

**LEHMUA**  
**Regular Meeting**

**February 14, 2023**

The regular meeting of the Little Egg Harbor Municipal Utilities Authority was held on February 14, 2023, 12:00 PM at the Authority headquarters, 823 Radio Road, Little Egg Harbor, New Jersey.

**MEMBERS PRESENT:** Margaret DePergola, Chairwoman; Marie Skelly, Treasurer; Kenneth Miller, Secretary; Peter Cicco; Kenneth Maxwell (via tele-conference)

**OTHERS IN ATTENDANCE:** Earl F. Sutton, Jr., Executive Director; Michael S. DiFrancia, Superintendent; Nicole M. Princiotti, Executive Secretary/QPA; Trace Dittenhofer, Authority Engineer; Debra Rumpf, Esq., Authority Attorney

**THOSE ABSENT:** Joseph Koptic, Vice-Chair; Christopher Filiciello

**OTHERS IN ATTENDANCE:** None

Nicole M. 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.

**REORGANIZATION**

Mr. Sutton advised the Board that a temporary Chairperson will be appointed for the purpose of reorganization.

Mr. Sutton asked for a motion to appoint Mrs. Princiotti as temporary Chairperson.

A motion was made by Mr. Miller, seconded by Mrs. Skelly to appoint Mrs. Princiotti as temporary Chairperson. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

Mrs. Princiotti asked for a nomination for Chairperson. Mrs. Skelly nominated Mrs. DePergola as Chairwoman, seconded by Mr. Cicco. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

There were no other nominations for Chairman made.

Mrs. DePergola thanked everyone and was congratulated by the Board of Commissioners.

Mr. Sutton resumed the meeting and recommended that the members approve the consent agenda as presented in one motion and asked whether there were any changes to be made or was everyone in agreement with the reorganization agenda. All were in favor of the reorganization agenda as presented.

A motion was made by Mr. Miller, seconded by Mr. Cicco to approve the re-organization agenda as follows. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

Mr. Sutton advised the Board that there is one (1) alternate date with regard to the meetings and made mention to the Board to take note of this.

Items #1 through #5 – Chairwoman, Margaret DePergola; Vice Chair, Joseph Koptic; Treasurer Marie Skelly; Secretary, Kenneth Miller.

6. Liaison between LEH Twp. & Authority – Mrs. DePergola & Mr. Sutton
7. Committees:
  - a. Plans Committee – Mr. Cicco, Mr. Maxwell, Mr. Sutton, Mr. DiFrancia (alternate, Mr. Filiciello)
  - b. Personnel Committee – Mrs. DePergola, Mrs. Skelly, Mr. Sutton, Mr. DiFrancia (alternate, Mr. Miller)
  - c. Budget Committee – Mrs. Skelly, Mr. Miller, Mr. Sutton, Mr. DiFrancia (alternate, Mr. Koptic)
  - d. Rules & Regulations Committee – Mrs. DePergola, Mr. Cicco, Mr. Sutton, Mr. DiFrancia (alternate, Mr. Miller)
  - e. Water & Sewer/Customer Committee – Mrs. Skelly, Mr. Cicco, Mr. Sutton, Mr. DiFrancia (alternate, Mr. Filiciello)
  - f. Safety Committee – Mr. Cicco, Mr. Maxwell, Mr. Miller, Mr. Sutton, Mr. DiFrancia, (alternate, Mr. Filiciello)
  - g. Safety Representative – John Viteritto, RTK Coordinator (alternate, John Mulvihill, Project Manager)
8. Authority Attorney – Debra Rumpf, Esq. of Rumpf Law
9. Authority Consulting Engineer – Remington & Vernick Engineers; Special Project Engineer – Felipe Contreras of Kleinfelder Eats, Inc.
10. Authority Auditor – Suplee, Clooney & Company
11. Financial Consultants – Acacia Financial Group, Inc.
12. Bond Counsel – DeCotiis, Fitzpatrick, Cole & Giblin, LLP
13. Official newspapers of the Authority for year February 2023 to February 2024; Atlantic City Press, Asbury Park Press, Times-Beacon and others as deemed necessary from time to time

