

**LEHMUA
Regular Meeting**

December 8, 2020

The regular meeting of the Little Egg Harbor Municipal Utilities Authority was held on December 8, 2020 at 12:00 PM at the Authority headquarters, 823 Radio Road, Little Egg Harbor, New Jersey and via tele-conference with the Board of Commissioners.

MEMBERS PRESENT: Margaret DePergola, Vice-Chair; Earl Miller, Secretary; Marie Skelly, Treasurer; Kenneth Miller; Kenneth Laney; Peter Cicco

OTHERS IN ATTENDANCE: Earl F. Sutton, Jr., Executive Director; Michael S. DiFrancia, Superintendent; Nicole M. Princiotti, Executive Secretary/QPA; Joanna Bermingham, Authority Engineer via tele-conference; Debra Rumpf, Esq., Authority Legal Counsel via tele-conference

MEMBERS ABSENT: Joseph Koptic, Chairman

MEMBERS OF THE PUBLIC IN ATTENDANCE: Mr. and Mrs. Frank Meola of 320 Great Bay Boulevard via tele-conference

Mrs. Princiotti read the following statement:

In accordance with the Open Public Meetings Law, this meeting has been duly advertised in the Atlantic City Press and the Asbury Park Press, posted on the Authority bulletin board and posted and filed in the Office of the Little Egg Harbor Township Clerk. Resolutions are posted on the Authority's bulletin board.

PRIOR MINUTES

A motion was made by Mr. K. Miller, seconded by Mrs. DePergola to approve the minutes of the regular meeting held on November 10, 2020. Roll call vote, Earl Miller -yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

TREASURER'S REPORT

A motion was made by Mrs. Skelly, seconded by Mr. K. Miller to approve the treasurer's report as submitted. Roll call vote, Earl Miller – yes, Kenneth Miller – yes, Kenneth Laney – yes, Marie Skelly – yes, Margaret DePergola – yes.

BILLS RESOLUTION

A motion was made by Mrs. DePergola, seconded by Mrs. Skelly to approve the operational account bills resolution. Roll call vote, Earl Miller – yes, Kenneth Miller – yes, Kenneth Laney – yes, Marie Skelly – yes, Margaret DePergola – yes.

EXECUTIVE DIRECTOR'S REPORT

1 – Mr. Sutton advised the Board that the tax sale is underway. This year due to COVID we were only able to submit for sewer charges. Any person that was delinquent on their water charges is still able to make those payments through the mail and drive thru. For now, there is a one-time forgiveness of the interest for late payments on water only during the COVID crisis. There was some unorthodox legislation passed giving individuals this opportunity. We never shut anyone's services off for non-payment. Again, we are collecting water payments here at the office, but any delinquent sewer charges have gone to tax sale.

2 – Mr. Sutton stated that another submittal for reimbursement has been made to the IBank for Phase I of the Mystic Water and Sewer Main Project. We will be submitting one for the Treatment Plant as well.

3 – Mr. Sutton advised the Board that he has submitted the letter to the Township Committee recommending reappointments for the upcoming year. A copy is attached.

4 – Mr. Sutton advised the Board that there is a resolution being presented offering Lance Jones a full-time permanent position with the Authority effective December 17, 2020. Attached is the Personnel Committee recommendation that was made after a review of Mr. Jones' performance.

Mr. Sutton asked if there were any questions with regard to Resolution #2020-47? There being none a motion was made by Mrs. DePergola, seconded by Mr. K. Miller approving Resolution #2020-47 appointing Lance Jones as a permanent full-time employee of the Authority. Roll call vote, Earl Miller – yes, Kenneth Miller – yes, Kenneth Laney – yes, Marie Skelly – yes, Margaret DePergola – yes.

5 – Mr. Sutton advised the Board that Resolution #2020-48 is being presented appointing himself as the Authority's Public Agency Compliance Officer.

Mr. Sutton advised the Board that this is an annual requirement and asked if there were any questions? There being none, a motion was made by Mrs. Skelly, seconded by Mr. K. Miller approving Resolution #2020-48 appointing Earl F. Sutton, Jr., Executive Director as the Authority Public Agency Compliance Officer. Roll call vote, Earl Miller – yes, Kenneth Miller – yes, Kenneth Laney – yes, Marie Skelly – yes, Margaret DePergola – yes.

