

BORDENTOWN SEWERAGE AUTHORITY
954 FARNSWORTH AVENUE
BORDENTOWN, NJ 08505

IN RE:

BORDENTOWN SEWERAGE AUTHORITY MEETING

JANUARY 21, 2020

Transcription of the Bordentown Sewerage Authority Meeting, before KATHLEEN INTROCASO, License No. XIO1728, a Certified Court Reporter of the State of New Jersey, on the above date, commencing promptly at 6:00 p.m., there being present:

M. ELLEN GULBINSKY - CHAIRWOMAN
JAMES E. LYNCH, JR. - VICE-CHAIRMAN
JOSEPH R. MALONE, III - SECRETARY
LEONARD J. de GROOT - TREASURER (NOT PRESENT)
ZIGMONT TARGONSKI - ASSISTANT SECRETARY
ANEKA MILLER - ASSISTANT SECRETARY

RICHARD D. EUSTACE - EXECUTIVE DIRECTOR
ELIZABETH KWELTY - ADMINISTRATIVE MANAGER
THOMAS J. COLEMAN, III, ESQ. - SOLICITOR
RICHARD B. CZEKANSKI, P.E. - ENGINEER

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1 MRS. GULBINSKY: Good evening, everyone.
2 Thank you for coming. I'll call the meeting to order
3 and let us salute the flag.

4 (Whereupon, the Pledge of Alliance was stated.)

5 MRS. GULBINSKY: In compliance with the
6 Open Public Meetings Act adequate notice of this
7 meeting was provided by posting written notice on the
8 official bulletin boards of the City of Bordentown,
9 Township of Bordentown, and Bordentown Sewerage
10 Authority, mailing written notice to The Times and
11 Burlington County Times and filing written notice with
12 the clerks of the City of Bordentown and Township of
13 Bordentown, and mailing written notice to all persons
14 who requested and paid for same on December 11th, 2019.
15 Roll call please, Mrs. Quelty.

16 MRS. QUELTY: Mrs. Gulbinsky?

17 MRS. GULBINSKY: Here.

18 MRS. QUELTY: Mr. Lynch?

19 MR. LYNCH: Here.

20 MRS. QUELTY: Mr. Malone?

21 MR. MALONE: Here.

22 MRS. QUELTY: Mr. de Groot is absent.

23 Mrs. Miller?

24 MRS. MILLER: Here.

25 MRS. QUELTY: Mr. Targonski?

1 MR. TARGONSKI: Here.

2 MRS. QUELTY: Mr. Eustace?

3 MR. EUSTACE: Here.

4 MRS. QUELTY: Mrs. Quelty is here. Mr.

5 Coleman?

6 MR. COLEMAN: Here.

7 MRS. QUELTY: Mr. Czekanski?

8 MR. CZEKANSKI: Here.

9 MRS. GULBINSKY: A motion to approve the
10 minutes of the December 16th regular session meeting?

11 MR. LYNCH: So moved.

12 MRS. MILLER: Second.

13 MRS. GULBINSKY: Role call please.

14 MRS. QUELTY: Mrs. Gulbinsky?

15 MRS. GULBINSKY: Yes.

16 MRS. QUELTY: Mr. Lynch?

17 MR. LYNCH: Yes.

18 MRS. QUELTY: Mr. Malone?

19 MR. MALONE: Yes.

20 MRS. QUELTY: Mrs. Miller?

21 MRS. MILLER: Yes.

22 MRS. QUELTY: Mr. Targonski?

23 MR. TARGONSKI: Yes.

24 MRS. GULBINSKY: Resolution approving the
25 payment of bills from the operating fund for the month

1 of January in the amount of \$323,373.55 of which
2 \$106,613.71 is a payroll transfer and \$1,492.25 is a
3 capital expense?

4 MR. TARGONSKI: So moved.

5 MR. MALONE: Second.

6 MRS. GULBINSKY: All in favor?

7 (Whereupon, all said aye.)

8 MRS. GULBINSKY: Resolution approving the
9 payment of bills from the escrow fund for the month of
10 January in the amount of \$13,611.32. Motion?

11 MR. MALONE: So moved.

12 MRS. MILLER: Second.

13 MRS. GULBINSKY: All in favor?

14 (Whereupon, all said aye.)

15 MRS. GULBINSKY: Okay. Resolution
16 approving the credits and/or refunds of customer
17 accounts in the amount of \$128.75?

18 MR. MALONE: So moved.

19 MR. TARGONSKI: Second.

20 MRS. GULBINSKY: All in favor?

21 (Whereupon, all said aye.)

22 MRS. GULBINSKY: Agenda items for
23 discussion and action. Okay. We have a resolution
24 authorizing award of a contract to Hydra-Numatic Sales
25 Company for nine sensaphone monitoring systems, in an

1 amount not to exceed \$12,358.12.

2 MR. MALONE: So moved.

3 MR. TARGONSKI: Second.

4 MRS. GULBINSKY: Questions? All in
5 favor?

6 (Whereupon, all said aye.)

7 MRS. GULBINSKY: Okay. We have
8 professional reports. Our executive director, our
9 solicitor, and engineer always give professional
10 reports, but tonight in deference to your time we're
11 going to have them submit those reports in writing.
12 And I need a motion to accept those in writing.

13 MR. LYNCH: So moved.

14 MR. TARGONSKI: Second.

15 MRS. GULBINSKY: All in favor?

16 (Whereupon, all said aye.)

17 MRS. GULBINSKY: All right. Now that
18 brings us to our public discussion section of the
19 meeting here. The BSA takes its role in promoting
20 development within the City and Township of Bordentown
21 very seriously. In February of 2019 we became aware of
22 the court case between Tower Gate and Mansfield
23 Township. And upon receipt of a letter from Mr. Hoff,
24 the Tower Gate attorney, requesting to discuss service
25 it became clear that the project included affordable

1 housing units. The BSA felt obligated to discuss the
2 sewer service needs of this project with Tower Gate
3 officials. Our BSA staff has had very preliminary
4 discussions with representatives from Tower Gate, but
5 no written agreement has ever arrived at or considered
6 by this board.

7 The purpose of this evening's presentation from
8 Tower Gate is to allow them to formally address the BSA
9 board and the public so that both may hear about the
10 particulars of the project as it would relate to
11 provision of sewer services by the BSA to Tower Gate.
12 So I request that we keep the scope of this evening's
13 discussions to the sewer service piece of this
14 discussion because that is what we have any
15 jurisdiction to deal with. And please I ask that you
16 be respectful to those in the room so that everyone can
17 hear questions and hear the answers that are being
18 given and that when you pose questions, please state
19 your name, your address and for the benefit of our
20 court recorder.

21 Please understand that the main focus of this
22 meeting is to hear from Tower Gate about how, if
23 possible, the BSA can sewer their project. While
24 important we're not concerned about Tower Gate's site
25 plan or any environmental aspect of the project of the

1 Tower Gate site as these are Mansfield Township issues.
2 We have no jurisdiction. To this extent please don't
3 come forward tonight and discuss these issues. The
4 environmental concerns that you have we know many of
5 you in the audience have them, but they're not for this
6 board tonight. Questions will be limited to two
7 minutes and all follow-up questions come through me.
8 So, again, the questions should be germane to sewer
9 service issues only.

10 Mr. Hoff, will you begin with your presentation
11 which we will hear in its entirety before any questions
12 are entertained?

13 MR. HOFF: Thank you members of the board
14 for having us, members of the public. For the record
15 Richard Hoff of the Law Firm of Bisgaier Hoff. I
16 represent Tower Gate Associates, the owner of the
17 property in Mansfield. It's block 70, lot 6.02. The
18 property consists of about 118 acres. Tower Gate has
19 owned the property through its principals for about 40
20 years.