14. Regular meetings to be held per the schedule below:

Tuesday, February 14, 2023 at 12:00 Noon (reorganization)  
Tuesday, March 14, 2023 at 12:00 Noon  
Tuesday, April 11, 2023 at 12:00 Noon  
Tuesday, May 9, 2023 at 12:00 Noon  
Tuesday, June 13, 2023 at 12:00 Noon  
Tuesday, July 11, 2023 at 12:00 Noon  
Tuesday, August 1, 2023 at 12:00 Noon \*  
Tuesday, September 12, 2023 at 12:00 Noon  
Tuesday, October 10, 2023 at 12:00 Noon  
Tuesday, November 14, 2023 at 12:00 Noon  
Tuesday, December 12, 2023 at 12:00 Noon  
Tuesday, January 9, 2024 at 12:00 Noon  
Tuesday, February 13, 2024 at 12:00 Noon (reorganization)

15. Official depository banks of the Authority; TD Bank, Lakeland Bank, Ocean First Bank, Manasquan Bank and others as deemed necessary from time to time.

16. Sexual Harassment officers – Mrs. DePergola for female employees; Mr. Miller for male Employees.

Mr. Sutton thanked everyone and congratulated the new commissioners and professionals on their appointments.

Mr. Sutton noted that with regard to the professionals for the upcoming year, we will officially appoint them by resolution once we get to the Director's Report.

#### PRIOR MINUTES

A motion was made by Mr. Cicco, seconded by Mr. Miller to approve the minutes of the January 10, 2023 regular meeting. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

#### TREASURER'S REPORT

A motion was made by Mr. Miller, seconded by Mr. Cicco to approve the Treasurer's Report as submitted. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

#### BILLS RESOLUTION

A motion was made by Mr. Cicco, seconded by Mr. Miller to approve the operational account bills resolution. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

## EXECUTIVE DIRECTOR'S REPORT

Mr. Sutton began by congratulating the re-appointed officers. He appreciates everyone's efforts on the Board. This Board has always been very cooperative and supportive of him, Mr. DiFrancia and Mrs. Princiotti, and we have enjoyed working with them through the years and will continue to do so.

1 – Mr. Sutton informed the Board that he and Mr. DiFrancia attended an informal hearing at the Zoning Board of Adjustments at the Township regarding our monopole. As the Board is aware we have previously appointed Mr. Shinn as Conflict Attorney. We had pretty elaborate discussions pertaining to the monopole leading up to this hearing. The concern was whether the zoning ordinance currently in effect, whereby the Authority does not need to obtain zoning board approval, would still apply. There needed to be an interpretation of this in order for the Authority to ensure we were in full compliance. We advised them that we purchased the monopole, and that it was in full compliance. The Board of Adjustment was very gracious and knowledgeable, and we had a very good presentation that was given to them. At the end of the day, they took action to authorize the Authority to have the monopole in the exact location of where it is without any issues. At the March 8<sup>th</sup> meeting they will take formal action on a Resolution from last meeting's Board's action.

Mr. Sutton thanked and acknowledged the work of Mr. Matt Watkins, the telecommunications expert and that of Mr. Shinn for their assistance in this matter, as well as Mr. DiFrancia for attending the informal hearing.

Mr. Sutton stated that the meeting went very well and was glad that we were asked to attend. He thanked Mrs. Rumpf for her recommendations of Mr. Shinn. He was very professional and assisted us through this process and now moving forward we can set this issue aside.

Mr. Sutton advised the Board that last Friday he and Mr. DiFrancia had a meeting with the new mayor, Mayor Blaise Scibetta and Deputy Mayor Dan Maxwell. It was a very productive meeting. Mr. Scibetta wants to continue to move the town forward and wants to be sure that the lines of communication are open between the Township and the Authority. It appeared that he valued our input substantially, and is not trying to intervene, but rather has an open door policy and to work collectively moving forward. Furthermore, we invited him and Deputy Mayor Maxwell to visit our Water Treatment Plant at Well No. 12.

Mr. Sutton stated that he feels this will give them a good impression and picture of what we do here on a daily basis. We don't make a habit of blowing our own horn, it's not really our style, but sometimes we have to. Overall, it will be good for them to see this and what we do.

Mr. Sutton stated that the Township is going to have to make some big decisions on whether they are going to spend money on paving some roads that are in very bad shape that the Authority doesn't really need to address with our infrastructure. And, on the other hand, there may be infrastructure that the Authority has to address, that they (Township) may not necessarily have the funding to pave some of these roads.

Mr. Sutton advised that one other matter discussed at the meeting was with regard to a resident that is in his opinion is out of line with their approach in continually questioning policies of the Authority by writing on the outside of their envelope each time they pay their bill. They want to remove themselves from the system because they only come down here every once in a while, and yet they still get a bill.

