrow refund in the amount of \$4,616.00 to Rising Star LLC for a proposed Holiday Inn Express which was not constructed.
- 9.) Notice of Public Hearing; Township of Bordentown Planning Board; Pomona Development Group, LLC application for preliminary and final site plan approval for CVS pharmacy and 9,000 SF mixed use building located Route 130 and Farnsworth Avenue adjacent to McDonalds property.
- 10.) Notice of Public Hearing; City of Bordentown Planning Board; PAGMA Properties, LLC application for site plan approval of three separate residential homes having addresses of 22 E Burlington St, 24 E Burlington St, and 401 Carpenter Street.
- 11.) Notice of Public Hearing; Bordentown Township Zoning Board; Crystal Splash Pools, LLC application for site plan approval to permit storage of fiberglass pools and equipment for pool installation, known as 25 & 29 Route 130.

The executive director spent 30 hours and the administrative staff spent 20 hours on developer projects. Mr. Eustace was approached by Fire Chief Scholey, regarding a concrete pit to be placed on Authority property and used for confined space entry training. Verizon has notified the Authority all copper lines providing alarm services to the pump stations will be terminated in the near future. All pump stations will be migrated over to cellular systems as soon as possible. There were no questions about the monthly financial report.

B. GENERAL COUNSEL:

Mr. Coleman spent time throughout the month on items already discussed, a deferred connection fee agreement with Tractor Supply Company, and recommended the board ask Mr. Eustace to formally request Tower Gate to make a presentation to the board.

On motion by Malone, seconded by Miller, it was moved that Mr. Eustace request Tower Gate Associates attend the Authority's January 21, 2020 board meeting regarding their proposed project in Mansfield Township detailing what they wish to do, and provide the residents of Bordentown City, Bordentown Township, and Mansfield Township an opportunity to hear from the developer the details for the project. A larger venue will be needed to accommodate parking.

Recorded vote:

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

C. ENGINEER:

Mr. Czekanski's full report is attached to these minutes and made a part thereof. Mr. Czekanski reported on the connection of warehouses on Georgetown Road (Old York Road), and Building 2W in Central Crossings Business Park. Remington and Vernick is completing interviews and speaking to people regarding the projects for Rising Sun Meadows and Nissim.

VI. ADJOURNMENT OF MEETING:

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

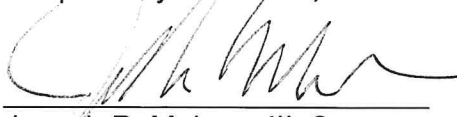
Recorded vote:

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

APPROVED ON:

December 16, 2019

Respectfully submitted,



Joseph R. Malone, III, Secretary

TO BE INCLUDED WITH THE AUTHORITY'S RULES AND REGULATIONS

Guidelines for Calculation of Credit towards a connection fee for a previously connected property which is being redeveloped with a change of use, where the law indicates a connection fee credit equal to the amount of previously paid connection fees is due, and where a connection fee was not previously paid or cannot be determined.

The Authority's engineer and staff are to evaluate the previous usage of the premises compared to the intended future usage.

Previously paid quarterly bills should be reviewed for:

Residential: fixed service charges each quarter

A connection fee credit equal to the EDUs paid on a quarterly basis will be provided.

Commercial: water usage and/or fixed service charges

If water usage is consistent, use an average of total flow for what is the highest consecutive seven-year period of time.

If water usage was not consistent, use the highest flow from data currently available in the Authority's computerized billing system.

A connection fee credit will be provided for whichever is greater: number of fixed EDUs paid quarterly for service, or EDUs paid for usage. Per rate schedule Class 3: One EDU is charged for every 18,000 gallons or part thereof used.

Commercial Other: When comparing the proposed use of a property to the previous use of the property, provide credits for previously existing flow generation items, if the same will be rebuilt.

Example: The redevelopment of the Valero gas station located at the corner of Route 130 and Farnsworth Avenue received connection fee credits for the number of previously existing gas pumps and applied to the number of proposed gas pumps.



REMINGTON
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ENGINEERS

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**BORDENTOWN SEWERAGE AUTHORITY
ENGINEER'S STATUS REPORT FOR NOVEMBER 18, 2019 MEETING PREPARED BY
REMINGTON & VERNICK (RVE) ENGINEERS**

AUTHORITY CONVEYANCE SYSTEM TOPICS

- **Rising Sun Meadows:** We are finalizing a review letter that discusses the proposed development; the upgrades to the Crystal Lake pump station; and upgrades to the Rising Sun Road sanitary sewer system. There was a delay in this process waiting for a response from PSE&G regarding a potential voltage change (240 Volt to 480 Volt) at the Crystal lake pump station. Based on PSE&G's proposed cost of \$19,000.00 to have this accomplished we are moving forward based on utilizing the existing 240-volt system.
- **Matrix Warehouse (Georgetown Road Across from Clifton Mills Development):** Sanitary sewer construction is completed, and successful system testing was concluded. This project will be deleted from the report next month.
- **Volunteers of America (Burlington Road near Fieldsboro border):** The Authority has endorsed NJDEP Treatment Works Application (TWA) permit application documents for a new pump station system and returned the documents to the applicant's engineer for submittal to the NJDEP.
- **Nissim Development:** Drawings/specs have been submitted and are under review for the on-site sanitary sewer/pump station/force main system along with upgrades to the Sylvan Glen pump station. We met with Authority personnel last week to review the Sylvan Glen pump station upgrades in detail.
- **Tractor Sales Center (Corner of Rising Sun Road and Route 130):** Corner lot utilized for this proposed commercial development with a lateral connection on Rising Sun Road. Developer provided a S4 application that would be effective in 2020.

**BORDENTOWN SEWERAGE AUTHORITY
ENGINEER'S STATUS REPORT FOR NOVEMBER 18, 2019 MEETING PREPARED BY
REMINGTON & VERNICK (RVE) ENGINEERS
(CONTINUED)**

DEVELOPMENT TOPICS

- Mansfield Tower Gate: Agreement discussions are ongoing.
- Central Crossing Building 2W: The building pump station became operational this month.

MAINTENANCE BOND SUMMARY

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

- East Haven Woods: Expires September 17, 2019: Per Res. 2017-078
- JDS B3 Roof: Expires February 2020; Per 2/2018 Res.
- Mile Hollow Pump Station; Expires August 20, 2020
- DCT I-295 Warehouse: Per Resolution 2019-9 for manhole lining main. bond; Expires Jan. 2021
- Rising Sun Road PS and FM Improvements: 5/29/2020
- Administration Building Roof: 6/21/2021

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