21 And if I could elaborate on some of the history
22 that was laid out, as was indicated this property is
23 the subject of a settlement agreement between Tower
24 Gate and the Township of Mansfield, the Mansfield
25 Planning Board. That agreement has been approved by

1 both parties. It's subject to a fairness hearing
2 before the court on February the 5th. I know from
3 reading the paper, having had representatives attend
4 meetings there's questions about the development of
5 that property, environmental, stormwater, threatened
6 and endangered species. We're aware of all those
7 issues and as was indicated earlier we'll be prepared
8 to address those issues at the Mansfield Planning
9 Board. We're here not tonight to talk about any of
10 that. I just want to make clear to this board as well
11 as members of the public to the extent that public
12 sewer can be provided to this property the terms by
13 which Tower Gate has at least suggested that be
14 provided. I have with me tonight Mr. Gerry Gesario.
15 He's our engineer. He can walk through some of the
16 more technical aspects, not to the level of technical
17 review that any professional would get involved in, but
18 certainly for members of the board as well as members
19 of the public to understand how exactly sewer would be
20 provided and what are the implications of providing
21 that sewer to this particular property.

22 As was indicated we sent shortly after engaging in
23 settlement discussions, we sent a letter to the
24 authority back in January 2019 asking for the
25 Bordentown Sewerage Authority to consider providing

1 sewer to the Tower Gate property. There is case law in
2 the State of New Jersey that talks about regional
3 authorities such as the BSA providing sewer service to
4 what are termed inclusionary projects like the Tower
5 Gate project. It's one that while it has development
6 beyond affordable housing it includes affordable
7 housing and therefore, regional authorities such as BSA
8 or even neighboring municipalities have an obligation
9 to assist the production of that project through
10 providing services such as sewer and water.

11 So that was the basis for our inquiry and as was
12 indicated the BSA was kind enough to entertain us for a
13 meeting. We had that meeting back in March of 2019.
14 We presented what we believed to be the terms, how much
15 flow would be needed, how we thought the Tower Gate
16 project could be connected to the BSA system, really
17 global type of issues because we were coming in from a
18 position not really having all the information of BSA's
19 system, but BSA to the point earlier made felt an
20 obligation to at least give us that opportunity. We
21 were provided with certain specifics as to where
22 certain lines were in their system, some ideas where if
23 they were willing to consider providing sewer service
24 to the project where would that be, what would be the
25 general terms and conditions they would find acceptable

1 and we left that March meeting with that information.

2 What's also important from that March meeting is
3 what Tower Gate conveyed to the BSA then, has conveyed
4 to the BSA since, and will convey here tonight.

5 MR. MALONE: Just one point of
6 clarification, you did not meet with the board.

7 MR. HOFF: That's correct. That's
8 correct. I apologize. We met with just some of the
9 staff and as well as the engineer for BSA, correct.
10 But what we conveyed to staff at that meeting, the
11 executive director was no outlay of infrastructure is
12 being requested of BSA. What you hear tonight about
13 the infrastructure that's being provided is to be
14 constructed at BSA's sole cost and expense. We are not
15 asking for the BSA to fund anything. However, as we
16 would be connecting for sewer service to the BSA we
17 would obviously be responsible to pay connection fees
18 to BSA to provide for that service.

19 The way I've calculated the connection fees based
20 on the recent update of the schedule Tower Gate would
21 pay the BSA approximately \$5 million in connection fees
22 for the ability to connect to the system. That's \$5
23 million in connection fees without any capital outlay.
24 That's also about as we calculated \$250,000 a quarter
25 in usage fees. So from the perspective of providing

1 sewer which is what the BSA is in the business of doing
2 this investment is from an economic standpoint very
3 beneficial to BSA simply because we're not asking for
4 anything. We will provide the infrastructure and own
5 it. As Gerry will describe in greater detail, it's
6 going to be a private line. So responsibility to
7 maintain it would be with Tower Gate's professionals
8 through a licensed operator, of course. So the BSA is
9 simply being asked for a point of connection and sewer
10 treatment and would be entitled to significant
11 connection fees.

12 Following that meeting there was follow up with the
13 staff of BSA and our professionals. And we came
14 forward with what we thought to be a plan which Gerry
15 will go in to as to how the property could be served.
16 We also received correspondence indicating that the
17 issue of preliminary providing sewer to the property
18 had been discussed and that the BSA was interested in
19 moving forward with the terms of what that would look
20 like by way of an agreement. That correspondence came
21 in this past June where it was indicated to us that
22 providing sewer would be acceptable. I provided a form
23 of agreement that never got executed to the earlier
24 point. Points were bounced back and forth about what
25 the terms of that service would be, what were some of

1 the points that were important to the authority prior
2 to service being connected and I think at a point where
3 it really came down to two really threshold issues that
4 we were still working through when we got this invite
5 to be here today. And I think it's important to point
6 out at the outset, Gerry will reiterate it, but the
7 first was that there was a general concern that there
8 could be future connections to the Tower Gate system
9 and that this was serving as some sort of potential for
10 the sewerage of Mansfield at large, but that was a
11 major concern for the authority. We addressed that in
12 the agreement and we addressed it sort of from an
13 engineering perspective as Gerry will indicate this is
14 a force main. It's designed to be served solely for
15 this project. So you can't connect to that force main
16 and it's to be owned by Tower Gate. Tower Gate agreed
17 that there would be no connections permitted to this
18 system. So that was something that we thought we
19 addressed fairly early on and there's a strong
20 mechanism in place to ensure that that concern would
21 never be realized. This will be a private line owned
22 by Tower Gate maintained by Tower Gate with no
23 connections to it for anyone other than Tower Gate.

24 And the second question that came up were who were
25 going to be the billing customers. BSA had a general

1 concern with ensuring that they would be paid obviously
2 for their usage fees. It's a fair concern. We were
3 working with the Township of Mansfield ourselves as
4 well as counsel for the authority to come up with some
5 arrangement whereby BSA could be assured that they
6 wouldn't -- Tower Gate wouldn't default and if they're
7 provided sewer they want to be sure that they're paid
8 for sewer. We kicked around certain topics. We never
9 got to a resolution on that issue when we got the
10 request in November to come and present to the board.
11 So it was our hope that over the next then the ensuing
12 months that myself as well as counsel for the authority
13 of Mansfield may have been able to come up with a
14 solution to that as well. We were working on it. We
15 remain optimistic that the issue of how BSA ensures
16 getting paid we can cross that bridge, we can clear
17 that hurdle and we can formalize a form of agreement
18 that allows for the provision of service to the Tower
19 Gate property.

20 So that's sort of the background of how we got
21 here. We again appreciate the opportunity to be here
22 and explain a proposal. And with that I ask Gerry to
23 come up and we'll go through some of the engineering
24 aspects of this and then certainly answer any questions
25 from the authority and members of the public. His

1 presentation is there on a board. I also have some
2 copies to hand out either for members of the authority
3 and, I'm sorry, I have about 25 total copies, so.

4 MRS. GULBINSKY: We'll share a bit.

5 MR. HOFF: People can pass them around.
6 I think we're pretty good with handing out some of the
7 copies. Gerry, if you could, could you just give for
8 the benefit of the board, members of the public your
9 professional and educational background please?

10 MR. GESARIO: Sure. I'm a 1988 graduate
11 of the New Jersey Institute of Technology. I have a
12 bachelor's of science in civil engineering. I've been
13 a licensed professional engineer since 1994, license in
14 good standing, has been and still is. I'm currently
15 employed by Jarmel Kizel Architects and Engineers. I'm
16 the director of civil engineering for the firm. And I
17 have just over 30 years experience in land development
18 and all sorts of utility infrastructure.