A motion was made by Mr. Cicco, seconded by Mr. Miller to approve Resolution #2023-12 authorizing the extension of an appointment to ACE Telecommunications Consultant. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

7 – Mr. Sutton stated that he would like to ask for permission to out to bid for our annual contracts for emergency repairs, chemicals, and supplies for the ensuing year. The Authority prepares the bid packages in-house each year and it is recommended that we take a motion at this time.

A motion was made by Mr. Cicco, seconded by Mr. Miller to authorize the Authority to go out to bid for the annual emergency repair contract, chemical contracts, and water and sewer plant supplies. All in favor.

8 - Mr. Sutton stated that once again, he needs to add a reminder that anyone who is in arrears with their water and sewer charges between the period of March 9, 2020 and March 15, 2022, a person may contact the office to make an installment agreement. In addition, there may be other programs available for low-income assistance.

9 – Mr. Sutton advised that there are no customer committee matters, and no need for Executive Session.

Mr. Sutton stated that was all for his report unless there were any questions. There being none, a motion was made by Mrs. Skelly, seconded by Mr. Cicco to approve the Executive Director's Report as submitted. All in favor.

### SUPERINTENDENT'S REPORT

Mr. DiFrancia congratulated the re-appointment of our Board as well as our professionals for the upcoming year. He has enjoyed and will continue to enjoy working alongside of them in the upcoming year.

1 – Mr. DiFrancia stated that after the last meeting, we had a tour of our Water Treatment Plant as Well No. 12. The members that attended seemed to enjoy the tour, finding it very informative and were impressed by the facilities.

Mr. DiFrancia thanked everyone for their compliments during the tour.

2 – Mr. DiFrancia advised the Board that Resolution #2023-7 is on the agenda for consideration. This resolution would authorize the release of the performance bond posted by AC Schultes, Inc. for the decommissioning of Well No. 5. It is also recommended that the Authority waive the posting of a maintenance bond with this particular project due to the fact that a well no longer exists and the building has been completely demolished.

A motion was made by Mr. Cicco, seconded by Mr. Miller to approve Resolution #2023-7 authorizing the release of the performance bond, and waiver of the maintenance bond for AC Schultes, Inc. in regard to the decommissioning of Well No. 5. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

Mr. Sutton stated that he responded to the homeowner in writing explaining the policies, and that essentially, the only way you can stop receiving a quarterly bill is to tear your house down and disconnect from the system completely. The homeowner did not like this response and went to the Mayor's office with his complaint. Mayor Scibetta expressed that the letter was well written, and this of course was given to Mrs. Rumpf for review prior to sending it out as well.

Mr. Sutton stated that Mayor Scibetta was very supportive of our decision, and he can now go back to that resident knowledgeable in our policy with regard to disconnections from the system.

2 – Mr. Sutton advised the Board that Resolution #2023-6 is on the agenda for consideration re-appointing the Authority Professionals for the ensuing year and that adoption is recommended.

A motion was made by Mr. Cicco, seconded by Mr. Miller to approve Resolution #2023-6 authorizing professional appointments for the Little Egg Harbor Municipal Utilities Authority. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

3 – Mr. Sutton advised the Board that Resolution #2023-8 is on the agenda for the execution of a Customer Service Agreement for Block 254 Lot 5. This is a property located in Little Egg Harbor, however, sanitary sewer does not exist in that area, therefore, the homeowners will enter into an agreement with the Borough of Tuckerton. This Customer Service Agreement has been in place for years for scenarios such as this. We currently provide water to this customer and Tuckerton will be providing the sewer moving forward.

A motion was made by Mr. Miller, seconded by Mrs. Skelly to approve Resolution #2023-8 authorizing the execution of a Customer Service Agreement for Thomas and Carolyn Hickman as it pertains to Block 254 Lot 4. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

4 – Mr. Sutton advised the Board that Resolution #2023-9 is on the agenda for consideration re-appointing Connor, Strong & Buckelew as the risk management consultants for the Authority. It is recommended that we adopt this resolution.

A motion was made by Mrs. Skelly, seconded by Mr. Cicco authorizing the acceptance and execution of a Risk Management Consultant's Agreement with Connor Strong & Buckelew. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

5 – Mr. Sutton stated that Resolution #2023-11 is on the agenda with regard to the adoption of an updated Job Description Manual. It is recommended that we approve the update.