6 – Mr. Sutton stated that Resolution #2020-49 is being presented naming himself, Michael DiFrancia, and Nicole Princiotti as the official DER representatives for the Authority effective January 1, 2021. This is necessary in order to remain in compliance for the random drug and alcohol screening for CDL holders.

7 - Mr. Sutton advised the Board that Resolution #2020-50 is being presented requesting a reduction in retainage to 1% from the current 2% for the contractor TKT Construction for the Well No. 12 Project. It has been reviewed by our engineer and it is their recommendation to approve this reduction in retainage. The project is 99% completed and they are eligible for that reduction.

Mr. Sutton asked if there were any questions with regard to Resolution #2020-50? There being none, a motion was made by Mr. E. Miller, seconded by Mr. K. Miller to approve Resolution #2020-50 authorizing a reduction in retainage for TKT Construction for the Water Treatment Plant at Well No. 12. Roll call vote, Earl Miller – yes, Kenneth Laney – yes, Kenneth Miler – yes, Marie Skelly – yes, Margaret DePergola – yes.

8 - Mr. Sutton advised the Board that for the purpose of planning, our next meeting will be January 12, 2021 at 12 PM. It's hard to believe we are almost to 2021, although there is no sadness in seeing 2020 pass. Hopefully, with the new year, we head into much healthier times.

There are no customer committee recommendations this month, but next month there might be.

As a point of information, Mr. Meola who identified himself earlier, has asked to participate in the public portion of today's meeting. He will be speaking with regard to the correspondence that was attached in the packet. After a motion is made to open to the public, he will have an opportunity to be heard.

There will be a need for Executive Session and there is a resolution that will be presented at that time.

Mr. Sutton asked if there were any questions regarding his report? There being none, a motion was made by Mr. E. Miller, seconded by Mr. K. Miller to approve the Executive Director's Report as submitted. All in favor.

SUPERINTENDENT'S REPORT

1 – Mr. DiFrancia advised the Board that we have been operating the Water Treatment Plant at Well No. 12 for the testing phase. The treatment plant is not being pumped into the distribution system. We are waiting for our permit to operate.

We just sent virtual pictures over to the DEP because they are declining to make in person visits due to COVID. They have gotten the pictures and have advised that it will be 10-15 days to get the permit to operate. Then we will be at the final phase of testing for the plant.

Mr. DiFrancia advised that our engineer will comment on this further in her report.

2 – Mr. DiFrancia stated that we are 99% completed with the Mystic Island Phase I Water and Sewer Main Project. The contractor has everything installed and is cleaning up the site.

Mr. DiFrancia stated that New Jersey Natural Gas is replacing the gas services and will be trenching in the roadway. We have notified the residents that we will not be paving because of the work that will be done by the gas company. The roads are passable and are in fair condition. It is anticipated that in February the Township will be restoring the storm drains and follow with the road reconstruction.

3 – Mr. DiFrancia advised the Board that the bidding for the water tower at Holly Lake on Great Bay Boulevard had been delayed and will be advertised and opened in January. More than likely, the work will still begin in March or April of 2021.

4 – Mr. DiFrancia stated that the Work Order Management Report was not included this month, but we will follow up with two months in January.

Mr. DiFrancia stated that was all for his report unless there were any questions. There being none, a motion was made by Mrs. DePergola, seconded by Mr. K. Miller to accept the Superintendent's Report as submitted. All in favor.

PERSONNEL COMMITTEE

Mr. Sutton stated that the Personnel Committee minutes were included in the package. There was a telephone conference with the Committee in reference to Lance Jones and offering him a full-time position with the Authority. This was previously approved by resolution.

Mr. Sutton asked if there were any questions? There being none a motion was made by Mrs. DePergola, seconded by Mr. K. Miller to approve the Personnel Committee minutes as submitted. All in favor.