19 MRS. GULBINSKY: Mr. Hoff, could we get
20 you to come around this way?

21 MR. HOFF: Yes, sure. Sorry. I'm
22 blocking the view.

23 MRS. GULBINSKY: Thank you very much.

24 MR. HOFF: Sorry. And Gerry, to that
25 point have you had experience in designing wastewater

1 management or wastewater treatment plans both from a
2 site specific level and beyond?

3 MR. GESARIO: Yes. I've had several
4 projects involving water, wastewater systems, pump
5 stations, treatment facilities.

6 MR. HOFF: Okay. And you're referring to
7 I guess what we'll call Exhibit A-1 for tonight. We've
8 handed copies of that to the board.

9 UNIDENTIFIED SPEAKER: Excuse me, sir,
10 sorry for the interruption. Can he use the microphone
11 so we can hear down here?

12 MRS. GULBINSKY: Well, the best we can do
13 is swing this around.

14 GERRY GESARIO: I can try to speak
15 louder.

16 UNIDENTIFIED SPEAKER: Please speak
17 louder.

18 MR. GESARIO: I'll do my best. Is that
19 better?

20 (Whereupon, multiple people said yes.)

21 MR. GESARIO: Okay.

22 MR. HOFF: So I said that the document
23 we've been referring to we'll call it A-1 for tonight.
24 You prepared that document?

25 MR. GESARIO: Yes, I did.

1 MR. HOFF: All right. And could you
2 generally describe what it is that we're showing? Why
3 don't we start with where the Tower Gate property is
4 located in relation to the authority system?

5 MR. GESARIO: Sure. Just for reference
6 north is straight up on this drawing. You'll see the
7 large rectangle in the lower left that's hatched that
8 is the Tower Gate property. And the Bordentown system
9 starts just to the right. I'm pointing to this line
10 that crosses here. I think that's where the QuickChek
11 is over here. That's where the Bordentown system kind
12 of starts and continues on to the east.

13 So on this drawing what you'll see is a red dash
14 line titled for the new force main. Size has not yet
15 been determined. We haven't done all the engineering
16 to size the line. It's going to most likely be a
17 4-inch or a 6-inch line. And this line is about 9,000
18 feet going from our site to a point of connection.

19 And just for the -- I know the board obviously
20 knows what a force main is. Just for the public with
21 sanitary sewer there's two ways to get from point A to
22 point B. It's either by gravity which is always the
23 preferred method if it works, but you need your point A
24 to be higher than your point B for the entire distance.
25 That's not always the case. So when that's not the

1 case, we get into what's called a force main. And what
2 we'll have is a pump station on our site where sewerage
3 is collected. I liken it to a house sump pump. It's
4 kind of similar just on a much bigger scale where water
5 is collected in a well and when it reaches certain
6 levels the pumps kick on and it forces the waste
7 through our line to its destination. So this
8 particular schematic we're tying in just to the east of
9 I guess it's Rising Sun Road on the south of Route 130.
10 Like I said it's about 9,000 feet from the Tower Gate
11 property.

12 We did look at just for reference in earlier
13 iterations in discussions with the board's
14 professionals we were proposing some earlier tie-in
15 locations, but there were concerns that tying in closer
16 to their system would create the need for the BSA to
17 upgrade not so much a capacity issue, but there could
18 be power issues. And it was their preference not to
19 have to modify any of their systems that are in place.
20 So this location that was chosen is just past what
21 we'll call the high point of the BSA force main that's
22 in place. So by tying in beyond the high point our
23 station, our connection has minimal, if any, affect on
24 the existing infrastructure owned and operated by BSA.

25 MR. HOFF: And you heard me indicate

1 before, but it's your understanding as well that the
2 cross hatch, the force main to be constructed all to be
3 at the expense of Tower Gate?

4 MR. GESARIO: That is my understanding.

5 MR. HOFF: Okay. Now, you mentioned a
6 force main. And I talked a little bit about it. In
7 terms of connecting to a force main is that something
8 that typically happens or is that more a closed type of
9 system?

10 MR. GESARIO: No, it's not uncommon.
11 It's certainly technically feasible. Again, by tying
12 in where we are tying in beyond the high point it's
13 even -- it's a more technically feasible thing. It has
14 much less effect on the existing system that we'll be
15 working with.

16 MR. HOFF: But how about the force main
17 to serve the Tower Gate property that's to be sized at
18 a level that --

19 MR. GESARIO: Yeah, that's to be sized.
20 Our outflow has been estimated based on my
21 understanding of the most recent agreement with
22 Mansfield we're at 150,000 gallons per day. It sounds
23 like a lot, but in the world of pump stations it's
24 actually not a very significant flow. It's .15 million
25 gallons per day. From our understanding of what the

1 BSA system has capacity for and what it's currently
2 accepting this is a very minor flow.

3 MR. HOFF: And in terms of those
4 projections you get those from what? What tells you
5 what to account?

6 MR. GESARIO: It's based on the mix of
7 what's being considered for the Mansfield property.
8 It's a mix of townhomes, retail, and multi-families.
9 The townhomes we assumed all three bedroom. The
10 multi-families we just used a two bedroom average.
11 It's probably conservative. I'm sure there will be
12 more one bedrooms than three bedrooms so it will
13 probably be a little less, but a conservative estimate
14 on what we know today is 150,000 gallons per day.

15 MR. HOFF: And from your review of the
16 information available to you the issue of capacity to
17 treat is not an issue within the authority's system?

18 MR. GESARIO: Not to my knowledge, no.

19 MR. HOFF: And so from just generally
20 from an engineering and design perspective is there any
21 reason from an engineering viewpoint that the Tower
22 Gate property couldn't be served by the BSA?

23 MR. GESARIO: No, not from an engineering
24 standpoint.

25 MR. HOFF: Okay.

1 MR. GESARIO: No.

2 MR. HOFF: I have nothing more
3 affirmative for Mr. Gesario, but certainly we're
4 available to answer questions on any aspect of it.

5 MRS. GULBINSKY: Mr. Gesario, you
6 mentioned 150,000 gallons. Of that could you give us
7 an idea of how many would actually be the affordable
8 housing portion of the project, how many gallons that
9 represents?

10 MR. GESARIO: I don't know that unit. I
11 can do it pretty quickly if I know the number of units
12 that are affordable.

13 MR. HOFF: It's up to 96 potential
14 affordable units.

15 MR. GESARIO: Maybe I'm going to round
16 numbers 20,000 gallons per day.

17 MRS. GULBINSKY: So 20,000 of 150.

18 MR. GESARIO: Two bedrooms, one bedroom
19 it's probably a little high, but roughly 20,000.

20 MR. MALONE: What provisions has
21 Mansfield done to take care of their sewer obligations
22 over the last 30 years?

23 MR. GESARIO: That I'm not aware of.

24 MR. MALONE: I can tell you we all are
25 aware of it. Have they ever done anything to take care

1 of their sewer obligation?

2 MR. GESARIO: That's not something I
3 would know. My scope is to deal with the feasibility
4 of this line, not the history of Mansfield.

5 MR. MALONE: Have you looked at other
6 alternatives other than this?

7 MR. HOFF: There are other public sewer
8 in the area not as close as this that we have examined,
9 but this was not -- once we engaged early on with BSA
10 we focused our efforts in trying to come up with an
11 agreement that both sides are in accord.

12 MRS. GULBINSKY: So you don't know if
13 Florence or one of the other areas could be cheaper for
14 you to actually do the connection? You're not sure.