A motion was made by Mrs. Skelly, seconded by Mr. Miller to approve Resolution #2023-11 adopting an updated Job Description Manual. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

6 – Mr. Sutton advised the Board that Resolution #2023-12 is on the agenda authorizing the extension of an appointment to ACE Telecommunication Consultant through June 30, 2023. We had a prior contract with a limited time and felt it necessary to extend it. Next year we will seek proposals when we do our annual RFQ for professionals.

3 – Mr. DiFrancia stated that Resolution #2023-10 is on the agenda for consideration recommending the award of a contract to Crest Construction Group, Inc. for providing a gravity sewer lateral from and Authority manhole to the right of way. The cost to perform this work is \$22,214.00, and it is recommended for approval.

A motion was made by Mr. Miller, seconded by Mr. Cicco to approve Resolution #2023-10 awarding a contract to Crest Construction Group, Inc., for providing a gravity sewer lateral from an Authority manhole to the right of way. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

4 – Mr. DiFrancia stated his next item is in regard to the reduced sampling at different locations throughout our system. These are the daily, monthly, quarterly and yearly samplings that are required by State guidelines. Well No. 12 being a new treatment plant, there were many samples that had to be done throughout the year. As soon as we were able to show good reporting in the sampling throughout the year, we were able to request reduced monitoring for this facility. They don't grant this request unless you can show consistently good sampling levels and that your contaminant levels are well below the MCL Action Levels. In most of the testing there was none detected. He is happy to report that we have been put on reduced monitoring for this location. It will save the Authority time and money.

Mr. DiFrancia stated that right now we are in the process of moving forward with other sampling sites as well to see if we can reduce the radiologicals. Currently, we are on a three (3) year cycle and hope to move that to a seven (7) to nine (9) year cycle. We are in the process of doing this, especially with bacteria samples. We are looking at the population of the town and comparing that to what their reports indicate and what is required for sampling. That will dictate how many bacteria samples we need to do at certain sampling locations monthly throughout the town. Hopefully in the next couple of months we are able to get the bacteria sampling reduced as well.

5 – Mr. DiFrancia advised the Board that right now we are working cooperatively with Ocean County for their next phase of paving throughout the Township. This takes meticulous planning and scheduling on the part of the Authority. We will proceed forward in assisting them until their project is completed.

6 – Mr. DiFrancia stated that his work order management report has been attached and reviewed the items.

Mr. DiFrancia stated that was all for his report unless there were any questions.

Mr. Miller expressed that he was blown away by the tour of the Water Treatment Plant. In a majority of his years, he has lived in North Jersey where their water supply came from one or two reservoirs where it was pumped into a pipe and then into our homes. He could not believe what the Authority goes through to get the water from the ground and out to the public and what a complex process it is.

Mr. DiFrancia thanked Mr. Miller and agreed that it is a process. He stated that Mr. Filiciello actually reached out to him to see if he would want to do a presentation at the school to show that the water industry is an avenue for a good career and there is a future in water operations. This is good because people don't think about water and how it gets to your faucets and unfortunately, water operators are a dying breed across the nation. It is taken for granted that we turn water on and it's drinkable. There are countries all over the world where people walk miles every day to get five (5) gallons of potable water. It is shocking, so with this class, we will explain the industry to the students and how necessary water operators are to a demanding and growing

industry and that this can be a viable career. There are so many elements to providing clean potable water to residents, along with monitoring water usage, and making sure there is no waste, repairs, expansion and improving systems.

Mr. DiFrancia stated that he is looking forward to meeting with the classes and going over this entire process with them.

Mr. DiFrancia thanked Mr. Miller for the compliments and stated that was all for his report unless there were any other questions. There being none, a motion was made by Mr. Miller, seconded by Mr. Cicco to approve the Superintendent's Report as submitted. All in favor.

### ENGINEER'S REPORT

Mr. Dittenhofer thanked the Commissioners and the Authority's Managing Staff for their continued support and re-appointment, and that he enjoys working with everyone.

Mr. Dittenhofer advised the Board that with regard to Phase II of the Mystic Water and Sewer Main Replacement, we submitted the Land Use Jurisdictional Determination application and are waiting to hear back and hoping that we won't have to appeal their decision. It is anticipated that we will hear something before the next meeting.

Mr. Dittenhofer advised the Board that for Phase III of the Mystic Island Water and Sewer Main Replacement, we have submitted design plans and are hoping to continue moving forward with that project as well.

Mr. Dittenhofer stated that with Well No. 5, it has been recommended that final payment be made to AC Schultes, Inc. and that release of the performance bond, waiver of maintenance bond be granted as well.