ENGINEER'S REPORT

Ms. Bermingham advised the Board that her report has been submitted for the Board's approval. As mentioned by the Superintendent, the Water Treatment Plant Project is 99% completed and we are waiting for the permit to operate from the State. They have been out to perform the sampling, but they are waiting for the longer time sample results to come back. They did indicate that they will not be holding up the permit to operate for the longer lead time samples. Because they would not be coming to the site to perform a visual inspection, they did request pictures which were provided to them. They indicated that we would receive the permit to operate within ten (10) days of them receiving those pictures.

Ms. Bermingham stated that in the last month for Phase I of the Mystic Water and Sewer Project we have had two virtual inspections. One with the EPA to look at our American Iron and Steel requirements on the project and the other was with the DEP for our interim inspection. Both of those inspections went very well, and we are looking forward to closing out the project.

Ms. Bermingham stated that was all she had for her report unless anyone had any questions. There being none, a motion was made by Mr. K. Miller, seconded by Mrs. Skelly to approve the Engineer's Report as submitted. All in favor.

ATTORNEY'S REPORT

Mrs. Rumpf stated that she has submitted her report for review and approval, and she would be happy to answer any questions.

There being none, a motion was made by Mrs. DePergola, seconded by Mr. K. Miller to approve the Attorney's Report as submitted. All in favor.

Mr. Sutton took a moment to thank Mrs. Rumpf for her efforts as it relates to the pending litigation regarding the Rodgers matter.

A motion was made by Mr. K. Miller, seconded by Mr. Laney to accept and file all general correspondence. All in favor.

Mr. Sutton asked for a motion to open to the public. A motion was made by Mrs. DePergola, seconded by Mr. K. Miller to open to the public. All in favor.

Mr. Sutton stated that he would briefly re-cap the reason Mr. Meola has decided to join us in the public portion of our meeting. After, Mr. Meola will have the opportunity to address the Board with his concerns. Following, we will close the public portion of the meeting and enter into Executive Session, at which time, Mr. Meola will be disconnected from the tele-conference. No action will be taken in Executive Session, but the Commissioners will have the opportunity to express their concerns and ask questions.

Mr. Sutton stated that once the meeting re-convenes, we will call Mr. and Mrs. Meola back to join the tele-conference in order to have the opportunity hear the Board's action as it relates to this matter if any is taken.

Mr. Sutton stated that the issue came up with the Meolas and their property at 320 Great Bay Boulevard. Right before the time of closing the Authority received notification from the title company with respect to service availability, outstanding charges, etc. These searches are performed by Mr. DiFrancia and Mr. Johnson. Some are easily performed, and others require a great deal of work in order to determine if services are available to a particular property.

Mr. Sutton advised the Board that this property is connected to Tuckerton Borough's sewer system and reviewed with the Board the Interlocal Agreement between the Authority and the Borough as it pertains to properties which reside in one of the towns but are able to connect to the service that is provided by the neighboring town. There is a stipulation in the agreement that indicates if one of those services becomes available in the town in which the property resides, the property owner is required to disconnect from the neighboring town and connect to township in which the home resides.

Mr. Sutton stated that this came up in Mr. DiFrancia's search and at that point the title company and the Meolas were advised. Money was required to be put in escrow in anticipation that this connection would need to be made. Per the Township Ordinance this connection is to be made within 60 days. As a result of this the Meolas were upset and were required to post this money to escrow.

Mr. Sutton stated that the Meolas have requested to participate in the public portion of the meeting to express their concerns and their position with regard to this, and to request consideration as it relates to this mandatory connection.

Mr. Meola thanked the Board for allowing him to participate in the public portion of the meeting.

Mr. Meola explained to the Board the reason he is requesting consideration in this matter and expressed that he didn't believe he should have to connect to the Authority's system.

Mr. Meola stated that he has been connected to an existing sewer line in the Borough for over 34 years, and that in order to get to the Authority's sewer line, it would have to be run all the way to the easement which is in the back portion of his property. To get to that line it would be very costly and all of the documents relating to the connection reference property fronts. His would be on the backside, adding extensive work and costs in order to connect.

Mr. Meola explained that the line where connection would be made is at the far back left corner of his property. In order to run the plumbing from the home to this area, several large trees would have to be removed, and it would interfere with the filter system for the in-ground pool.