15 MR. HOFF: We haven't done that analysis
16 as to whether they would be cheaper or not cheaper.

17 MRS. GULBINSKY: Okay. Anyone else?

18 MR. MALONE: Given our capacity we may
19 have some capacity right now to handle this. What
20 happens if we have a bottling company come in similar
21 to what Ocean Spray was in the township and consume a
22 considerable amount of capacity at our plant and then
23 we have you in our plant and at such a time we had to
24 consider an expansion of that plant having the capacity
25 that you're going to be taking up could be a serious

1 impediment to us having a full build out of the city
2 and township?

3 MR. HOFF: Well, from that perspective
4 our understanding of the capacity is that you have a
5 treatment capacity close to approximately 3 million
6 gallons.

7 MR. MALONE: Right.

8 MR. HOFF: You're currently running at
9 about 1.6 million gallons. We would account for
10 .15 million gallons. So we don't believe that we're a
11 substantial portion of what you have left, but to the
12 point when you plan out in the future you certainly
13 have to take a look at all right, well, when are we
14 approaching a point where we may need to make some
15 capital improvements to be able to accommodate
16 additional flow from additional customers? That's
17 certainly a fair inquiry. And to that we would say
18 we're not asking for any free ride here. We're going
19 to pay substantial connection fees as well as usage
20 fees so that you can collect all the time of the Tower
21 Gate project being online and have that money go along
22 with your other customers to look towards long-term
23 improvements like upgrades to the plant if they became
24 necessary. So I would agree with you that if we came
25 here saying, you know, we want you to treat us for free

1 and build us the infrastructure, I think that's a much
2 different inquiry than what we're proposing which is
3 we'll pay our freight to get into the system and we're
4 not asking you to extend any infrastructure to get to
5 us which might be different from some customers
6 although within your treatment area may not be in a
7 position where they can just tap right in and may
8 require capital outlays to get to.

9 MRS. GULBINSKY: Mr. Benowitz.

10 MR. LYNCH: Just real quick, I understand
11 what you're saying about the force main and nobody else
12 can go in there and that kind of thing. And I know you
13 can't answer the question of what Mansfield has done in
14 the last 30 years, but I think that's an important
15 question that this board has to find out where has
16 Mansfield been for 30 years. Mansfield is very large.
17 There's other parcels of land that might go through the
18 same scenario at some point in the future and in
19 somehow some shape or form whether it be affordable
20 housing or proximity to the plant the money is fine and
21 the investment is fine but unless those questions are
22 answered I'm still curious to know why Mansfield has
23 not done anything for their future. I think it's
24 embarrassing that this has happened. We entered into
25 litigation with them years ago over the same issue

1 where Crystal Lake Park is. That's why you have
2 Crystal Lake Park now. So I know you can't answer that
3 question, but myself I would like to look a little bit
4 further into the future of Mansfield and what's going
5 on here.

6 MR. TARGONSKI: Is there any Mansfield
7 Township council representatives here tonight? Did
8 anybody from Mansfield -- Okay. So we have one. Now,
9 can you answer Joe and Jim's question about what you
10 have done for the last 30 or 35 years to sewer
11 Mansfield knowing you're in a prime location between
12 New York and Philadelphia, development you knew was
13 coming?

14 MR. HIGGINS: I don't think I can discuss
15 anything like that.

16 MRS. GULBINSKY: Okay. Through me.
17 Okay. Let me do this one at a time. Mr. Benowitz,
18 would you have some questions? Do you want to come up
19 and identify yourself?

20 MR. BENOWITZ: I don't want to come up.
21 I believe you can hear me. Can you hear me now?

22 MRS. GULBINSKY: Yes.

23 MR. BENOWITZ: I have this written out.
24 I'm very careful with it. You started a line of
25 questions that I'm going to bring up right now. I'm

1 going to repeat some of it so I apologize and don't
2 start the clock. That doesn't count in the two
3 minutes.

4 MRS. GULBINSKY: Okay.

5 MR. MALONE: We're going to give him any
6 time he wants.

7 DAVID BENOWITZ: First of all, my name is
8 David Benowitz. I reside at 34 Van Drive in Bordentown
9 Township. I'm here tonight as the mayor of Bordentown
10 Township representing the approximately 12,000 bosses
11 that I proudly try and protect. I thank the Bordentown
12 Sewerage Authority for their due diligence in learning
13 all the facts the Tower Gate Associates proposed, I use
14 the word proposed project in Mansfield Township. I am
15 very concerned about the impact that this project will
16 have on the capacity of the present sewerage processing
17 facility on several levels.

18 The projected sewerage flow of 150,000 gallons in
19 itself may not impact the total available capacity for
20 Bordentown Township at first glance. I got your figure
21 .15. Okay. However, Mansfield Township may be
22 planning additional commercial business and housing
23 projects that may affect the capacity of the present
24 infrastructure. Again, I'm going to echo something
25 that was said here. I scratched it out, but I'm going

1 to say it again. Since Mansfield Township chose not to
2 join the sewerage authority at its conception and have
3 not seemed to have planned for additional developmental
4 projects concerns seem to multiply as the effect this
5 might have on the projected build out estimate for
6 Bordentown Township and Bordentown City, but I
7 represent the township only. This could greatly impact
8 Bordentown Township's effort to provide our residents
9 with continued less dependence on the residential
10 property tax contribution to our total tax base in the
11 future. Additionally, the provision of affordable
12 housing in the future fourth round of creating mandated
13 housing requirements could be jeopardized.

14 I also have concerns for the future financial
15 status of the Bordentown Sewerage Authority. The
16 authority is presently on sound financial ground due to
17 sound financial planning. Congratulations to the sewer
18 authority and all the members and professionals. The
19 impact of this proposed project by Tower Gate
20 Associates and possible future development plans of
21 Mansfield Township may impact negatively on the future
22 stability of the Bordentown Sewerage Authority. Again,
23 I have a couple of suggestions, but I'll leave that to
24 you. I'm just -- I know I've gone over my two minutes.
25 I apologize to everybody here in the audience.

1 UNIDENTIFIED MAN: I'd like to hear it.

2 DAVID BENOWITZ: You'd like to hear it?

3 Okay. If you choose to take this project on as a
4 sewerage authority, again, what I would look and you
5 did indicate something you caught me by surprise, I'm
6 not aware of that, that there's no infrastructure.
7 That's what you said?

8 MR. HOFF: There's no infrastructure
9 being requested of the authority.

10 MR. BENOWITZ: I'm only talking about the
11 authority. I don't care, you know. I'm here about the
12 authority. I care about my township. The important
13 point is this too: What's stopping Mansfield Township
14 to have additional plans for commercial business coming
15 to you as the sewerage authority and saying we want
16 more. If that happens, okay, I have a couple of
17 suggestions if you are obligated to take on this
18 particular project. In the future possibly if
19 Mansfield comes to us, us meaning the sewerage
20 authority, maybe you should consider, you know, a
21 limited time frame if they want to build say a
22 warehouse, for instance, something like that. And that
23 being said when I say five-year limit maybe, they would
24 then be responsible for infrastructure because they're
25 going to need it eventually. They didn't plan. They

1 didn't plan. If I sound angry, I am angry. And I'm
2 not going to let anything happen to my residents that I
3 try to protect all the time. Again, I understand the
4 state may come in possibly and say hey, you need a
5 regional sewer authority and everything else. Again, I
6 hope that doesn't happen. I hope the state -- if you
7 have any agreement later with Mansfield for later
8 projects, I've talked to you only about treatment, all
9 right, that's all I'm talking about right now, Mr.
10 Eustace, I'm not going into a different place. The
11 thing is you might want to consider getting the state
12 involved also and, you know, at this point, again,
13 Mansfield needs to build their own infrastructure.
14 Done.