Mr. Dittenhofer stated that there are no other actionable items in his report, but would be happy to answer any questions.

Mr. Miller inquired with regard to Sycamore Assisted Living and mentioned that he was on the Planning Board when this was first approved, and is it in action?

Mr. Dittenhofer wasn't sure where we stood with this project in particular but explained to Mr. Miller and the Board that a lot of the time with these projects, the developers are juggling several different applications between the Town and the MUA. Several years will go by when we don't hear from them, and then some action needs to be taken, whether it is release of the bonding, or repairs to the system before the Authority will take it over.

Mr. DiFrancia stated that this project came before the Authority in 2019 right before COVID hit and received preliminary approval, but never made it to tentative. What we do is provide the developers with the requirements of the Authority and then they are able to price that out and decide whether it is feasible. So with that cost and with COVID, he is sure it was difficult.

Mr. DiFrancia stated and asked Mr. Dittenhofer to confirm that after three (3) years they are required to start the application process from the beginning.

Mr. Dittenhofer agreed that was accurate.



Mr. Sutton stated that he would like to add that what we did at the Authority, which was a big improvement is, when the applicant came in for preliminary, we gave them as much information as possible, but then when tentative application was made, that was where we would give them every single thing that was required by the Authority. So that when it came down to final approval, it was the closeout. Where before, people never got to that process and were never serious enough about, so projects lingered and were never closed out. Now we force their hand in order to complete the process and get them to closeout, off performance bond and onto maintenance, and eventually where the Authority takes over the system.

Mr. Sutton stated that he does not like to see projects sitting on there, but that is the current status of where the projects are currently at.

Mr. Sutton referred to Darryl Drive and the fact that the project has been on the report forever. There was bankruptcy involved and some other things. But, the good thing is that bonding stays in place until the developer performs everything required for close-out. In this case with Darryl Drive, the project went into bankruptcy and new owners came in and took over. There was some emergency work that was performed and we were able to collect from the bonding company in order to cover the cost of the emergency repairs that had to be made.

Mr. Sutton stated that it is good for the homeowners' benefit because they knew nothing about this and there was a major sewer collapse out there. There were two (2) bonds in place, one for the Township and one for the Authority. They closed out the bonding at the Township but were never able to at the Authority because there were so many items remaining on the punch list.

Mr. DiFrancia stated that the same thing happened with the treatment facility at Sea Oaks. Normally, the plant would be completed, they would be released from performance and then on maintenance bond for two (2) year, then released. They were on performance bond for 12 years so everything that went wrong they were responsible for.

Mr. DiFrancia stated that he and Mr. Mulvihill are working on cleaning up and getting some of these projects closed out. Sometimes all the developer needs to do is submit as-builts to the Authority. We try to help them so we can close these out and move on.

Mr. Sutton stated that we protect our interest with these, and thanks to Mrs. Trettin and Mrs. Princiotti a lot of these have been cleaned up. There were all these escrow funds that were sitting there and some pretty substantial cash bonds in escrow for 12-15 years. It is one of the reasons we changed our rules and regulations for lateral inspections. We require a fee, based on the cost to inspect and that no longer goes into an escrow account. It is a flat fee.

Mrs. DePergola asked if there were any other questions for the Engineer. There being none, a motion was made by Mr. Miller, seconded by Mrs. Skelly to approve the Engineer's Report as submitted. All in favor.

#### ATTORNEY'S REPORT

Mrs. Rumpf congratulated Mrs. DePergola on her re-appointment and thanked the Board for her re-appointment as well. She enjoys working for the Board and the Authority's staff.

Mrs. Rumpf stated that she also enjoyed the tour and felt the building was impressive.

Mrs. Rumpf stated that her report was included in the members' packages, and she would be happy to answer any questions. There being none, a motion was made by Mr. Cicco, seconded by Mrs. Skelly to approve the Attorney's Report as submitted. All in favor.

Mrs. DePergola asked if there were any questions to come before the Board? There being none, a motion was made by Mr. Miller, seconded by Mr. Cicco to accept and file general correspondence. All in favor.

A motion was made by Mr. Miller, seconded by Mr. Cicco to open this portion of the meeting to the public. All in favor.

There being no public in attendance, a motion was made by Mr. Miller, seconded by Mr. Cicco to close this portion of the meeting to the public. All in favor.

With nothing else further coming before the Board, a motion was made by Mr. Miller, seconded by Mr. Cicco to adjourn. All in favor.

  
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Kenneth Miller, Secretary