Mr. Meola stated that in all these years he was never notified of this mandatory connection to the Authority's system. Had he known this years ago when he was in the building business, he would have taken care of it. It would have been easier financially. He is now retired and on a fixed income and this is a hardship at this point.

Mr. Meola stated that being in the construction business for 34 years, he and his colleagues have never heard of such a thing, in particular having to connect all the way at the back side of a property, and especially when already connected to an active sewer line.

Mr. Meola stated that at the time of closing, he signed an escrow agreement under duress. The buyers had sold their house that morning and had nowhere to go. Not to mention this house is not an easy sell with the retention pond that was built all around it. His property value decreased with that fact alone. That wasn't his doing, the Township did that.

Mr. Meola asked that the Board consider waiving this mandatory connection based on his letter and everything he has expressed thus far.

Mr. Sutton thanked Mr. Meola and stated that his letter was provided to all the Commissioners.

Mr. Sutton stated that the escrow agreement was done last minute as a way to facilitate the closing. The request made by the closing company was not provided to the Authority until that morning. Without an escrow agreement no closing would have occurred.

Mr. Sutton stated that unfortunately, the Meolas are not the only residents that have been in this position. Each time, the Authority takes the position of adhering to the Township ordinance.

Mr. Sutton asked if any of the Commissioners had any questions for the Meolas at this time? There being none, he advised the Meolas that he would be disconnecting them from the tele-conference to enter into Executive Session. Once we are finished in Executive Session, he will call the Meolas back in order for them to participate in hearing any decisions made by the Board at that time.

Mr. Sutton asked for a motion to close this portion of the meeting to the public.

A motion was made by Mrs. DePergola, seconded by Mr. K. Miller to close this portion of the meeting to the public. All in favor.

A motion was made by Mrs. Skelly, seconded by Mrs. DePergola to approve Executive Session Resolution #2020-51. Roll call vote, Earl Miller – yes, Kenneth Laney – yes, Kenneth Miler – yes, Marie Skelly – yes, Margaret DePergola – yes.

After returning from Executive Session, roll call was taken and a motion was made by Mrs. DePergola, seconded by Mrs. Skelly to open this portion of the meeting to the public. All in favor.

Mr. Meola stated that he was present on the tele-conference.

Mr. Sutton thanked Mr. Meola for his patience.

Mr. Sutton explained that no action was taken in Executive Session and asked Mrs. Rumpf to take over this portion of the meeting.

Mrs. Rumpf began by stating she understands that the Commissioners are sympathetic to the Meolas and the present situation.

Mrs. Rumpf recommended that a motion be made denying the waiver request as presented by the Meolas due to the fact that the commission of the Authority must adhere to the Township Ordinance.

Mr. Sutton stated that we have heard the recommendation of the Authority's legal counsel and asked for a motion denying the waiver request made by the Meolas as it relates to mandatory connection for 320 Great Bay Boulevard.

A motion was made by Mr. E. Miller, seconded by Mrs. DePergola denying the request for a waiver made by the Meolas for the mandatory sewer connection for 320 Great Bay Boulevard. All in favor.

Mr. Sutton advised Mr. & Mrs. Meola that the decision has been made by the Board based on the recommendation of legal counsel.

Mr. Sutton advised the Meolas that they no longer have an opportunity to comment, but he will make an exception being the Board has taken action.

Mr. Meola asked where he goes from here?

Mr. Sutton explained that the terms of the escrow agreement are still in effect and that he has 60 days to make the connection which is from the date of closing.

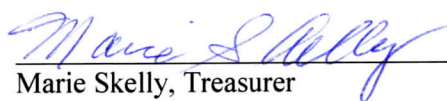
Mr. Meola stated that he would need an extension of time and explained his circumstances.

Mr. Sutton advised Mr. Meola that any considerations or requests should be made in writing to the Authority and that we would be happy to address them at that time.

Mr. Meola stated that he believed this is not fair and they are being treated unjustly and this is wrong.

Mr. Sutton informed Mr. Meola that he has had his opportunity to address the Board and express his opinion and thanked him for his participation.

Mr. Sutton asked if there were any other matters to come before the Board? There being none, a motion was made by Mrs. Skelly, seconded by Mr. K. Miller to adjourn the meeting. All in favor.


Marie Skelly, Treasurer