15 MRS. GULBINSKY: Thank you, Mr. Benowitz.

16 MR. MALONE: To follow up just a little
17 bit on what the mayor had to say, we have
18 field projects we encircle that has at times a failing
19 system which we may have to take on at sometime, the
20 fickled nature of the courts and this you may say it's
21 only you, but you may just be the beginning of the
22 waterfall.

23 MR. BENOWITZ: That's it exactly.

24 MR. MALONE: You know, I just have
25 concerns that this may be the beginning and not the end

1 of our sewer authority and our way of life and all the
2 work that's been done over the last 30 years and all
3 the trials and tribulations that the city and township
4 has gone through to get us where we are today to have
5 it frittered away is a serious consideration that we
6 have to make for the residents of the city and
7 township.

8 MRS. GULBINSKY: Thanks, Joe. Jim.

9 MR. HOFF: Can I just clarify one point
10 just in terms of the potential for additional? I'm not
11 discounting the last 30 years. I haven't obviously
12 been involved, but I will say that the Tower Gate
13 project is part of Mansfield's third round affordable
14 housing plan that includes no further connections to
15 the Bordentown Sewerage Authority and it is a total
16 package. It's being presented to the court on February
17 5th with no additional units being required from
18 Mansfield as part of its third-round obligations. So I
19 do recognize the point. What if this is just one of
20 three or four more projects, that is not how the plan
21 is established and it would carry them through 2025.
22 And the only reason that the authority as they
23 indicated at the outset is considering it is because
24 it's an inclusionary site. So the idea that there
25 would be more inclusionary sites coming from Mansfield

1 is not accurate based upon their current plan. This is
2 the only one in their plan that would require sewerage
3 authority.

4 MR. MALONE: With all due respect, you
5 know, you're an attorney and I think you know how
6 government works and how the courts work. You cannot
7 say with absolute authority --

8 MRS. GULBINSKY: Certainty.

9 MR. MALONE: -- that you can say that
10 this is the absolute end because tomorrow it could
11 change. And the way that current structure is in
12 Trenton having lived through it for 18 years and seeing
13 the way it's going now to me there's open space and the
14 government the way it is right now is going to provide
15 affordable housing wherever it feels it wants to. And
16 nothing you say or I say or your engineer says or
17 anybody in this room says if the government wants to be
18 dictators, they can do so.

19 MR. LYNCH: Let me respond to Mayor
20 Benowitz to get a little more technical on what you
21 said. In about maybe I want to say, Rick, you can
22 correct me if I'm wrong, about five years our debt
23 service for the sewer authority will be significantly
24 down. And in other words, our plant is almost paid
25 off. The future of that plant can go to 4.5 million

1 gallons, an increase of 1.5. We're at three right now.
2 It would be the hope and I believe the numbers the way
3 we're working the numbers now that it's very possible
4 that the sewer authority can keep our 3 million gallon
5 plant intact and have build out in the city and
6 township. Although it might be close there will be no
7 further debt to the residents who paid for this plant
8 over the last 30 years. So that being said if and
9 when, if the township does go, you know, we're getting
10 close to that 2.8 not 3, they're going to make us go to
11 4.5, it's easy to say that the connection fees help
12 defray that debt, but we're also putting all that debt
13 back on the burden of the township and the city
14 residents that they paid for, for 30 years. That's the
15 part I'm getting hang up with because we have done what
16 we were supposed to do and we're proud of that. And I
17 understand what Tower Gate is trying to do and I kind
18 of feel for them as well, but I think that there has to
19 be other options here besides what we're hearing
20 tonight.

21 MRS. GULBINSKY: One more, Mr. Benowitz.

22 MR. BENOWITZ: I think we're all singing
23 the same song. We're on the same page. Again, my
24 fears were outlined before and again, I don't know what
25 the state would require. Again, I mentioned a fourth

1 round of affordable housing and again that seems to
2 trump everything, okay, you're absolutely correct.

3 MR. LYNCH: When you pay a car off, you
4 feel pretty good about it, don't you?

5 MR. BENOWITZ: Yeah.

6 MR. LYNCH: Well, that's how we feel
7 right now. We're feeling pretty good about paying this
8 thing off.

9 MR. BENOWITZ: That's why I selected
10 that. That's why I said what I said is because at
11 first I thought everything was stolen from me then Mr.
12 Malone, thank you for that too, because it got me
13 going. I didn't leave anything out of my speech here
14 believe me and again, I am worried about 12,000
15 residents. We have our fourth round of affordable
16 housing that we have to deal with. We have our build
17 out again commercial, industrial. We're doing the
18 right thing. We have a settlement with Fair Share
19 Housing. Does Mansfield? No.

20 MRS. GULBINSKY: Thank you, Mr. Benowitz.
21 Does someone have a different question, a different
22 question?

23 BOB TALON: On the engineering.

24 MRS. GULBINSKY: On the engineering, yes,
25 sir. Your name is?

1 BOB TALON: Bob Talon, 2454 Axe Factory
2 Road. I live right close right to the border of
3 Bordentown. I'll make one point just to let you guys
4 know. There was a plan in place and I was part of it
5 as a volunteer civilian back in the 2010 era when I
6 don't know if you guys recall they had a plan called --
7 the county had a plan they paid for called the
8 Burlington County Growth and Preservation plan. And
9 they had vision meetings where all us citizens got
10 together with our township planners, the county
11 planners. We had several types of meetings like that.
12 One was at the Eco complex. And the criteria then was
13 we were planning our future, what our build out would
14 be. And that area of Crystal Lake since it was after
15 the park was purchased was considered very
16 environmentally sensitive, extremely environmentally
17 sensitive at every level in the state.

18 From what I recall from those meetings the state
19 was interested in having large expanded open spaces and
20 not creating new nodes away from town centers. So our
21 town came to a plan at that time with the citizens and
22 was later adopted by our township and I don't know the
23 legalities of what being adopted means, but we adopted
24 that plan from the county, that growth and preservation
25 plan in 2012. That's mentioned in I believe it's in

1 our master plan redo a couple of years ago. But
2 anyhow, what was going to satisfy us is we had an
3 existing approval from the DEP to build some small,
4 stand-in-place-type plants around the town of Columbus,
5 build a bypass around the town so the trucks could come
6 into Florence-Columbus Road without going through the
7 town center and some of the COAH would be there. And
8 there's a farm down the end of Petticoat Bridge Road we
9 call the Carty farm if you're from Mansfield and lived
10 there a long time. Now I think it's -- that was
11 planned for some COAH and would have satisfied
12 everything through the third round and maybe beyond.
13 Since that time, and we have township council folks
14 here they can come in correct me and tell me if I'm
15 wrong, but this is the way I recollect it. It's become
16 they said that for financial reasons and other reasons
17 nobody is interested in doing that so this is the --
18 all that ball was dropped. We had a TDR plan that was
19 dropped just recently because I guess it was too
20 expensive.

21 So the citizens of Mansfield were very involved and
22 very concerned about meeting our COAH obligations
23 because we believe it was a very good thing to have
24 some affordable housing in the community. So the ball
25 was dropped. I'm not going to say by -- you know, I'm

1 not going to put any blame on anybody. I'll just say
2 the ball was dropped just for you guys to know. So our
3 plan would not include that. That great park, our
4 county park, it's a jewel for Bordentown as well as it
5 is for Mansfield and Florence and the rest of the
6 county. And I'm concerned. This is my engineering
7 question just to let you know that we did do things,
8 but my engineering question is if you run that force
9 main and the county is building a beautiful trail.
10 It's almost done. The state just redid the whole
11 bridge network in there. You have to dig that all up
12 again. Do you think that would be a problem with the
13 state for you?

14 MR. GESARIO: The line going down Route
15 130?

16 MR. TALON: Yes.

17 MR. GESARIO: We would be -- is this on?
18 I'm going to have to yell. We're proposing directional
19 drill similar to the other lines so we wouldn't be
20 digging up the road down 130. This would be you dig a
21 pit and you directionally drill the line to its
22 destination. So you're digging receiving pits,
23 starting pits, but you wouldn't be tearing up Route
24 130.

25 MR. TALON: Let me ask it would just

1 go -- you would force it underground under the soil all
2 the way through?

3 MR. GESARIO: Correct.

4 MR. TALON: And come up in certain spots?

5 MR. GESARIO: Correct.

6 MR. MALONE: Would you hang it off the
7 bridge?

8 MR. GESARIO: It's a possibility, but we
9 haven't gotten into those details yet. It's not
10 unheard of to do that.

11 MR. MALONE: I know but I'm asking the
12 question. One last question to Mr. Benowitz. And this
13 was something we casually talked about. Since we're
14 going out of our service area would the city and
15 township have to as entities agree to this?

16 MR. LYNCH: Yes.

17 MR. BENOWITZ: You mean like I'm an
18 attorney, is that what you mean?

19 MR. MALONE: No, I'm posing that question
20 because I think it has to be answered by the township
21 attorney and the city attorney --

22 MR. BENOWITZ: Yes.

23 MR. MALONE: -- before we can move ahead
24 with that because we are a creation of the city and
25 township to service the city and township.

1 MR. LYNCH: What Joe is talking about is
2 we guarantee the debt. So God forbid --

3 MR. BENOWITZ: That was the next comment
4 that was said.

5 MR. LYNCH: I mean the city and the
6 township guarantees the debt.

7 MR. BENOWITZ: Right. My question which
8 truly wasn't a question which is exactly what you're
9 saying. I mentioned the financial soundness of what
10 the sewer authority is doing, if they God forbid you
11 would go under, who assumes that debt?

12 MR. LYNCH: We do.

13 MR. BENOWITZ: We do.

14 MR. LYNCH: The city and the township.

15 MRS. GULBINSKY: Does anyone have another
16 engineering question? Yes.

17 DONALD McGARRITY: Not an engineering but
18 just a general question.

19 MRS. GULBINSKY: Okay. General.

20 DONALD McGARRITY: In your opening
21 statement --

22 THE REPORTER: I'm sorry, your name
23 first?

24 DONALD McGARRITY: Donald McGarrity, 509
25 Oliver Street. In your initial opening statement you

1 mentioned that the sewerage authority is responsible
2 for the growth and development of Bordentown City and
3 Bordentown Township if I recollect. And now we have
4 these gentlemen here they're not from Bordentown doing
5 this work for Bordentown Township or Bordentown City so
6 there's some type of disparity here.

7 MR. LYNCH: Not really a disparity if I
8 could just quickly answer that. They came to us
9 requesting information and we didn't know what
10 information that they were requesting. So out of
11 courtesy we'd like to hear it so that's why you're here
12 tonight. We're listening too.

13 MRS. GULBINSKY: Yes, Julie.

14 JULIE PETIX: Hi, good evening. My name
15 is Julie Petix. I reside at 509 Oliver Street. And
16 I've owned my home since the end of 1993. And so even
17 though I live in Bordentown City I also belong to
18 several organizations proudly. I'm a proud member of
19 the Columbus Grange. I belong to the Crafts Creek and
20 Spring Hill Brook Watershed Association. And these are
21 our friends and neighbors here who reside in Mansfield
22 Township. So I just want to make sure that everyone
23 knows that these are very good people. They're our
24 friends and our neighbors that we're talking about.

25 I think I'm glad that you're mentioning the

1 potential long-term impacts on our infrastructure. I
2 think it's very prudent to not be shortsighted. And as
3 far as, you know, what's best for Bordentown City not
4 to be selfish, but we have to really think about that.
5 Thank you for mentioning that, Mayor Lynch.

6 And then also I know as far as my taxes, my
7 property taxes, for example, since I purchased my home
8 it was 3,000 something and I live in a semi. It's not
9 even a single family. My property taxes are
10 approaching, fast approaching \$9,000, you know. That's
11 a huge impact on taxpayers.

12 MRS. GULBINSKY: And that's an important
13 thing. That's what we're all thinking about that's for
14 sure.

15 JULIE PETIX: I don't mind paying taxes,
16 but it's getting to the point that it's difficult.

17 MRS. GULBINSKY: The gentlemen here.

18 TOM STEVENSON: My name is Tom Stevenson
19 of Springfield Township. I'll tell you that I really
20 enjoy the parks, Crystal Lake. I believe the county
21 has done a great job in setting something up in our
22 area. I do appreciate Bordentown City and the effort
23 done to the parks in Bordentown Township. I have a
24 senior citizen I care for and I get her on her walker
25 and go along the edge there by the Paine statue and

1 around and you guys did a beautiful job. Crystal Lake
2 big plan, Burlington County, this came up and I'm like
3 how can this happen? This is Crystal Lake. A
4 significant investment by Burlington County in planning
5 to preserve. It's very unique. It's the only thing we
6 got. So I'm looking at the property. And I'm like
7 what the heck is the zoning? And I Googled it and sure
8 enough there's a bigger authority, the Delaware Valley
9 Regional Planning Commission. Everybody knows who that
10 is. I look in and there was a study commissioned and,
11 Mr. Talon, maybe you can address it, but that area was
12 very sensitive, deemed so sensitive that it was carved
13 out like a do not touch. It is right adjacent next to
14 Crystal Lake. I use it. Everybody in Burlington
15 County uses it. I know horse people that use it. It's
16 beautiful. So here we are talking about this.

17 Now, the developers, yes, they want to assist a
18 town with COAH obligations. I kind of disagree with
19 the theory of using and exploiting poor people again
20 for development. I don't understand what the State of
21 New Jersey is doing, but there's better alternatives if
22 you plan. I'm very disappointed as a Springfield
23 resident adjacent to Mansfield finding out tonight that
24 there was no planning of this first, second, and third
25 round. I couldn't find anything on the Internet. I

1 don't know what happened, but we're here tonight to
2 talk about sewer hookup to a certain area. Mr. Talon,
3 if you could talk a little bit more about this Delaware
4 Regional Valley Planning Commission, I would appreciate
5 it.

6 MR. TALON: I can't tell you. I
7 haven't -- Bob Talon, 2454 Axe Factory Road again. I
8 can tell you the Delaware Regional Planning Commission
9 is a great outfit. I can tell you from experience that
10 they came in and with their help and their engineering
11 we redid our environmental resource inventory in 2006 I
12 believe. In our environmental resource inventory we
13 have 17 or 18 maps. And if you look at one map, and
14 these were done by the Delaware Valley Regional
15 Planning Commission for our township under a grant,
16 that area is shown to be extremely critically and
17 environmentally sensitive. Now I know that that in
18 itself may not be something that we're talking about
19 tonight, but it just goes to show why we're so
20 concerned and why we're here to hear the applicants.

21 MRS. GULBINSKY: And I know and I
22 appreciate your comment like this, but this is about
23 the engineering and the ability to sewer, the cost of
24 that sewer, who pays for that, who's affected by it.
25 Any other comments or questions on that area? Yes,

1 sir, with the beard.

2 JOHN O'CALLAGHAN: John O'Callaghan, 53
3 Oak Lane, New Egypt. So I have four questions.
4 Normally for a sewerage commission to run a pipe they
5 would have to worry about flood plains and other things
6 that they're running through. I understand that Tower
7 Gate is taking responsibility for the infrastructure.
8 Does it put this sewerage commission at risk that the
9 pipe that they're connecting to goes through Crystal
10 Lake in a flood plain?

11 MRS. GULBINSKY: Does it? If it's not
12 done well.

13 MR. GESARIO: As a developer there's
14 going to be a number of permits they're going to have
15 to get state, county, regulatory and that would all be
16 on Tower Gate. They'll have to go through the process
17 with the local, county, DEP so all that will be part of
18 the development.

19 JOHN O'CALLAGHAN: And has that process
20 been started or no?

21 MR. GESARIO: No.

22 THE REPORTER: I'm sorry, sir, can you
23 just state your name and address again?

24 JOHN O'CALLAGHAN: Sorry. John
25 O'Callaghan, 53 Oak Lane, New Egypt.

1 MRS. GULBINSKY: Yes, sir.

2 MR. LYNCH: He had other questions.

3 JOHN O'CALLAGHAN: No worries. We'll all
4 get our chance, right? You mentioned that there might
5 be maintenance. So after you pay the \$5 million
6 connection fee and whatever if the road needed to be
7 dug up or anything along those lines, it's a private
8 line, would this sewer commission be responsible for
9 any of the funding for that maintenance moving forward
10 should something break?

11 MR. HOFF: No, the responsibility was
12 going to be Tower Gate's and is a private party. They
13 need to have a licensed operator actually be
14 responsible for it. There are companies that assume
15 those responsibilities for private parties. So
16 anything within the area of construction would be
17 subject to easement rights and requirements, one of
18 those being that any repairs to the line costs would be
19 borne by the private party that being Tower Gate.

20 JOHN O'CALLAGHAN: All right. Third one
21 and then I'll be done.

22 MRS. GULBINSKY: Sure.

23 JOHN O'CALLAGHAN: In the history of COAH
24 has any neighboring town been obligated to provide
25 sewer? I realize this sewer commission wants to help,

1 but are they obligated at any point or is their
2 precedent?

3 MR. HOFF: There is precedent for being
4 obligated to help, Dynasty Villagers, Samaritan Center
5 and Bi-County are the cases that are referred to that
6 require neighboring municipalities.

7 MR. MALONE: Let me ask a question in
8 follow-up on that. The future payment of any expenses
9 that occur like normal monthly charges to your complex
10 who will be responsible for paying them, your user
11 fees, your monthly charges, the billing?

12 MR. HOFF: That was an issue that was
13 back and forth. Obviously, the usual way is for
14 individuals to pay, but there was a comment that that
15 wouldn't be --

16 MR. MALONE: Let me just make it easier
17 for you.

18 MR. HOFF: Sure.

19 MR. MALONE: Would the full faith and
20 credit of Mansfield be on this project to pay the
21 authority for any expenses related to that project, for
22 any bills related to that project?

23 MR. HOFF: There was nothing in place.
24 We never worked out --

25 MR. MALONE: So as far as you know,

1 there's no full faith and credit of Mansfield Township
2 related to that project as far as you know right now?

3 MR. HOFF: As far as I know that's where
4 items that were being discussed in November when we
5 were told that the authority would like us to show up
6 here tonight.

7 MR. MALONE: Have you discussed that with
8 Mansfield?

9 MR. HOFF: There have been conversations
10 back and forth with Mansfield.

11 MR. MALONE: And what has Mansfield's
12 answer been?

13 MR. HOFF: I'm not -- just like I'm not
14 going to reveal what your attorney said to me I'd be
15 uncomfortable revealing what Mansfield's attorney said
16 to me. I'm not going to do that.

17 MR. MALONE: We're the person that are on
18 the hook so somebody should have an answer for who's
19 going to pay the bill if in fact this project goes
20 bankrupt later on or there's nonpayment of the sewer
21 bill. Somebody has to be aside from the fact that we'd
22 have to have -- put a lien on the property and go
23 through that process.

24 MR. HOFF: Yeah, I can tell you that from
25 our perspective our proposal was, yes, you obviously

1 have lien rights against any purchaser that I get it
2 you don't want to go to a lien. One of the things that
3 we had suggested and we got no response was we were
4 going to fund an escrow to have in place to ensure
5 against any default so that all bills there would be an
6 escrow sitting there in the event that there were a
7 default. That was a concept that was floated.

8 MR. MALONE: Not in perpetuity, though?

9 MR. HOFF: No, but the escrow would
10 remain funded at a given amount and that would be
11 subject to replenishment just like a bill would need to
12 be paid.

13 MRS. GULBINSKY: Yes, sir. Do you have a
14 question?

15 DAN KENNEDY: My name is Dan Kennedy, 64
16 Union in Bordentown City. A question for the engineer,
17 to your knowledge is this property counted in the sewer
18 service area?

19 MR. GESARIO: No, it's not. It would
20 require an update to the state wastewater management
21 plan.

22 DAN KENNEDY: Right. And I'd have to
23 imagine that you're aware that in significantly
24 environmentally sensitive areas you're not allowed to
25 be added in by their regulation of the DEP. The

1 sewerage authority couldn't even get a treatment works
2 approval unless it was added into the sewer service
3 area. You're aware of that?

4 MR. GESARIO: It has to be included in
5 the wastewater management plan of the state.

6 DAN KENNEDY: Right. And if not this
7 authority would not legally be allowed to even hook in.

8 MR. GESARIO: That would be correct. So
9 that's another step that has to be taken in this
10 process.

11 DAN KENNEDY: Any conversations with the
12 DEP?

13 MR. GESARIO: No.

14 MRS. GULBINSKY: Well, why didn't you
15 investigate that first? It seems that you've got a lot
16 of energy into the engineering before you have permits
17 to actually do any engineering on the spot? Why didn't
18 that happen?

19 MR. HOFF: Because if the authority is
20 not going to provide sewer service it's not worth
21 exploring the need to change the wastewater management
22 map.

23 MR. MALONE: I just find it strange
24 because I hear stories about how environmentally
25 concerned the governor's wife is, that they would like

1 to see some area as environmentally sensitive as this
2 be permitted by the DEP, but that's not my decision.

3 MRS. GULBINSKY: Yes, sir.

4 JACK BRODISH: Jack Brodish, Eastampton
5 Township. Did you say gravity feed is or is not
6 possible?

7 MR. GESARIO: It is not possible.

8 JACK BRODISH: It is not possible. Would
9 there be backup generation for your proposed pump?

10 MR. GESARIO: Absolutely.

11 JACK BRODISH: Okay. Thank you.

12 MRS. GULBINSKY: Yes, sir.

13 DONALD McGARRITY: Donald McGarrity, 509
14 Oliver Street again. Now, the Tower Gate engineer
15 discussed or mentioned permits and restrictions and
16 such and I have a question for Bob Talon. Didn't the
17 Crafts Creek and Spring Hill Brook Watershed do a study
18 on basins? Basins that had all the permits, basins
19 that were approved by the state, basins that were
20 approved by the township engineer, tell us about those
21 basins?

22 BOB TALON: I don't how it relates.

23 MRS. GULBINSKY: That's an environmental
24 question, though, right?

25 DONALD McGARRITY: Well, what it is, is

1 he mentioned permits. He opened the gate. I'm going
2 to play Perry Mason here. Okay? So now we have all
3 the permits we're going to role with it, money is
4 flowing, everybody is happy. We had all the permits
5 for these basins and guess how many of them worked?
6 Pfft. (Sound was made.)

7 BOB TALON: Bob Talon, 2454 Axe Factory
8 Road. Don is correct we had a study done by a civil
9 engineer who specialized in basins. After our township
10 the new rules came through in 2004 on how basins had to
11 be built and they didn't look like -- we weren't happy
12 with the way they worked so we did a final review and
13 investigation and had a report done and it showed that
14 our basins weren't meeting recharge, weren't -- a lot
15 of things. But that would be why we have doubts about
16 the engineering.

17 MRS. GULBINSKY: I see. Okay. All
18 right. Yes, sir.

19 JOHN O'CALLAGHAN: John O'Callaghan, 53
20 Oak Lane, New Egypt. So one of the things about the
21 site is that it might affect the aquifer to the point
22 where local wells can no longer function. So you had
23 mentioned with your infrastructure there was no
24 possibility that anyone else could tap in, but it could
25 create an emergency situation in the surrounding town.

1 Are you absolutely certain that this will be restricted
2 to Tower Gate and nothing else can tap into it?

3 MR. HOFF: Yes, as to the sewer but when
4 you talk about aquifers that's typically referring to
5 water supply and public water is another requirement
6 that we would need to achieve and that's not anything
7 that the authority would have any jurisdiction over.
8 It's not proposed to be served by private well.

9 MR. MALONE: Do you have public water
10 that services that area?

11 MR. HOFF: No. We've been in discussions
12 with New Jersey American Water about extending their
13 line.

14 MRS. GULBINSKY: It seems that there's a
15 lot questions I guess before we could even think about
16 something like this, that there's a lot of really big
17 questions that are outstanding. So I'm coming to the
18 conclusion that this is very preliminary and that maybe
19 at this point we need to see what other information
20 comes out over here with answering some of these
21 questions because at this point we've got more
22 questions than answers before we can make any kind of
23 decisions here, so.

24 MR. HOFF: I mean from the sewer
25 perspective there's always going to be -- we have to go

1 through municipal processes. There's always outside
2 agency approvals. We're doing our due diligence to
3 track down the outside agency approval process. One of
4 those is always sewer. And to the question earlier
5 where you're getting water, we're talking on that.
6 We're not having a meeting on that here tonight, but
7 it's not something we're not considering. We're moving
8 forward and making contacts to extend those lines as
9 well. So we do these on parallel paths because we have
10 to. If we started with one and the board asked us
11 well, let's find out what the others do, we would never
12 get anywhere because everybody would be pointing to
13 everyone else to say well, you go first. So that's why
14 we're doing it this way. We have to do it this way.

15 MRS. GULBINSKY: But you can see our
16 point of view we have a big liability financially and
17 to our citizens over here without having those very
18 important questions answered for us.

19 MR. LYNCH: I think if I may, chairwoman,
20 I think it would be appropriate that myself get
21 together with Mayor Benowitz and your council, your
22 committee with our commissioners and we have a
23 discussion about this guaranteeing the debt because I
24 think that's an important piece of this puzzle that if
25 things don't go right in the future that we are now

1 putting a noose around the neck of the city taxpayers
2 and township taxpayers and they're not even going to
3 see it coming. It's going to be something that's going
4 to be blindsided. So I think we need to meet and then
5 report back to the sewer authority how we feel as a
6 city and a township and then go to the next step from
7 there if that's okay with you. That's okay with you?

8 MRS. GULBINSKY: Yes.

9 MR. BENOWITZ: I couldn't agree with you
10 more. I think I voiced my concerns loud and clear.

11 MRS. GULBINSKY: Okay. So I think that
12 we should come to a close at this point because we have
13 so many questions still outstanding like this. And let
14 us just say at this point that we will continue
15 discussions and see if any of these issues could be
16 resolved.

17 MR. MALONE: Have they had this kind of
18 interaction with your own township committee?

19 (Whereupon, multiple people said no.)

20 MR. MALONE: No? What do you mean no?

21 MR. HOFF: I don't understand. What was
22 the question?

23 MRS. GULBINSKY: Be that as it may, okay,
24 do I have a motion to close the public portion?

25 MR. LYNCH: So moved.

1 MRS. MILLER: Second.

2 All in favor?

3 (Whereupon, everyone said aye.)

4 MRS. GULBINSKY: Opposed? Okay. Good
5 night. Thank you. Meeting is adjourned.

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C E R T I F I C A T E

I, KATHLEEN INTROCASO, a Certified Court Reporter of the State of New Jersey, do hereby certify that the following (or the preceding) is a true and accurate transcript of the meeting as taken stenographically by me at the place, time and date hereinbefore set forth.

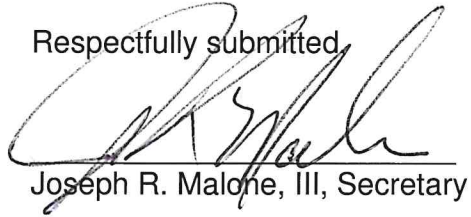
I do further certify that I am neither a relative nor employee, nor attorney or counsel to any parties involved; that I am neither related to nor employed by any such attorney or counsel; and that I am not financially interested in this action.



KATHLEEN INTROCASO
CCR LICENSE # XI 01728
EXPIRATION DATE: 6/30/20
A CERTIFIED COURT REPORTER
OF THE STATE OF NEW JERSEY

APPROVED ON:
February 18, 2020

Respectfully submitted,



Joseph R. Malone, III, Secretary

The Bordentown Sewerage Authority

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P.O. BOX 396
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EXECUTIVE DIRECTOR'S REPORT FOR JANUARY 21, 2020 MEETING PREPARED BY RICHARD EUSTACE

OPEN SEWER CONNECTION ACCOUNTS:

- 1.) Monthly Development Meeting with Township Construction and Planning Officers took place January 17, 2020.
- 2.) 348 Farnsworth Avenue stormwater relocation is still incomplete. The fines have accumulated to \$39,100.00 as of 12/31/2019. Monthly sewer account notices are mailed to the owner.
- 3.) Treatment Works Approval received for Volunteers of America Pump Station January 3, 2020.
- 4.) Conditional approval of S-1 and approval of S-2 for Rising Sun Meadows, LLC
- 5.) Tractor Supply Company, approval of S-1, S-2, S-3, and S-4. Received full connection fee in the amount of \$127,015.00.

DEVELOPER ESCROW AND PROJECT TIME:

- 1.) Executive Director: January, 30 Hours
- 2.) Administrative Office: January, 17 Hours

Monthly financial report for month ended December 31, 2019 was included with the meeting packet.

**BORDENTOWN SEWERAGE AUTHORITY
ENGINEER'S STATUS REPORT FOR JANUARY 20, 2020 MEETING PREPARED BY
REMINGTON & VERNICK (RVE) ENGINEERS**

AUTHORITY CONVEYANCE SYSTEM TOPICS

- **Rising Sun Meadows:** Our office provided a review letter and contributed to the development of the agreement associated with the developer's obligation to upgrade the Crystal Lake pump station.
- **Volunteers of America (Burlington Road near Fieldsboro border):** Volunteers of America has received a NJDEP Treatment Works Permit for construction of a pump station on the site. We have asked for a construction schedule.
- **Nissim Development:** A response to RVE comments on both the on-site and Sylvan Glen pump station upgrades drawings/specs have been submitted and are under review. We provided input on the proposed Sylvan Glen pump station developer's agreement.
- **Cranberry Park (Redevelopment of Ocean Spray Property):** Submittal is under review.
- **Interchange 7 Warehouse:** On Rising Sun Road in Front of the Prince Warehouse: A preconstruction conference was held and there are minor wastewater issues to be resolved.

TREATMENT PLANT TOPICS

- **Multiple Building Roof Replacement Project:** Bids for the roof replacement work will be accepted on February 5th for consideration at the February Board meeting.

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

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SOLCITOR'S REPORT FOR JANUARY 21, 2020 MEETING PREPARED BY ELIZABETH KWELTY

DEVELOPMENT PROJECT ITEMS:

Developer's agreement for the Rising Sun Meadows project, coordinated with Engineer and Executive Director for proposed improvement details.

Developer's agreement for the Nissim Property project, coordinated with Engineer and Executive Director for proposed improvement details.

AUTHORITY MANAGEMENT

Assisted the Executive Director and Administrative Manager with various items.